

CHAPTER 1286  
Provisions Relating to All Districts

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#### CROSS REFERENCES

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

#### 1286.01 ZONING OF STREETS AND ALLEYS.

All streets and alleys, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets or alleys. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.  
(Ord. Unno. Passed 12-14-87.)

#### 1286.02 CONFORMANCE WITH DISTRICT REGULATIONS.

(a) No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located.

(b) No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the area regulations of the district in which the building is located.

(c) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located, except that roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylighting, solar collectors, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials, wireless masts and satellite dishes, water tanks or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than twenty feet the height limits of the district in which it is located, nor shall such structure have a total area greater than twenty-five percent of the roof area of the building, nor shall such structure be used for any residential purpose or any commercial purpose other than a use incidental to the main use of the building.

(Ord. Unno. Passed 12-14-87.)

**1286.03 ROOFTOP EQUIPMENT SCREENING. (REPEALED)**

(EDITOR'S NOTE: This section was repealed by Ordinance 2005-02, passed March 14, 2005.)

**1286.04 LOT AREA, YARDS AND OPEN SPACE REQUIREMENTS.**

Space which has been counted or calculated as part of a side yard, rear yard, front yard, court, lot area or other open space to meet the requirements of this chapter for a building shall not be counted or calculated to satisfy or comply with a yard, court, lot area or other open space requirement for any other building. An open porch or paved terrace may extend into a required front yard or rear yard, provided that the unoccupied portion of the front yard or rear yard furnishes a depth of not less than fifteen feet.

(Ord. Unno. Passed 12-14-87.)

**1286.05 EXISTING PORCHES.**

(a) All covered porches existing at the time of adoption of this Zoning Code may be enclosed with screens, including a railing enclosure not to exceed thirty inches in height from the floor. In any R District, a covered porch existing at the time of adoption of this Zoning Code which encroaches on the required minimum front yard may be enclosed with removable storm windows, including a railing enclosure not to exceed thirty inches in height from the floor, provided such enclosed porch will not extend toward the street line beyond the enclosed portion of any adjacent dwelling by more than one-third of the distance separating the two buildings. In no case shall such enclosed porch be less than ten feet from the street line.

(b) In any R District, covered porches existing at the time of adoption of this Zoning Code and extending into required front yard area may be replaced with a vestibule or enclosed entryway, provided such vestibule or enclosed entryway is not greater than eight feet wide and does not extend more than four feet from the main wall of the building involved or nearer than ten feet to the front property line.

(Ord. Unno. Passed 12-14-87.)

**1286.06 NEW BASEMENTS UNDER EXISTING DWELLINGS.**

All dwellings which lack a full basement and which extend into the minimum front, side or rear yards may have a basement or cellar constructed under the entire structure in its present location, provided that at the time of construction the dwelling was properly located on the lot.

(Ord. Unno. Passed 12-14-87.)

**1286.07 PROJECTIONS INTO YARDS.**

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two inches for each foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three feet.

(Ord. Unno. Passed 12-14-87.)

**1286.08 USE OF YARD SPACES AND OTHER OPEN AREAS FOR JUNK STORAGE.**

No machinery, equipment, vehicle, lumber pile, crate, box, building block or other material, either discharged, unsightly or showing evidence of a need for repairs, with or without a current license, shall be placed, stored, parked, abandoned or junked in any open area that is visible from a street, public place or adjoining residential property from a street, public place or adjoining residential property for longer than forty-eight hours. If the above items are permitted to be placed, stored, parked, abandoned or junked in such area, the Building Inspector shall give written notice to the owner of the premises on which such item is stored and/or to the owner of the stored item to remove such item, or cause such item to be removed, within forty-eight hours after the giving of such notice. Failure to comply with such notice within forty-eight hours shall constitute a violation of this Zoning Code. The above notwithstanding, the Building Inspector may, upon investigation, issue a letter to the owner authorizing a grace period not to exceed thirty days. This section does not apply to storage of building materials for on-site construction purposes.

(Ord. Unno. Passed 12-14-87.)

**1286.09 REQUIRED STREET FRONTAGE.**

Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public street or private easement which meets one of the following conditions:

- (a) It is a public street which has been accepted for maintenance by the Village;  
or
- (b) It is a permanent and unobstructed private easement, on record at the County Register of Deeds, having a width of at least sixty feet, except where an access easement of record of less width existed prior to the adoption of this chapter, and it is a roadway meeting Village standards for

vehicular traffic, leading to a public street as defined under subsection (a) hereof, provided that the property owner has signed an agreement with the Village in which he or she agrees to:

- (1) Assume complete responsibility for the maintenance of such street access; and
- (2) Notify any purchaser, lessee or tenant of such property of the existence of such agreement.

(Ord. Unno. Passed 12-14-87.)

#### **1286.10 VISIBILITY.**

No structure, wall, fence, shrubbery or tree shall be erected, maintained or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, except that shrubbery and low retaining walls not exceeding two and one-half feet in height above the curb level will be permitted. For residential corner lots, this unobstructed area will be a triangular section of land formed by the two street curb lines and a line connecting them at points twenty feet from the intersection of such curb line.

(Ord. Unno. Passed 12-14-87.)

#### **1286.11 WATERFRONT LOTS.**

(a) On lots abutting on water, such as lakes, streams, rivers and bays, no building or structure, except boat houses, land ramps and docks shall be erected less than twenty-five feet measured horizontally from the edge of the water as determined by the legally established water level, provided that no boat house, land ramp or dock shall be erected less than ten feet from any side lot line unless approved by the Zoning Board of Appeals.

(b) Shoreline setback. The building setback on the lakeside of a waterfront property shall be such that from an adjoining property structure, by using a measurement from the front face corners of the existing structure living quarters as a baseline to the proposed structure and/or addition, there shall be no more than a thirty degree angle (tangent 30 degrees, being 1 on 2). The purpose being that new residences or additions should not obstruct the view from (of) existing neighboring properties. A special variance shall be required where the existing structure is setback more than fifty feet from the front (waterfront) property line. In addition, a building shall be no closer than twenty-five feet from the front (waterfront) property line (See Section 1260.09, Illustration 6).

(Ord. Unno. Passed 3-16-98; Ord. 2005-04. Passed 4-11-05.)

#### **1286.12 DWELLINGS IN INDUSTRIAL DISTRICTS.**

No dwelling unit shall be erected in an Industrial District. However, the sleeping quarters of a watchman or caretaker may be permitted in such District in conformance with the specific requirements of the District.

(Ord. Unno. Passed 12-14-87.)

**1286.13 NUMBER OF SINGLE-FAMILY STRUCTURES PER LOT.**

No single-family residential structure shall be erected upon a lot with another single family residential structure in an R-1 Residence District.  
(Ord. Unno. Passed 12-14-87.)

**1286.14 ACCESSORY BUILDINGS AND STRUCTURES IN R DISTRICTS.**

(a) Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

- (1) One garage plus additional accessory building may be erected on any single lot, subject to setbacks, lot coverage, and other standards of this Zoning Code. Accessory buildings shall not be erected in the front yard. Accessory buildings may be erected in any rear yard, provided that in no instance shall such building be nearer than six feet to any adjoining lot line, except that on a corner lot the entrance to a garage shall not be less than eighteen feet from the lot line adjacent to the side street.
- (2) In any residential zone, unless otherwise provided in this chapter, no garage building in the side yard shall be erected closer to the side lot line than permitted distance for the dwelling. No garage, accessory building or portion thereof shall be erected or extended into the required front and waterfront yard setback areas. An attached garage building of fireproof construction may be erected to extend beyond the front line of the house except that such garage shall not encroach upon the minimum front yard setback area as required by this chapter. No garage or accessory building shall be permitted in the front yard, except for water front lots.
- (3) The owner of two abutting lots or parcels where a dwelling is located at one of the lots or parcels may erect an accessory structure on a vacant adjoining lot or parcel under the following conditions:
  - A. The two lots or parcels shall be combined into one legal description;
  - B. The accessory structure shall comply with provisions contained herein.
- (4) All accessory buildings and garages shall be compatible in design and material with the residential structure and the surrounding neighborhood. Cloth, canvas, plastic sheets, tarps or similar materials are not allowed as exterior materials.

(b) In the R-1 District, the combined ground floor area of the garages and accessory buildings shall not exceed two thousand sixty-four square feet.

- (1) On a waterfront lot, a garage building may be located in the front yard (street side of lot) provided said structure is at least twenty-five feet from the front right-of-way line and in compliance with side yard setback requirements. Accessory or garage structure shall not exceed twelve hundred square feet in ground floor area. The total height shall not exceed twenty-three feet to the ridge. Wall structure of an unattached garage structure shall not exceed fourteen feet.

- (2) In the case of a double frontage lot, accessory buildings shall observe front yard setback requirements on both street frontages wherever there is any principal buildings frontage on said streets on the same block.
- (3) When an accessory building is located in the rear yard area on a corner lot, the side lot line which is substantially a continuation of the required front yard setback of the lot to its rear, said accessory building shall be set back from the street at least as far as the required front yard setback of the lot at the rear of the subject corner lot.
- (4) No garage, utility or accessory building shall be constructed upon or moved to any parcel of property until the principle building on, or intended to be erected thereon, is at least two-thirds completed; except at construction of an attached garage may proceed on the of the construction of the dwelling.
- (5) No accessory building or unattached garage shall be used in any part for dwelling purposes, however, water and toilet facilities may be installed for incidental use.  
(Ord. Unno. Passed 12-14-87; Ord. Unno. Passed 11-9-94; Ord. 2002-06. Passed 10-14-02; Ord. 2003-13. Passed 10-13-03; Ord. 2004-02. Passed 1-12-04; Ord. 2007-06. Passed 6-11-07.)

#### **1286.15 PARKING AND STORAGE OF RECREATIONAL VEHICLES AND EQUIPMENT.**

Campers, travel trailers, motorized homes, trailers of any type and boats may be parked or stored outdoors in any zoning district on occupied lots subject to the following requirements:

- (a) Not more than one camper or travel trailer and not more than one boat may be parked on a lot of record which is zoned and used for residential purposes.
- (b) Campers and travel trailers may be parked anywhere on the premises for loading or unloading purposes for a period not to exceed forty-eight hours. The temporary use of additional trailers or recreational vehicles other than allowed in subsection (e) hereof shall be governed by the following:
  - (1) In any zoning district, a temporary use permit (recreational vehicle parking permit) may be issued to a landowner (or the owner of the proprietary use in property) to permit the parking and occupation of trailers or recreational vehicles during special events, family reunions or other tourism related events.
  - (2) Such temporary use permit shall be at the sole and absolute discretion of the City Zoning Administrator, who shall take into account the location and size of the site proposed, traffic consideration, provisions for water and sewerage disposal, the proximity of the site to residences, complaints received from past usage and any other matters deemed pertinent by the Zoning Administrator; and the Zoning Administrator shall take into account the wishes and concerns of neighbors and adjoining property owners.

- (3) The Zoning Administrator and Police Chief shall ascertain that all local, State and Federal fire, safety and health ordinances, statutes and regulations are complied with and met. The permit shall state the number of such trailers or vehicles permitted on the site and any other conditions imposed upon the issuance of the permit.
  - (4) The landowner (or the owner of the proprietary use of the property) shall be responsible for compliance with the terms of the permit so issued.
  - (5) Applications hereunder must be made with a recreational vehicle parking permit issued by the City with a fee to be set by the City Council.
  - (6) Any issued permit may be revoked if compliance with the standards set are violated.
- (c) Campers, travel trailers, snowmobiles, trailers, boats and the like, when parked or stored, shall be located only in the side or rear yard and, in addition, shall conform to the required yard space requirements for accessory buildings in the zoning district wherein they are located.
  - (d) The maximum permitted lot coverage of all buildings, including any camper, travel trailer or boat parking or storage space, shall not be exceeded.
  - (e) Recreational vehicles and equipment, as described above, which are parked or stored, may be used for temporary living, lodging or housekeeping purposes for no more than a total of fourteen consecutive days in any calendar year.
  - (f) All recreational equipment must be kept in operational condition.
  - (g) No person shall park or store a mobile home unit outside of a mobile home park.  
(Ord. Unno. Passed 12-9-96; Ord. 2007-06. Passed 6-11-07; Ord. 2015-07. Passed 9-14-15.)

#### 1286.16 AUTOMOBILE SERVICE STATIONS AND PUBLIC GARAGES.

In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile service stations; to regulate and control the adverse effects which these and other problems incidental to the automobile service station may exercise upon adjacent and surrounding areas; and to control the problem of abandoned stations which are a nuisance as well as a blighting influence on surrounding properties, the following additional regulations and requirements are provided herein for automobile service stations located in any zone. All automobile service stations erected after the effective date of this Zoning Code (January 31, 1988) shall comply with this section. No automobile service station existing on such effective date shall be structurally altered so as to provide a lesser degree of conformity with this section than existed on the effective date of this Zoning Code.

- (a) An automobile service station shall be located on a lot having a frontage along the principal street of not less than 140 feet, and having a minimum area of not less than 14,000 square feet.



- (b) An automobile service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty feet from any street lot line.
- (c) All lubrication equipment, motor vehicle washing equipment and hydraulic hoists and pits shall be enclosed entirely within a building.
- (d) An automobile service station located on a lot having an area of 14,000 square feet shall include not more than eight gasoline hose nozzle pumps and two enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two gasoline pumps and/or one enclosed stall may be included with the provision of each additional 2,000 square feet of lot area.
- (e) Where an automobile service station or public garage adjoins property located in any Residence District, a masonry wall five feet in height shall be erected and maintained along the service station property line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
- (f) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
- (g) Automobile service or filling stations may be converted to a principal permitted use in the district in which such station is located, provided the following conditions are met:
  - (1) The use shall not be out of harmony with the surrounding neighborhood by reason of its character or quality of development.

- (2) All gasoline pumps and signs shall be removed and underground gasoline storage tanks shall be abandoned in conformance with prescribed Village and State fire safety provisions.
- (3) All buildings shall meet all applicable requirements of the Building Code for safety and structural conditions.
- (4) There shall be adequate off-street parking provided in accordance with Chapter 1280.
- (5) No outside storage areas shall be permitted.
- (6) The use shall meet all area, height, bulk and placement requirements of the district in which such use is located in accordance with the schedule of regulations in Section 1286.46.
- (7) The use shall comply with all other requirements of the applicable district unless otherwise provided in this Zoning Code.  
(Ord. Unno. Passed 12-14-87.)

#### **1286.17 DRIVE-IN ESTABLISHMENTS.**

(a) When a drive-in establishment adjoins property located in any Residence District, a screening wall five feet in height shall be erected and maintained along the adjoining property line, or if separated from such District by an alley, then along the alley lot line. In addition, all outside trash areas shall be enclosed by such five foot screening wall. Such wall shall be protected from possible damage inflicted by vehicles using the parking area by means of pre-cast concrete wheel stops at least six inches in height, by firmly implanted bumper guards not attached to the wall or by other suitable barriers.

(b) The entire parking area shall be surfaced with approved stone mix, concrete or asphalt. Any area of the site not used for parking shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved area by a raised curb or other equivalent barrier.

(c) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will not cause direct illumination on adjacent residential properties.

(d) Before approval is given for any use, a site plan shall first be submitted to the Planning Commission for review as to suitability of location of entrances and exits to the site, parking area, screening, lighting and other design features. The Commission, when it deems necessary, may require the screening to be a masonry wall.  
(Ord. Unno. Passed 12-14-87.)

**1286.18 BUILDING GRADES.**

(a) Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard space shall be graded and adequate drainage shall be provided where necessary to deflect proper drainage of surface waters from the premises so as not to run onto neighboring property.

(b) When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meet existing grades or such grade as determined by the Village.

(Ord. Unno. Passed 12-14-87; Ord. 2001-02. Passed 2-12-01.)

**1286.19 MOVING OF BUILDINGS.**

Any building or structure which has been wholly or partially erected on any premises within or outside of the Village shall not be moved to and/or placed upon any premises in the Village unless a building permit for such building or structure has been secured. Any such building or structure shall fully conform to this Zoning Code in the same manner as a new building or structure.

(Ord. Unno. Passed 12-14-87.)

**1286.20 EXCAVATIONS, HOLES, ETC.**

No person shall construct, maintain or allow to exist within the Village any unprotected, unbarricaded, open or dangerous excavation, hole, pit or well, or any excavation, hole or pit which constitutes or is reasonably likely to constitute a danger or menace to the public health, safety or welfare. However, this section shall not prevent any excavation under a permit issued pursuant to this Zoning Code or the Building Code, where such excavation is properly protected and warning signs are posted in such a manner as may be approved by the Building Inspector.

(Ord. Unno. Passed 12-14-87.)

**1286.21 EXCAVATION, REMOVAL AND FILLING OF LAND.**

No person shall use land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other waste or by-product in any zoning district, except under a certificate from, and under the supervision of, the Building Inspector in accordance with a topographic plan approved by the Village and submitted by the fee-holder owner of the property concerned. The topographic plan shall be drawn at a scale of not less than one inch equals fifty feet and shall show existing and proposed grades and topographic features and such other data as may from time to time be