

ZONING DISTRICTS

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152.020 ESTABLISHMENT of DISTRICTS

For the purpose of this chapter, all the area within the Village of Kingsley is hereby divided into the following zoning districts:

- (A) Residential District R-1;
- (B) Residential District R-2;
- (C) Residential District R-3;
- (D) Residential District R-4;
- (E) Village Residential District VR;
- (F) Forests/Parks/Recreation District;
- (G) Commercial District C-1;
- (H) Commercial District C-2;
- (I) Industrial District I;
- (J) Planned Unit Development District; and
- (K) Condominium Subdivisions.

152.021 ZONING DISTRICTS MAP

- (A) (1) The location of each zoning district is shown on a map designated as the “Zoning Districts Map of Kingsley, Michigan,” which information thereon are hereby made a part of this chapter.
- (2) The official zoning map shall be identified by the signature of the President of the village, attested by the Village Clerk, including the following certification: “This is to certify that this is the official zoning districts map referred to in Article IV, Section 4.02 of the Village of Kingsley Zoning Ordinance adopted on October 23, 1978.”
- (B) Two copies of the zoning ordinance and official zoning map shall be maintained and kept up-to-date for inspection by the public at all times in the office of the Village Clerk.

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- (C) (1) When changes are duly made in the district boundaries or other matters on the official zoning map, the changes shall not be considered final and no permit required by this chapter shall be issued until changes have been made on the official zoning map.
- (2) Each change shall have a reference number on the map referring to the amending action of the Council.

(Ord. passed 10-23-1978, § 4.02)

152.022 DISTRICT BOUNDARIES

The following rules shall apply in interpreting boundaries.

- (A) Boundaries indicated as approximately following streets, alleys, or highways shall be interpreted as the center lines of the streets, alleys, or highways.
- (B) Boundaries indicated as approximately following lot lines or boundary lines shall be interpreted as following the lines.
- (C) (1) Boundaries indicated as approximately parallel to the center line of streets, alleys, or highways shall be interpreted as parallel thereto, and as the distance therefrom as indicated on the official zoning map.
 - (2) If no distance is specified, the distance shall be determined by the scale of the official zoning map.
- (D) Boundaries indicated as approximately following railroad lines shall be interpreted to be midway between the main tracks.
- (E) Where application of any rules leaves reasonable doubt as to boundaries between districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals.

(Ord. passed 10-23-1978, § 4.03)

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152.023 LAND USE PERMITS

- (A) No person shall erect, place, or move any building having more than 100 square feet of floor area, nor shall any person make an addition of more than 100 square feet of enclosed floor space to any existing building, or change or establish a new use for any land within any zoning district without first obtaining a land use permit therefore.
- (B) Application shall be made by the Zoning Administrator for the permit on the forms to be supplied by the Administrator.
- (C) The Zoning Administrator shall have the power to require proof of ability to comply with all the requirements of this chapter pertaining to the use, and may also require proof of ability to meet all public health standards and applicable state and county laws, regulations, and ordinances.

(Ord. passed 10-23-1978, § 4.04) Penalty, see § 152.999

RESIDENTIAL DISTRICT (R-1)

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152.035 PURPOSE

The purpose of providing Residential District R-1 is to establish a district in the village primarily dedicated to residential use in which each dwelling hereafter erected is located on an individual lot adequate in size and shape to limit overcrowding of land, minimize spread of fire, facilitate provision for a system of transportation, sewage disposal, water and other public requirements. (Ord. Passed 10-23-1978, 5.01)

152.036 USES

Land, buildings, and structures in the R-1 District may be used for the following purposes only:

- A. Single-family Dwellings
- B. Home occupation and professional offices
- C. Park, playgrounds, and recreational areas publicly owned and operated
- D. Publicly owned buildings, including libraries

152.037 SPECIAL USE PERMIT

- A. Special Use Permit requirements
- B. (1) Educational institutions
- (2) Religious institutions
- (3) Institutions for human care
- (4) Family day-care home or group day-care home
- (5) State licensed residential facilities
- (6) Accessory dwelling unit

152.038 ACCESSORY USES, BUILDINGS, AND STRUCTURES

- A. Accessory uses and minor buildings and structures incidental to any primary or approved use, which does not alter the character of the neighborhood, may be erected
- B. Accessory uses shall not include the keeping of poultry or other animals, except 4 dogs or 4 cats, or a combination of dogs or cats not exceeding a total of 4 in number
- C. No accessory structure shall be erected or moved upon a lot until construction of main building has actually been commenced, and no accessory building shall be utilized unless the main building is in use
- D. See 152.220 for additional information

(Ord. passed 10-23-1978, 5.04) Penalty, see 152.999

RESIDENTIAL DISTRICT (R-1)

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152.039 DIMENSIONAL REQUIREMENTS

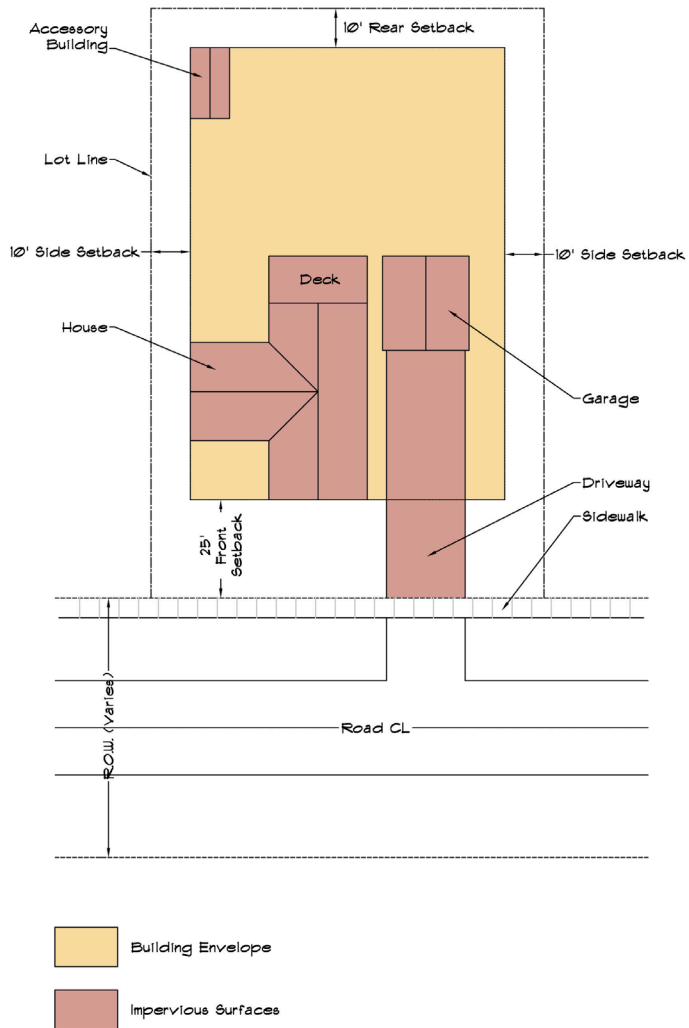
Lot Size: 10,000 Square Feet
Lot Width: 100'
Lot Coverage: 70%

Setbacks
Front: 25'
Side: 10'
Rear: 10'

Building Height: 35'

Minimum Floor Area: 700 Square Feet

Width to Depth Area: 4:1 (length may be no more than 4 times width)



REFERENCES TO OTHER SECTIONS OF THE ORDINANCE

Use Standards

- Accessory Buildings & Structures
- Accessory Dwelling Units
- Accessory Uses
- Family Day-Care Home
- Group Day-Care Home
- State Licensed Residential Facilities
- Licensed Mobile Home Parks
- Condominium Subdivisions

Supplementary Provisions

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- Waterfront Lots
- Public and Private Road Ordinances

RESIDENTIAL DISTRICT (R-2)

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152.050 PURPOSE

- (A) The purpose of providing Residential District R-2 is to establish a district in the village primarily dedicated to residential use in which each dwelling hereafter erected is located on an individual lot adequate in size and shape to limit overcrowding of land, minimize spread of fire, facilitate safe exit and entrance to the premises, and facilitate provision for a system of transportation, sewage disposal, water, and other public requirements.
- (B) (1) The provisions are primarily intended to protect and stabilize the basic qualities of each district and provide suitable and safe conditions for family living.
- (2) To limit intrusion and mingling of undesirable and incompatible property uses with residential use; and all other property uses and structures shall be subject to special approval as hereinafter provided.

(Ord. passed 10-23-1978, § 6.01)

152.051 PERMITTED USES

The use of all land and premises and the erection and use of all buildings shall hereafter be limited to the following:

- A. All uses permitted by Residential District R-1
- Single-family dwellings
 - Park, playgrounds, and recreational areas publicly owned and operated
 - Home occupation and professional offices
 - Publicly owned buildings, including libraries
- B. Multiple-family stick-built dwellings, including duplexes and apartments.

(Ord passed 10-23-1978, § 6.02; Am. Ord. 2004-7, passed 2-23-2004) Penalty, see § 152.999

152.052 SPECIAL USE PERMIT

(A) The Zoning Administrator, after review and recommendation by the Planning Commission, subject to final approval by the Village Council, may authorize special uses in this district which are found to be appropriate and compatible with the character of the area, and which shall be subject to special requirements as the Planning Commission and Village Council may consider necessary to protect adjacent property and prevent conditions which may become objectionable or offensive; provided however, any request for special use permit shall be subjected to the requirements for review and approval as set forth in §§ 152.228 and 152.229

(Ord passed 10-23-1978, § 6.03; Am. Ord. 2001-1, passed 9-9-2002)

RESIDENTIAL DISTRICT (R-2)

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152.053 DIMENSIONAL REQUIREMENTS

Lot Size: 10,000 Square Feet / Unit
Lot Width: 75'
Lot Coverage: 40%

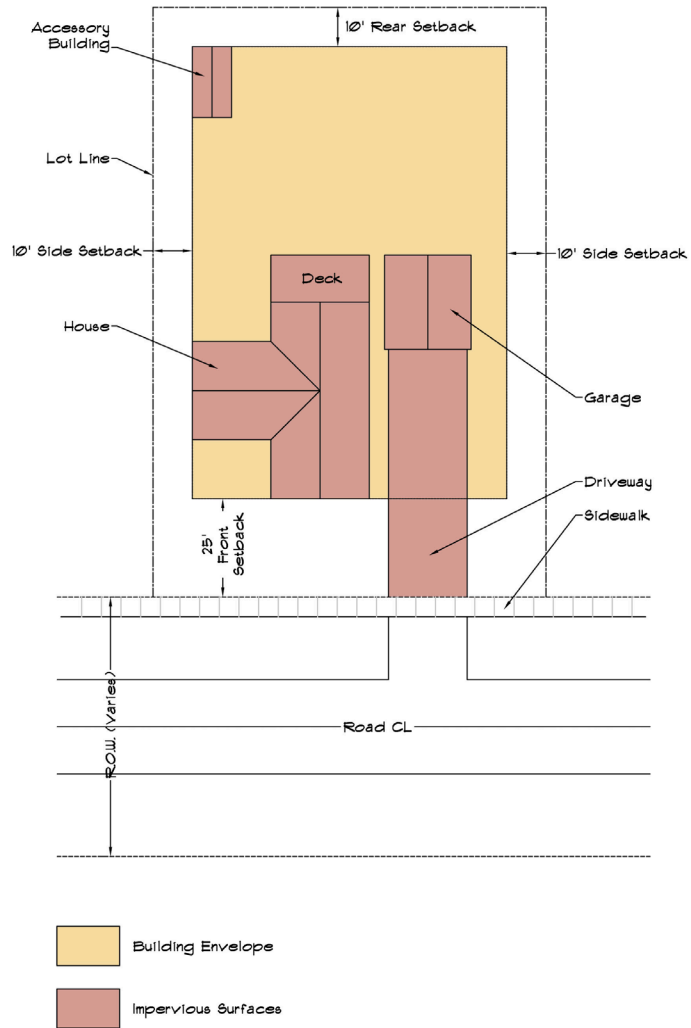
Setbacks

Front: 25'
Side: 10'
Rear: 10'

Building Height: 35'

Minimum Floor Area: 700 Square Feet

Width to Depth Area: 4:1 (length may be no more than 4 times width)



REFERENCES TO OTHER SECTIONS OF THE ORDINANCE

Use Standards

- Accessory Buildings & Structures
- Accessory Dwelling Units
- Accessory Uses
- Family Day-Care Home
- Group Day-Care Home
- State Licensed Residential Facilities
- Licensed Mobile Home Parks
- Condominium Subdivisions

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RESIDENTIAL DISTRICT (R-3)

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152.065 PURPOSE

- (A) The purpose of providing Residential District R-3 is to establish a district in the village primarily dedicated to residential use, including the construction and maintaining of modular homes and manufactured homes that meet the definition of dwelling as contained in §152.005, in which each dwelling hereafter erected is located on an individual lot adequate in size and shape to limit overcrowding of land, minimize spread of fire, facilitate safe exit and entrance to the premises, and facilitate provision for a system of transportation, sewage disposal, water, and other public requirements.
- (B) (1) The provisions are primarily intended to protect and stabilize the basic qualities of each district and provide suitable and safe conditions for family living.
- (2) To limit intrusion and mingling of undesirable and incompatible property uses with residential use; and all other property uses and structures shall be subject to special approval as hereinafter provided in §§ 152.300 *et seq.*

(Ord. passed 10-23-1978, § 7.01; Am. Ord. 2004-8, passed 2-23-2004)

152.066 PERMITTED USES

The use of all land and premises and the erection and use of all buildings shall hereafter be limited to the following:

- A. All uses permitted by Residential District R-1
- Single-family dwellings
 - Park, playgrounds, and recreational areas publicly owned and operated
 - Home occupation and professional offices
 - Publicly owned buildings, including libraries
- B. All uses permitted by Residential District R-2
- Multiple-family stick-built dwellings, including duplexes and apartments

RESIDENTIAL DISTRICT (R-3)

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152.067 DIMENSIONAL REQUIREMENTS

Lot Size: 10,000 Square Feet / Unit
Lot Width: 75'
Lot Coverage: 40%

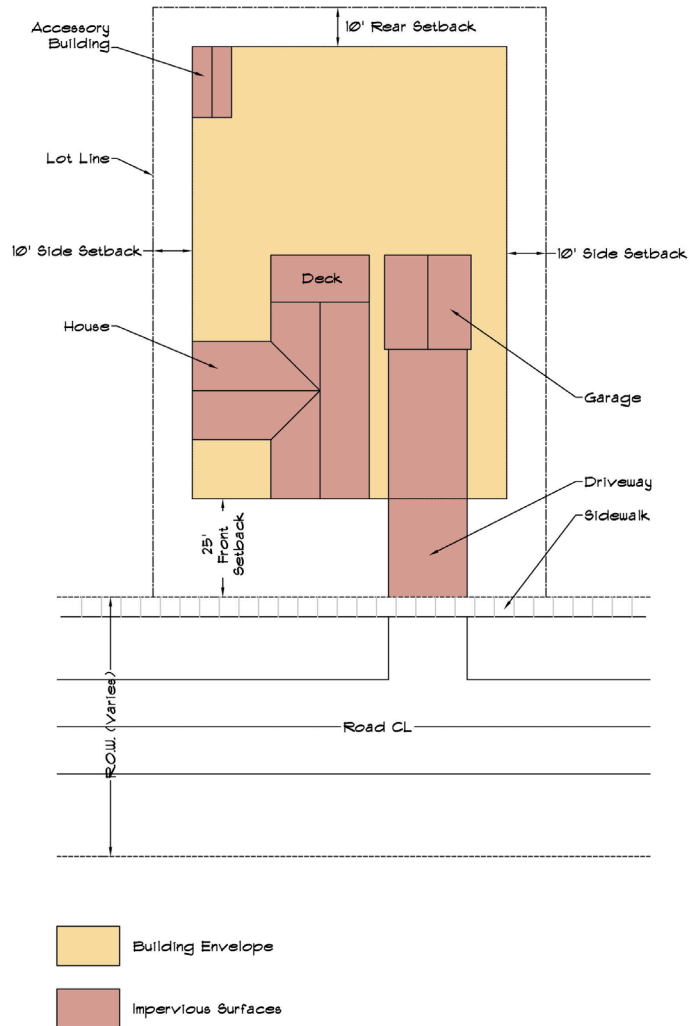
Setbacks

Front: 25'
Side: 10'
Rear: 10'

Building Height: 35'

Minimum Floor Area: 700 Square Feet

Width to Depth Area: 4:1 (length may be no more than 4 times width)



REFERENCES TO OTHER SECTIONS OF THE ORDINANCE

Use Standards

- Accessory Buildings & Structures
- Accessory Dwelling Units
- Accessory Uses
- Family Day-Care Home
- Group Day-Care Home
- State Licensed Residential Facilities
- Licensed Mobile Home Parks
- Condominium Subdivisions

Supplementary Provisions

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RESIDENTIAL DISTRICT (R-4)

1 General Provisions

152.080 PURPOSE

The purpose of providing a Residential R-4 District is to establish a district in the village primarily dedicated to residential use intended for single-family and mobile home communities.

(Ord. passed 10-23-1978, § 8.01; Am. Ord. 2005-18, passed 2-6-2006)

2 Definitions

152.081 PERMITTED USES

One-family dwellings units with a width of not less than 14 feet and complying with all other criteria found in the definition of DWELLING, including mobile homes and other pre-manufactured housing.

(Ord. passed 10-23-1978, § 8.02, Am. Ord. 2001-2, passed 5-7-2001) Penalty, see § 152.999

3 Zoning Districts

152.082 SPECIAL USE PERMIT

Licensed mobile home parks (see § 152.085)

(Ord. passed 10-23-1978, § 8.03)

4 Use Standards and Supplementary Provisions

152.083 DIMENSIONAL REQUIREMENTS

Lot Size: 7,500 Square Feet / Unit
Lot Width: 100'
Lot Coverage: 70%

Setbacks

Front: 25'
Side: 10'
Rear: 10'

Building Height: 35'

Minimum Floor Area: 700 Square Feet

Width to Depth Area: 4:1 (length may be no more than 4 times width)

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152.084 BUILDING HEIGHT

The same building height requirements shall apply as in the R-1 District.

(Ord. passed 10-23-1978, § 8.05) Penalty, see § 152.999

152.085 LICENSED MOBILE HOME PARK REQUIREMENTS

- (A) Licensed mobile home parks may be constructed in Residential District R-4; provided, however, that the mobile home parks comply with all applicable state regulations.
- (B) Further, the mobile home parks shall have at minimum the following:
- (1) Lot areas of no less than 1,500 square feet;
 - (2) Pressurized water systems and sanitary sewage disposal systems acceptable to the Tri County Health Department, or the other state agency having the enforcement responsibility;
 - (3) Paved roads throughout the mobile home park; and
 - (4) Off-street parking as required in § 152.224.

(Ord. passed 10-23-1978, § 8.06) Penalty, see § 152.999

REFERENCES TO OTHER SECTIONS OF THE ORDINANCE

Use Standards

- Accessory Buildings & Structures
- Accessory Dwelling Units
- Accessory Uses
- Family Day-Care Home
- Group Day-Care Home
- State Licensed Residential Facilities
- Licensed Mobile Home Parks
- Condominium Subdivisions

Supplementary Provisions

- Fences
- Night Sky (Lighting)
- Nonconformance
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Village Residential District (VR)

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152.090 PURPOSE

This district is intended to facilitate single-family residential uses and accessory buildings in the core areas of village that have the historic smaller and/or narrow lots of record. This district is intended to reduce the number of nonconforming lots within the Village and provide for future infill housing opportunities.

Buildings in this district are strongly encouraged to follow a traditional neighborhood character and be designed to be compatible with the architectural character of existing older buildings with respect to their: garage location, building height, materials of construction, roofline slopes, porches, windows and pedestrian and vehicular access location.

152.091 USES

Land, buildings, and structures in the VR District may be used for the following purposes only:

- A. Single-family Dwellings
- B. Home occupation and professional offices
- C. Park, playgrounds, and recreational areas publicly owned and operated
- D. Publicly owned buildings, including libraries

152.092 SPECIAL USE PERMIT

- A. Special Use Permit requirements
- B. (1) Educational institutions
- (2) Religious institutions
- (3) Institutions for human care
- (4) Family day-care home or group day-care home
- (5) State licensed residential facilities
- (6) Accessory dwelling unit

Village Residential District (VR)

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152.093 DIMENSIONAL REQUIREMENTS

Lot Size: 6,000 Square Feet

Lot Width: 50'

Lot Coverage: 60%

Setbacks

Front: Min. 10', Max. 20'
(Or average of the existing structures on the block)

Side: 5'

Rear: 10' Residence
3' Garage (on active alley)

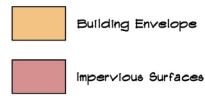
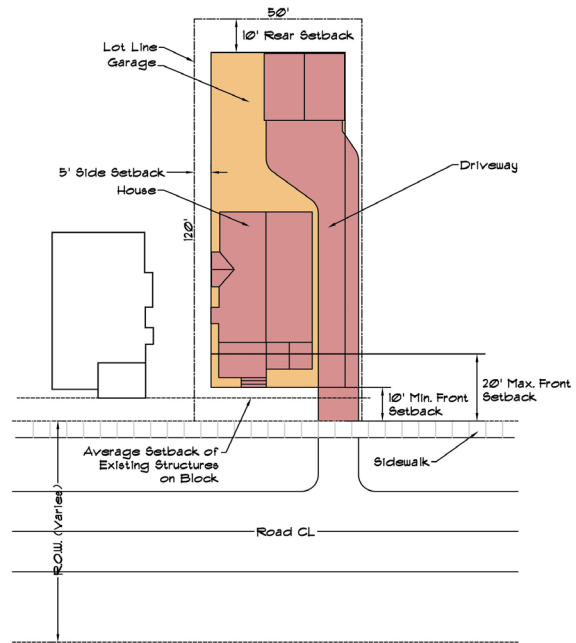
Building Height: 35'

Minimum Floor Area: 700 Square Feet

Width to Depth Area: 4:1 (length may be no more than 4 times width)

Notes:

- A. Garages facing the street to be setback a minimum of 10' from the front of the residence (not the porch)
- B. See Section 152.038 Accessory Uses, Buildings, and Structures



REFERENCES TO OTHER SECTIONS OF THE ORDINANCE

Use Standards

- Accessory Buildings & Structures
- Accessory Dwelling Units
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- Family Day-Care Home
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FOREST/PARKS/RECREATION DISTRICT

1 General Provisions

152.100 PURPOSE

The purpose of this district is to provide an area exclusive of residential, commercial, or industrial growth to preserve the natural features of the village and to provide for the recreational needs of the community.

(Ord. passed 10-23-1978, § 9.01)

2 Definitions

152.101 USES

No building or structure, or any part thereof, will be erected, altered, or used, or land or premises used, in whole or in part, for other than 1 or more of the following specified uses:

- A. Public parks and recreational facilities;
- B. Tree plantations, forests, and conservation projects; and/or
- C. Nature trails.

(Ord. passed 10-23-1978, § 9.02) Penalty, see § 152.999

3 Zoning Districts

152.102 SPECIAL USE PERMIT

The following special land uses may be permitted after review and approval of the Village Council; provided, however, that any request for a special land use permit shall be subject to the requirements for review and approval set forth in §§ 152.228 and 152.229:

- A. Nurseries and greenhouses; and
- B. Private parks and campgrounds.

(Ord. passed 10-23-1978, § 9.03)

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152.115 PURPOSE

The purpose of this district is to promote an active, vibrant commercial downtown (beginning at the railroad tracks to 510 W. Main and from the Main/Brownson intersection North to 200 N. Brownson and South to 313 S. Brownson also including properties on Blair Street from the railroad tracks to 209 W. Blair) by accommodating small businesses primarily serving adjacent neighborhoods with day-to-day retail goods and services. The desired development pattern is one that mimics an historical downtown.

(Ord. passed 10-23-1978, § 10.01; Am. Ord. 2005-8, passed 7-25-2005)

152.116 PERMITTED USES

- (A) The use of all lands and premises and the erection and use of all buildings and structures shall hereafter be limited to the following.
- (B) However, the uses shall be subject to the requirements of site plan review set forth in § 152.228.
 - (1) Bank, real estate, insurance, and similar businesses;
 - (2) Carpenter, plumbing, electric, sign painting, interior decoration, radio, television and similar shops and services when conducted within completely enclosed buildings without outside storage, and operated chiefly as a retail and service business computer sales, service and repair;
 - (3) Barber, beauty shops, shoe repair, tanning salons;
 - (4) Duplicating shops of no more than 4 presses no larger than 11 feet by 17 feet, photography and related shops and services conducted in less than 10,000 square feet;
 - (5) Professional offices, such as doctors, lawyers, dentists, chiropractors, osteopaths, and similar and allied professions;
 - (6) Publicly-owned and operated buildings;
 - (7) Public assembly buildings, such as auditoriums, and churches, clubs, and lodges;
 - (8) Restaurants, including lunch counters, dairy bars, and similar establishments providing food for consumption on premises, but not including “drive-ins” or facilities providing dancing or entertainment;
 - (9) Retail food establishments supplying groceries, fruits, vegetables, meats, dairy

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products, baked goods, confections, and similar goods for consumption off the premises. Food stuffs may be processed on the premises as an accessory activity if the sale of the product is limited to the local retail store;

- (10) Pharmacies, retail clothing, and dry goods, music shop, hardware, building supplies, and similar items;
- (11) Publicly-owned and/or operated parks;
- (12) Dwelling units, subject to the following restrictions:
 - (a) Is located above the ground floor of a building, which is being put to a use permitted in divisions (C)(1) through (C)(12) above.
 - (b) Has 2 parking spaces provided for each dwelling unit, in addition to the number of spaces required for the commercial use. The Planning Commission may grant a parking exception, which reduces parking space requirements if it has been clearly demonstrated that the provisions of full parking are unnecessary or that such requirements would create a practical difficulty with the use of the lot, contrasted with merely granting an advantage or convenience.
 - (c) As to each building, the dwelling unit or units occupy the floor area approved by the village through the permitting process.

(Ord. passed 10-23-1978, § 10.02; Am. Ord. 2005-8, passed 7-25-2005; Am. Ord. 2005-19, passed 2-6-2006) Penalty, see § 152.999

152.117 SPECIAL USE PERMIT

- (A) The Zoning Administrator, after review and recommendation by the Planning Commission, subject to final approval by the Village Council, may authorize special uses in this district which are found to be appropriate and compatible with the character of the area, and which shall be subject to special requirements as the Planning Commission and Village Council may consider necessary to protect adjacent property and prevent conditions which may become objectionable or offensive; provided however, any request for special use permit shall be subject to the requirements for review and approval as set forth in §§ 152.228 and 152.229.
- (B)
 - (1) Car washes;
 - (2) Passenger bus stations;
 - (3) Drive-in businesses, except drive-in theaters, provided all lighting is shielded from adjacent residential districts;

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152.117 SPECIAL USE PERMIT (CONTINUED)

- (4) Gasoline service stations when located on a lot not less than 15,000 square feet in area with a minimum width of 100 feet. All exterior lighting shall be so directed as to deflect away from adjacent properties;
- (5) Open-air retail sale of plant materials not grown on the site, sales of lawn furniture, playground equipment, and garden supplies;
- (6) Outdoor advertising signs other than those which exclusively advertise a retail business on the premises;
- (7) Commercial parking lots and outdoor sale of trailers and boats, provided the space used is paved and adequately maintained so as to provide a durable, smooth, ductless surface, and is so graded and provided with adequate drainage facilities to carry off all collected water from the site;
- (8) Pet shops provided that animals and birds are kept entirely within the building at all times;
- (9) Retail second-hand stores when conducted entirely within enclosed buildings;
- (10) Service and repair of motor vehicles, trailers, and boats;
- (11) Veterinary hospitals and clinics;
- (12) Laundromats, laundries, and clothes cleaning establishments without the use of explosive or inflammable fluids;
- (13) Billiard halls, bowling alleys, indoor archery, indoor skating rinks, and similar recreational uses, provided that all uses shall be conducted within a completed enclosed building, with setback as approved by the Board of Appeals;
- (14) Funeral homes and mortuaries;
- (15) Public utility buildings;
- (16) Taverns, bars, and motels;
- (17) Privately-owned and/or operated parks; and
- (18) Business schools, provided they are supplemental or ancillary to the primary use by-right. The school use must not interfere with the primary use as an active, vibrant storefront. The school must remain secondary in regard to building

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square footage and signage. A maximum of 30% of the building footprint may be utilized in a secondary capacity and must be indicated on a site plan during the site plan review stage of approval. The school must not cause any nuisances such as smoke, dust, fumes, gas, heat, glare, noise, and/or vibration.

(Ord. passed 10-23-1978, § 10.03; Am. Ord. 2005-8, passed 7-25-2005)

152.118 ACCESSORY USES, BUILDINGS, & STRUCTURES

Accessory uses, buildings, and structures customarily incidental to any primary or permitted use. See § 152.220 for additional information.

(Ord. passed 10-23-1978, § 10.04) Penalty, see § 152.999

152.119 DIMENSIONAL REQUIREMENTS

- (A) Minimum lot width. Buildings in the C-1 District shall have a minimum height of 10 feet, a maximum of 2 stories, and a maximum building height of 35 feet. Forty-five feet in height and 3 stories is allowed if at least 1 floor of the building is designed and used for dwellings.
- (B) Building height. Maximum height shall be 2 stories/35 feet. Or with a floor designed and used for residential purposes, maximum 3 stories/45 feet.
- (C) Front setback.
 - (1) Building: Structure must be 2 feet from the sidewalk to maintain or in some instances create a build-to line.
 - (2) Parking lot: Must be 5 feet from the sidewalk.
- (D) Side yard setback.
 - (1) Building: None, except a minimum 10-foot side setback is required on any side adjacent to an R-District.
 - (2) Parking: 5 feet, except a 10-foot side setback is required on any side adjoining an R-District.
- (E) Rear yard setback.
 - (1) Building: 5 feet, except a 20-foot rear setback is required on portion abutting or across an alley from an R-District.
 - (2) Parking: 5 feet, except a 20-foot rear setback is required on any side adjoining an R-District.

(Ord. passed 10-23-1978, § 10.05; Am. Ord. 2005-7, passed 7-25-2005; Am. Ord. 2005-8, passed 7-25-2005) Penalty, see § 152.999

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152.120 SPECIAL REQUIREMENTS

To preserve and reinforce the context of historic buildings and to establish development patterns of the C-1 District, all new buildings and additions to existing buildings are to be designed, constructed and used in accordance with the following standards:

- (A) No building shall have a gross floor area of more than 4,500 square feet on 1 level, and no more than 9,000 square feet gross floor area total, except a third floor and an additional 4,500 square feet are allowed if such floor is designed and used exclusively for residential purposes.
- (B) The predominant building wall and entryway shall face the street.
- (C) Unless determined to be impractical by the Planning Commission, the building width shall not be less than 80% of the property width at the street.
- (D) Vertical building modulation shall be used to add variety and interest and to make a large building appear to be an aggregation of smaller units. Relief from a continuous street facing wall may be achieved with wall offsets in combination with pilasters, corbelling or other permanent architectural elements, however, offsets in any wall shall not be less than 8 inches from the subject plane.
- (E) Window glazing shall be recessed from the outside of all building walls.
- (F) Clear or lightly tinted transparent glass shall be used for all windows facing a public street. Decorative stained glass may be used for accents. Mirrored, smoked and darkly tinted glass is prohibited.
- (G) Street-facing building facades shall incorporate permanent architectural elements which create shadow patterns and surface textures which, in turn, enhance visual interest.
- (H) Except for buildings that are solely residential, windows or street level activities are required on 50% of the first story street wall facing any public street. Street level activities include public display space, public atriums, pedestrian entrances and interior circulation and windows with views into any designated street level use.
- (I) Pedestrian entrances may open onto the sidewalk or mid-block passages or walkways leading to the public right-of-way. Entries must be prominently identified and must not interfere with safe pedestrian passage along walkways. Primary entries must set back a minimum 4 feet from the facade.
- (J) The spacing and shape of windows and openings on the building shall closely reflect the fenestration of any adjacent historic buildings. Brick, stone, wood or a combination thereof, compatible with adjacent historic buildings, shall be used.

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- (K) Fenestration, cornices and other primarily horizontal architectural elements incorporated in new buildings or additions to existing buildings shall be in context with historic buildings in the area.
- (L) Any rooftop equipment shall be enclosed or screened from street level view using the same materials used for the building walls or a material, which is approved by the Planning Commission as visually compatible with the building.

(Ord. 2005-8, passed 7-25-2005) Penalty, see § 152.999

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152.130 PURPOSE

- (A) The purpose of establishing a Commercial District C-2 is to provide areas exclusive of residential use and primarily dedicated to a wide variety of commercial business, professional and other services commonly associated with commercial truck movements, of the nuisance of smoke, dust, fumes, gas, heat, glare, noise, and/or vibration.
- (B) Provision is also made for integration of various enterprises and establishments by special approval as provided in §§ 152.300 et seq.

(Ord. passed 10-23-1978, § 11.01; Am. Ord. 2001-4, passed 5-7-2001)

152.131 PERMITTED USES

- (A) The use of all lands and premises and the erection and use of all buildings and structures shall hereafter be limited to the following.
- (B) Provided, however, the uses shall be subject to the requirements of site plan review set forth in § 152.228.
- (C)
 - (1) Bank, real estate, insurance, and similar business;
 - (2) Barber, beauty shops, shoe repair, tanning salons;
 - (3) Billiard halls, bowling alleys, indoor archery, indoor skating rinks, and similar recreational uses, provided that all uses shall be conducted within a completely enclosed building;
 - (4) Carpenter, plumbing, electric, sign painting, interior decoration, radio, television, and similar shops and services; when conducted within completely enclosed buildings without outside storage, and operated chiefly as a retail and service business computer sales, service, and repair;
 - (5) Car washes;
 - (6) Commercial parking lots and outdoor sale of motor vehicles, boats, and trailers, provided the space used is paved and adequately maintained so as to provide a durable, smooth, ductless surface and is so graded/provided with adequate drainage facilities to carry off all collected water from the site;
 - (7) Drive-in business, except drive-in theaters, provided all lighting is shielded from any adjacent residential district; and building design and signage meet requirements of this chapter;

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- (8) Duplication shops of no more than 4 presses, photography shops, and services conducted in less than 10,000 square feet;
- (9) Funeral homes and mortuaries;
- (10) Laundromats, laundries, and clothes cleaning establishments without the use of explosive or inflammable fluids;
- (11)
 - (a) Motor vehicles, trailers, boat showrooms, and public garages for new and used motor vehicles.
 - (b) Provided any outdoor display space is paved and meets requirements of commercial parking lots and outdoor sales, see division (C)(6) above.
- (12) Open-air retail sale of plant materials not grown on the site, sales of lawn furniture, playground, equipment and garden supplies; provided outside area aesthetically screened;
- (13) Pet shops provided all animals, birds, snakes, and other pets are kept entirely within the building at all times;
- (14) Pharmacies, retail clothing, dry goods, music shops, hardware, appliances, building and stationery supplies, and other similar businesses;
- (15) Public utility buildings;
- (16) Public assembly buildings, such as auditoriums and churches, service clubs, and lodges;
- (17) Professional offices, such as doctors, lawyers, dentists, chiropractors, osteopaths, and similar and allied professions;
- (18) Restaurants, including lunch counters, dairy bars, and similar establishments providing food for consumption on the premises, but not including “drive-ins” or facilities providing dancing or entertainment;
- (19)
 - (a) Retail food establishments supplying groceries, fruit, vegetables, meat, dairy products, baked goods, confections and similar goods for consumption off the premises.
 - (b) Foodstuffs may be processed on the premises as an accessory activity if the sale of the product is limited to the local retail store, the on-site slaughter of animals is prohibited.

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152.131 PERMITTED USES (CONTINUED)

- (20) Retail antique shops, second-hand stores when conducted entirely within an enclosed building.

(Ord. passed 10-23-1978, § 11.02; Am. Ord. 2001-4, passed 5-7-2001; Am. Ord. 2005-20, passed 2-6-2006) Penalty, see § 152.999

152.132 SPECIAL USE PERMIT

- (A) The Zoning Administrator, after review and recommendation by the Planning Commission, subject to final approval by the Village Council, may authorize special uses in this District C-2, which are found to be appropriate and compatible with the character of the area, and which shall be subject to special requirements as the Planning Commission and Village Council may consider necessary to protect adjacent property and prevent conditions which may become objectionable or offensive; provided however, any request for special use permit shall be subject to the requirements for review and approval as set forth in §§ 152.228 and 152.229.
- (B) (1) Commercial kennels;
- (2) (a) Gasoline service stations when located on a lot not less than 15,000 square feet in area with a minimum width of 100 feet.
- (b) All exterior lighting shall be so directed as to deflect away from adjacent properties.
- (3) Gun clubs, paint-ball clubs, indoor shooting range; all activities must be within enclosed building;
- (4) Outdoor advertising signs other than those which exclusively advertise the retail business on the premises;
- (5) Privately-owned and/or operated parks; such as putt-putt, batting cages, bumper boats, water slide, go-cart track on paved course, and similar outdoor entertainment;
- (6) Retail businesses with alcohol-related activities;
- (7) Strip-mall businesses/construction, provided each business section has its own front and rear entry, parking requirements, safety requirements, and other ordinances are followed;
- (8) Taverns, bars, and motels; and

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- (9) (a) Mini-storage buildings, provided however, that no business activities other than rental of storage units shall be conducted on the premises;
- (b) No outside storage, except as noted in this chapter; and
- (c) No storage of explosive, radioactive, or hazardous storage cubicles shall be equally distributed throughout the storage area.

(Ord. passed 10-23-1978, § 11.03; Am. Ord. 2001-4, passed 5-7-2001; Am. Ord. 2002-2, passed 9-9-2002; Am. Ord. 2005-21, passed 2-6-2006)

152.133 ACCESSORY USES, BUILDINGS, AND STRUCTURES

- (A) Nothing contained herein shall be deemed to prevent the erection or maintenance of accessory buildings, structures, and uses, provided, however, the buildings, structures, and uses are not at variance with the requirements of the zoning district, and the buildings, structures, and uses be constructed of and conform to materials and features of the principal of building and business.
- (B) A land use permit must be obtained from the Zoning Administrator prior to construction.

(Ord. passed 10-23-1978, § 11.04; Am. Ord. 2001-4, passed 5-7-2001) Penalty, see § 152.999

152.134 LOT AND YARD AREA REQUIREMENTS

- (A) Generally.
 - (1) Minimum lot width. Every lot upon which a business is erected shall be not less than 100 feet in frontage width subject to site plan review.
 - (2) Building height.
 - (a) Standard maximum height shall be 35 feet.
 - (b) Any deviation over 35 feet shall require a special use permit.
 - (3) Front yard setback.
 - (a) Building must be 25 feet off right-of-way, and conform to established character of immediate area.
 - (b) Any deviation to conformation and character of the area or to establish character of area shall require a special use permit.

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152.134 LOT AND YARD AREA REQUIREMENTS (CONTINUED)

- (4) Side yard setback.
 - (a) Single-lot building must be 10 feet off right-of-way.
 - (b) Driveway must be a minimum of 4 feet off right-of-way.
 - (5) Rear yard setback.
 - (a) Single-lot building must be 10 feet off right-of-way.
 - (b) Rear yards butting up to M-113 must meet county and state right-of-way requirements.
 - (6) Joint side yard setback. Adjoining lots electing to utilize the same driveway/parking lot shall be subject to site plan review and special use permit.
- (B) Specifically.
- (1)
 - (a) Setback distance from M-113 shall comply with the county, state, and federal regulations, but shall not be less than 50 feet, from the property line bordering the road right-of-way in cases not covered by the county, state, or federal regulations.
 - (b) This area shall be kept clear of items displayed for sale, lease, or rent.
 - (2)
 - (a) Setback distance from county roads for building shall comply with county, state, and federal regulations, but shall not be less than 50 feet, from the property line bordering the road right-of-way in cases not covered by county, state, or federal regulations.
 - (b) This area shall be kept clear of items displayed for sale, lease, or rent.
 - (c) The 25 feet of setback adjacent to the building or structure may be used for display of wares, providing that the use does not constitute a traffic hazard in any way.

(Ord. passed 10-23-1978, § 11.05; Am. Ord. 2001-4, passed 5-7-2001) Penalty, see § 152.999

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152.135 OUTDOOR STORAGE AND LAND USE

- (A) No land in the C-2 Zoning District shall be used in whole or in part for the storage of unused or discarded equipment or material, or for the storage of unused cars, salvage, waste, or junk, unless inside of properly authorized buildings within the district.
- (B) Outdoor storage of commercial goods, supplies, parts, and equipment, where permitted in the C-2 Zoning District shall be allowed upon approval by the Zoning Administrator, if the storage is in accordance with the requirements of the district.
- (C) Must meet requirements of § 152.221.

(Ord. passed 10-23-1978, § 11.06; Am. Ord. 2001-4, passed 5-7-2001) Penalty, see § 152.999

152.136 PARKING REQUIREMENTS

As defined in § 152.224, businesses facing away from M-113 are encouraged to consider rear parking.

(Ord. passed 10-23-1978, § 11.07; Am. Ord. 2001-4, passed 5-7-2001)

152.137 Off-STREET LOADING AND UNLOADING REQUIREMENTS

As defined in § 152.224.

(Ord. passed 10-23-1978, § 11.08; Am. Ord. 2001-4, passed 5-7-2001) Penalty, see § 152.999

152.138 SIGNS

- (A) As defined in § 152.227.
- (B) Examples of suggested signage may be found in “The New Designs for Growth Development Guidebook”.

(Ord. passed 10-23-1978, § 11.09; Am. Ord. 2001-4, passed 5-7-2001)

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152.139 OUTDOOR LIGHTING

- (A) As defined in § 152.222.
- (B) It is recommended that outdoor lighting fixtures carry the theme and resemble the design of the new street lighting being installed, in the year 2001, by the Village of Kingsley on North Brownson Avenue.

(Ord. passed 10-23-1978, § 11.10; Am. Ord. 2001-4, passed 5-7-2001)

152.140 SCREENING

- (A) As defined in § 152.226.
- (B) Lots abutting M-113, with businesses and/or structures facing north, away from M-113, shall provide aesthetic buffers for the rear of their business and/or structures.
- (C) The buffer may be opaque fencing, landscaping, berm, or other aesthetic buffering and plans.
- (D) For buffer, must be submitted in the site plan for approval by the Zoning Administrator.
- (E) Examples of suggested screening may be found in the Grand Traverse Bay Regional Development Guidebook.

(Ord. passed 10-23-1978, § 11.11; Am. Ord. 2001-4, passed 5-7-2001) Penalty, see § 152.999

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152.155 PURPOSE

- (A) This district is intended to accommodate wholesale, warehouse, and industrial activities whose operational and physical characteristics do not detrimentally affect any of the surrounding districts.
- (B) This district is established to permit the manufacturing, compounding, processing, packaging, assembly, and/or treatment and storage of finished or semi-finished products from previously prepared materials.
- (C) This district is also intended to permit limited retail enterprises if they are directly related to the distribution of products manufactured or warehoused, which are not suitable for wholesale distribution.

(Ord. passed 10-23-1978, § 12.01)

152.156 PERMITTED USES

- (A) No building, structure, or land shall be used, and no building or structure shall be hereafter erected, structurally altered, or enlarged, except for 1 or more of the following uses incidental to the industries:
 - (1) Any production, processing, cleaning, testing, repair, storage, and distribution of materials, goods, foodstuffs, and other semi-finished or finished products from previously prepared materials;
 - (2) Trade or industrial schools;
 - (3) Research, design, pilot, or experimental product development, when conducted within a completely enclosed building;
 - (4) Veterinary hospitals, clinics, and kennels;
 - (5) Warehouses and freight terminals; and/or
 - (6) Accessory uses clearly appurtenant to the main use of the lot and customary to and commonly associated with the main use, such as:
 - (a) Incidental offices for management and materials control, dispatch, or receipt of materials;
 - (b) Restaurant or cafeteria facilities for employees;

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- (c) 1. Caretaker, security, or fire control residence, if situated separately.
- 2. The same must comply with all of the requirements for residential districts.
- (d) 1. Identification signs referring to the principal activities on the premises shall be a minimum of 15 feet from a public right-of-way, and at least 100 feet from any residence.
- 2. Application shall be made to the Zoning Administrator for a permit to erect any sign allowed in this district.
- (e) Retail sale of products incidental to the primary use, provided that the total amount of internal floor area devoted to sales and display does not exceed 10% of the total floor area of the establishment;
- (f) Fire, security, or other allied facilities; and
- (g) Public utility installations and other public buildings.

(B) See § 152.220 for more information.

(Ord. passed 10-23-1978, § 12.02) Penalty, see § 152.999

152.157 SPECIAL USE PERMIT

- (A) The Zoning Administrator, after review and recommendation by the Planning Commission, subject to final approval by the Village Council, may authorize special uses in this district which are found to be appropriate and compatible with the character of the area, and which shall be subject to special requirements as the Planning Commission and Village Council may consider necessary to protect adjacent property and prevent.
- (B) However, any request for special use permit shall be subject to the requirements for review and approval as set forth in §§ 152.228 and 152.229.
- (C) 1. Farm equipment dealers;
- 2. Contractors' motorized equipment;
- 3. Auto body repair and auto paint shops;
- 4. Oil-field related services; and

INDUSTRIAL DISTRICT (I)

152.157 SPECIAL USE PERMIT (CONTINUED)

- (5) (a) Mini-storage buildings, provided, however, that no business activities other than rental of storage units shall be conducted on the premises;
- (b) No outside storage, except as noted in this chapter; and
- (c) No storage of explosive, radioactive, or hazardous storage cubicles shall be equally distributed throughout the storage area.

(Ord. passed 10-23-1978, § 12.03)

152.158 USE REQUIREMENTS

- (A) (1) Activities in this district shall be carried on in completely enclosed buildings.
- (2) Storage may be permitted out-of-doors in rear yards as provided herein.
- (3) All storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates.
- (4) The wall or fence shall be at least 6 feet in height and no lower than the enclosed storage.
- (5) If storage or walls exceed 10 feet in height, the storage must then be moved into the normal setback lines of the building.
- (6) The storage shall not be deemed to include the parking of licensed motor vehicles under 1 1/2-ton rated capacity.
- (B) (1) Uses in this district shall conform to the safety standards of appropriate federal and state agencies that are designed to regulate air, water, and noise pollution and the use or manufacture of hazardous substances, to include explosive substances, propane, flammable liquids, oxygen, and acetylene.
- (2) Buildings that contain hazardous substances shall be constructed so as to contain any spillage that occurs within the building, or diked so as to contain the rupture of a storage facility.
- (3) All construction plans relating to the location of buildings, storage facilities, fencing, and other above-ground structures, screening and landscaping, shall be subject to review and approval by the County Fire Department, particularly in regards to appropriate on-site clearance for the accessibility of fire and other emergency vehicles.

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- (4) Each building shall also have an approved fire and security warning system.
 - (5) All areas shall be plainly lighted and marked.
- (C) All uses permitted within the Industrial District shall comply with the sewer and other applicable ordinances of the Village of Kingsley.
- (D) Yards in this district shall conform to the following standards:
- (1) Front yards. Buildings must be 35 feet off the right-of-way, and conform to established character of immediate area. The front yard shall remain clear from landscape improvements and necessary drives and walks, except that off-street parking shall be permitted for automobiles, provided that not more than 25% of the required front yard may be used to within a distance of 15 feet of the street right-of way line.
 - (2) Side yards.
 - (a) Except for a strip 10 feet in width along the lot boundary, side yards may be used for parking and loading, but not for storage.
 - (b) The side yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.
 - (c) Side yards shall be 25 feet except on a corner lot where the front yard setback shall hold on all sides facing the street.
 - (3) Rear yards.
 - (a) Except for a strip 10 feet in width, the rear yard may be used for parking, loading, and storage, provided that when required screening is located on the property line, the 10-foot strip may be used for parking, loading, and storage.
 - (b) The rear yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.
 - (c) Rear yards shall be 25 feet except on corner lots, where the front yard setback shall hold on all sides facing streets.
 - (4) Side or rear yards.
 - (a) Side or rear yard areas shall be effectively screened by a solid uniformly finished wall or fence, or a 25-foot wide solid evergreen planting, which would effectively screen parking, loading, unloading, and servicing, if first approved by the Village Zoning Administrator.

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152.158 USE REQUIREMENTS (CONTINUED)

- (b) The wall or fence shall be at least 6 feet in height, but in no case shall the fence or wall be lower than the enclosed parking, loading, or servicing activity being screened.
- (E) Maximum building height in this district shall be 55 feet.
- (F) Each development shall be required to provide adequate off-street parking for all employees, customers, and visitors within the site.
- (G)
 - (1) No loading or unloading shall be permitted on any public or private street or road or any other place, except as provided in accordance with the following.
 - (2) Loading and unloading areas shall comply with the requirements of this chapter, except that all industrial uses must have a minimum of 1 loading and unloading area.

(Ord. passed 10-23-1978, § 12.04) Penalty, see § 152.999

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152.159 SITE PLAN REVIEW PROCEDURE

Before a land use permit for a use within this district shall be issued, the owners or lessors shall submit the following materials to the Village Zoning Administrator for review and approval, as in compliance with § 152.228 of the Village Planning Commission and Village Council:

- (A) A site plan for the property showing the location of all present and proposed buildings, drives, parking areas, snow removal and storage plans, waste disposal systems, screening fences or walls, and other construction features which may be proposed;
- (B) A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire and safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation;
- (C) Engineering and architectural plans for the treatment and disposal of sewage and industrial waste or unusable by-products;
- (D) Any other information the Village Zoning Administrator, Planning Commission, or Village Council may require which has to do with public health, safety, or general welfare, including, but not limited to, architectural and engineering drawings of all buildings;
- (E) Any building permit granted under this section shall become null and void unless the development proposed shall have passed its occupancy permit inspection within 1 year from the date of the granting of permit; and
- (F)
 - (1) In all instances in which the Village Zoning Administrator, Planning Commission, or the Village Council considers the ability of a proposed use to meet all requirements of this chapter to be reasonably doubtful, it will be incumbent upon the proponent to furnish adequate evidence in support of the application, including deposit of surety bond in an area bank in the amount of estimated requirement costs.
 - (2) If the evidence is not presented, the building permit shall not be issued.

(Ord. passed 10-23-1978, § 12.05)

PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

152.170 DESCRIPTION AND PURPOSE

- (A) (1) The Planned Unit Development (PUD) Zoning District is intended to permit and control the development of lands as planned unit developments for compatible uses permitted by this chapter.
- (2) The planned PUD is authorized under the terms of §§ 152.170 et seq., to permit a greater degree of flexibility in the use, area, height, bulk, and placement of buildings, structures, and accessory uses than would otherwise be the case in other zoning districts established by this chapter.
- (3) The PUD provisions of §§ 152.170 et seq. have been established in order to encourage the use of land in accordance with its character and adaptability, to conserve natural resources and energy, to encourage innovation in land use planning, to provide enhanced housing, employment, commercial traffic circulation, and recreation opportunities for compatibility of design and use between neighboring lands.
- (B) (1) It is intended that all land uses in a PUD District shall be afforded reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection from PUD land uses also be afforded to uses adjacent to or affected by each PUD District.
- (2) It is not intended that the provisions of §§ 152.170 et seq. be utilized to circumvent other provisions of the Zoning Ordinance or the comprehensive land use planning which has been undertaken by the village.
- (3) It is intended that land uses resulting from application of the provisions of §§ 152.170 et seq. will be those uses which are not substantially inconsistent with other zoning districts and areas are intended to be approved only in the cases where the intents and purposes of §§ 152.170 et seq. and the Zoning Ordinances have been complied with.
- (C) All zoning of lands pursuant to §§ 152.170 et seq. shall, where appropriate, include reasonable conditions regarding the emission and transmission of injurious or obnoxious noise, vibrations, gas, smoke, dust, dirt, litter, odor, light glare, traffic congestion, ease of police and fire protections, drainage, lateral land support, blighting influences, effect on surrounding property surface and groundwater quality, water supply and sewage area, and other similar considerations which have an effect on the achievement of the purposes of this chapter.

(Ord. passed 10-23-1978, § 13.01)

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152.171 DEFINITIONS

For the purpose of §§ 152.170 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GROSS DENSITY. The density of dwelling units or other improvements situated on a parcel of land, in comparison to the area of the parcel, calculated by dividing the number of dwelling units or other improvements by the total amount of land area, in acres, which will be occupied by the lands use, including all of the area of drives, parking area, streets, recreation, greenbelt and other areas, and ½ of the width of any adjacent streets or other rights-of-way.

STREET FRONTAGE. The length of the line of a lot or parcel of land which separates the parcel of land from a street or other right-of-way.

(Ord. passed 10-23-1978, § 13.02)

152.172 PERMITTED USES

Lands in the PUD Zoning District may be used for all or any of the uses permitted by this chapter in other zoning districts and for any other special uses not so permitted.

(Ord. passed 10-23-1978, § 13.03) Penalty, see § 152.999

152.173 USES SPECIFICALLY PROHIBITED

- (A) Mobile home parks; and
- (B) Facilities that produce hazards to the public health.

(Ord. passed 10-23-1978, § 13.04) Penalty, see § 152.999

152.174 MINIMUM SIZE FOR ELIGIBILITY FOR PUD REZONING

- (A) Lands considered for PUD rezoning should contain a minimum of 3 acres, including existing compatible uses.
- (B) Any planned unit development which fronts M-113 or Brownson Avenue shall have a minimum street frontage of 400 feet.

(Ord. passed 10-23-1978, § 13.05) Penalty, see § 152.999

PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

152.175 PROCEDURES FOR PUD REZONING

- (A) Lands in the village, which are eligible for rezoning to the PUD District, may be zoned in the district in accordance with the procedures and requirements set forth in §§ 152.170 et seq.
- (B) The rezoning of lands to the PUD District is a 2-step process, commencing with the submission and approval of a preliminary development plan and concluding with the submission of a final development plan, a petition for PUD rezoning in accordance with the final development plan and the rezoning of lands to the PUD land use, by action of the Planning Commission and Village Council.
- (C) In the discretion of the Zoning Administrator, a pre-application conference between the Zoning Administrator and any PUD applicant may be convened before submission of a Planned Unit Development application.

(Ord. passed 10-23-1978, § 13.06)

152.176 PRELIMINARY DEVELOPMENT PLAN

- (A) Preliminary plan submission.
 - (1) Each applicant for PUD rezoning must submit to the Zoning Administrator 8 copies of a preliminary development plan.
 - (2) The Zoning Administrator, after review, shall forward the preliminary plan to the Planning Commission or return it to the applicant for additional information.
- (B) Preliminary plan content. Each PUD preliminary plan shall include the following, unless waived by the Zoning Administrator as not applicable:
 - (1) A written legal description of all the lands proposed within the PUD;
 - (2) A small-scale sketch of all properties, streets, and uses within ½ mile of the PUD boundaries;
 - (3) A plan containing the same information as required for a proposed site plan by § 152.228 and the other information as is required by the Zoning Administrator; and
 - (4) A narrative describing the following:
 - (a) The overall objectives of the PUD;
 - (b) Source and method of financing;

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- (c) Number of acres allocated to each use;
- (d) Gross residential densities where applicable;
- (e) Proposals for providing sewage disposal, potable water, and other public and private utilities;
- (f) Proposed method for providing storm drainage; and
- (g) Preliminary architectural sketches and/or a statement as to the type of construction and materials which will be used throughout the planned unit development.

(Ord. passed 10-23-1978, § 13.07)

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152.177 REVIEW OF PRELIMINARY DEVELOPMENT PLAN

- (A) The Zoning Administrator shall review the preliminary development plan to verify PUD eligibility and make recommendation to the PUD applicant based upon the requirements of this chapter and the following specific considerations where applicable.
- (B) The preliminary development plan shall then be forwarded to the planning commission for review.
- (C)
 - (1)
 - (a) Pedestrian and vehicle movement areas, vehicle and materials storage and pick-up areas, and other services areas with particular reference to: vehicle and pedestrian safety and convenience, traffic flow and control, alternate and marginal access to and emergency access in case of fire or catastrophe; and
 - (b) Streets: All streets, at a minimum, must meet the Grand Traverse County Standard and Specifications for subdivisions and other Development Projects with Public and Private Roads.
 - (2) Utilities with reference to locations, availability, ownership, and compatibility;
 - (3) Screening and buffering with reference to type, dimension, and character;
 - (4)
 - (a) Signs, if any, and proposed exterior lighting with reference to size, height, setback, glare, traffic safety, economic effect, compatibility, and harmony with properties within and adjacent to the PUD area.
 - (b) All external light fixtures must be designed to focus light down on the site, not on adjacent properties, roads, and the like;

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152.177 REVIEW of PRELIMINARY DEVELOPMENT PLAN (CONT.)

- (5) Yards and other open space with reference to the arrangement and densities of land uses within the PUD and those yards required in the existing and surrounding zoning districts;
- (6) The height, area, and bulk of all structures with reference to the requirements of this chapter, as well as compatibility with other ordinances and statutes, which regulate land development;
- (7) General compatibility with adjoining properties and properties within the proposed PUD;
- (8) The purpose and intent of this chapter, as well as compatibility with other ordinances and statutes, which regulate land development; and
- (9)
 - (a) In an effort to allow flexibility in a PUD, building restrictions should be kept to a minimum.
 - (b) Several essential aspects must be adhered to as follows.
 1. Building setbacks shall be determined by the Planning Commission according to the use of the buildings and character of the neighborhood.
 2. All portions of the land not developed must be landscaped with trees, shrubs, and suitable ground cover.
 3. Portions of a commercial structure or parking area must be screened from any abutting residential area by a wall or berm measuring no less than 4 feet in height.

(Ord. passed 10-23-1978, § 13.08)

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152.178 TRANSMITTAL of RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN

The Planning Commission may approve or disapprove the Preliminary Development Plan, either in whole or in part; and may adopt or recommend to the applicant changes or additions in, or conditions upon, the Preliminary Development Plan. After taking any such action the Planning Commission shall forward to the applicant their written recommendation, together with any recommendations regarding changes, additions, or conditions. A copy of the Planning Commission's action shall be forwarded to the Village Council for approval or denial. In the course of its consideration of the Preliminary Development Plan, the Planning Commission may convene an advisory public hearing for the purpose of receiving comments relative to the Preliminary Development Plan. The public hearing shall be held and notice provided pursuant to § 152.274.

(Ord. 2006-4, passed 7-10-2006)

152.179 SUBMISSION of FINAL DEVELOPMENT PLAN AND PETITION FOR REZONING

- (A) Within a period not to exceed 1 year after the date of receiving the action taken by the Village Council and/or Planning Commission on the Preliminary Development, the applicant for PUD rezoning shall submit to the Village Clerk a petition for rezoning to the PUD uses shown in the final development plan.
- (B) The final development plan shall set forth all of the matters shown and included in the preliminary development plan, except as changed or modified by action of the provisions of §§ 152.170 et seq., the petition for PUD rezoning shall be reviewed and acted upon in accordance with the provisions of this chapter regarding amendments to the Zoning Ordinance and in compliance with Public Act 207 of 1921, M.C.L.A. §§ 125.581 to 125.600.

(Ord. passed 10-23-1978, § 13.10)

152.180 CONTENTS of FINAL DEVELOPMENT PLAN

- (A) Generally. Each final development plan shall include all of the following information, except any information which is found by the Zoning Administrator to be not reasonably necessary for consideration of the requested PUD.
- (B) Specifically.
 - (1) A plot plan, or series of plans, based on an accurate certified land survey drawn to

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152.180 CONTENTS of FINAL DEVELOPMENT PLAN (CONT.)

a scale which renders enough detail to allow the Planning Commission and Village Council to make accurate interpretations;

- (2) (a) Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings and/or structures.
- (b) Heights and area of buildings and structures shall be described.
- (3) The period of time within the project will be completed;
- (4) Proposed staging of the project, if any;
- (5) Gross areas of buildings and parking;
- (6) Delineation of the 100-year flood plan, if applicable, and any proposed uses therein;
- (7) A description of all aspects of the plan which might have an adverse effect on public health, safety, or welfare;
- (8) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option to purchase contract;
- (9) Method of financing and commitments or other proof of ability to obtain financing;
- (10) Utilities; all buildings shall hook up to the municipal sewer and water systems and shall comply with county drainage requirements; and
- (11) Additional information which the Zoning Administrator, Planning Commission, or Village Council may request which is reasonably necessary to evaluate the proposed PUD and its effect on the surrounding neighborhood and the village in general.

(Ord. passed 10-23-1978, § 13.11) Penalty, see § 152.999

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152.181 PUBLIC HEARING by PLANNING COMMISSION

The Planning Commission shall give notice and convene a public hearing on the final development plan and the petition for PUD rezoning, pursuant to § 152.274, for the purpose of considering and receiving comments upon the final development plan and petition for PUD rezoning.

(Ord. 2006-4, passed 7-10-2006)

152.182 RECOMMENDATION of PLANNING COMMISSION

- (A) After the required public hearing, the Planning Commission shall make recommendations to the Village Council regarding the approval or denial, in whole or in part, of the final development plan and the approval or denial of the requested PUD zoning change.
- (B) The recommendations may include recommended changes in the final development plan or conditions to be imposed thereon.
- (C) The Planning Commission shall transmit the recommendations to the Village Council, along with a summary of comments received at the public hearing, minutes of all proceedings, and all other documents related to the Planned Unit Development request.

(Ord. passed 10-23-1978, § 13.13)

152.183 ACTION by VILLAGE COUNCIL

- (A) Upon receiving the recommendations of the Planning Commission of the final development plan and the petition for PUD rezoning, or either of them, are approved or disapproved only in part, or if the Village Council imposes conditions or requirements not previously imposed by the Planning Commission, the matter shall first be referred to the Planning Commission who shall then forward its recommendations thereon to the Village Council, after which the Village Council may proceed to take action to approve or disapprove the final development plan and the petition for PUD rezoning. Such action by the Village Council shall take place in the same manner as is provided in this chapter and in Act 208 for the rezoning of lands to any zoning district. A public hearing shall be held and notice provided pursuant to § 152.274. If approved by the Village Council, a copy of any amendment of this chapter rezoning lands to the PUD zoning district shall be forwarded to the Village Clerk for publication and filing with the village zoning ordinance.
- (B) In reviewing the final development plan and in considering the petition for PUD rezoning, the Village Council shall determine whether the plan complies with the terms and provisions of this chapter and whether the proposed project promotes the intent and

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152.183 ACTION by VILLAGE COUNCIL (CONT.)

purposes of this chapter, including §§ 152.170 et seq., and whether it will be compatible with adjacent uses of land, the natural environment, and the capacities of project; and whether the proposed project will be consistent with the public health, safety, and general welfare.

- (C) (1) The Village Council may impose reasonable conditions upon its approval of any final development plan.
- (2) The conditions may include those necessary to insure that public services and facilities affected by a proposed PUD will be capable of accommodating increased public service demands caused by the proposed land use or activity, to protect the natural environment and to conserve natural resources and energy, to ensure compatibility with adjacent uses of lands and to promote the use of lands in a socially and economically desirable manner.
- (3) Any conditions imposed shall satisfy all of the following requirements:
 - (a) Be necessary to satisfy the intent and purposes of this chapter and be related to the standards of this chapter and be related to the standards established in this chapter for the proposed PUD;
 - (b) Be related to the valid exercise of the police power; and
 - (c) Be designed to protect natural resources, the health, safety, and general welfare of those who will use the proposed project and the residents and owners of land immediately adjacent to the proposed project and the village as a whole.
- (D) Any conditions imposed in connection with approval shall remain unchanged, except upon the mutual consent of the Village Council and the owner of the lands involved.

(Ord. passed 10-23-1978, § 13.14; Am. Ord. 2006-4, passed 7-10-2006)

152.184 GENERAL PROVISIONS FOR PUD DISTRICTS

- (A) Generally. The following provisions shall apply to all Planned Unit Development Districts.
- (B) Specifically.
 - (1) Time limitations on developments.

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152.184 GENERAL PROVISIONS FOR PUD DISTRICTS (CONT.)

- (a) Each PUD development shall be under construction within 1 year after the date of Village Council approval of the final development plan and the petitions for rezoning.
 - (b) If this requirement is not met, the Village Council may, in its discretion, grant an extension of time, not exceeding 1 year, for the commencement of construction, provided that the applicant presents reasonable and valid evidence to the effect that the development has encountered unforeseen difficulties, but is then ready to proceed without further delay.
 - (c) If the development is not commenced within 1 year after issuance of the building permit, or within the above stated 1-year extension, if granted, any building permit issued for the development shall thereupon be void and no further effect, and the Zoning Administrator, Planning Commission, and Village Council may initiate and carry out proceeding for the rezoning of the lands to some other district.
- (2) Performance bonds. In its review of any final development plan, the Zoning Administrator, Planning Commission, or Village Council may require reasonable agreement or other undertaking by the applicant to guarantee and assure the completion of the proposed PUD, to the extent and in the manner specified in the final development plan, including a performance bond in the amount and upon the terms as the Zoning Administrator may determine to be necessary to assure the timely and proper completion of the development in accordance with the final development plan.
 - (3) Additional provisions. All provisions of this chapter and other applicable ordinances of the village shall apply to the PUD District except where inconsistent therewith, in which case the provisions of §§ 152.170 et seq. shall control.

(Ord. passed 10-23-1978, § 13.15) Penalty, see § 152.999