

## ARTICLE 3 GENERAL PROVISIONS

### **Section 3.01    General: Withholding of Approval**

The Village Planning Commission, Village Council, or Zoning Board of Appeals may withhold granting of approval of any use, site plan, Planned Unit Development or other approval required by this Chapter pending approvals required by state, county or federal agencies or departments.

### **Section 3.02    General: Voting Place**

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

### **Section 3.03    General: Calculation of (Buildable) Lot Area**

In the calculation of areas required to maintain specific densities, common open space requirements, and similar requirements, no lot or parcel or portion of same shall be used more than once in such calculation, nor shall adjacent outlots or other open space be used in lieu of space contained within the stated boundaries of the subject lot or parcel.

### **Section 3.04    General: Determination of "Similar Uses"**

3.04.01    **Evaluation Criteria.** Since every type of potential use cannot be addressed in this Chapter, each district provides for "similar uses", referencing this Section. All applications shall be submitted to the Planning Commission for review and approval, based on the following standards.

- (a) A finding the proposed use is not listed as a Permitted or Special Land Use in any zoning district.
- (b) If the use is not addressed in this Chapter, the Planning Commission shall select the use listed in this Chapter which most closely resembles the proposed use using criteria such as potential impact on property values, nature of use, aesthetics, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts terms of health, safety and welfare in the Village.
- (c) Once a similar use is determined, the proposed use shall comply with any special land use standards that apply to the similar use.
- (d) Where the Planning Commission determines a proposed use is not similar to a use addressed in this Chapter, the applicant may petition for an amendment to this Chapter, as described in Article 16.

3.04.02    **Expansion of Use Regulations.** The determination as to whether a proposed use is similar in nature and class to another Permitted or Special Land Use within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Planning Commission to be similar shall thereafter be included in the enumeration of the uses.

**Section 3.05 General: Changes in Tenancy/Ownership**

All structures or uses which are conforming uses, nonconforming uses, or approved special land uses, planned unit developments or site plans with conditions attached for approval, shall comply with these regulations, approvals or conditions regardless of change of tenancy or ownership of the property or use. Regulations in this Chapter pertaining to the discontinuance of nonconforming uses, as provided for in Article 14, shall continue to be met.

**Section 3.06 General: Completion of Construction**

- 3.06.01 **Construction Has Begun.** Nothing in this Chapter shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this Chapter or later amendment which may apply.
- 3.06.02 **Construction, Defined.** Actual construction is defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Excavation, demolition or the removal of materials shall be defined as construction.
- 3.06.03 **Building Permit Issued.** Where a building permit has been issued, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed. Approved construction must be diligently pursued to completion within three hundred sixty-five (365) days of the permit's effective date.
- 3.06.04 **Use of an Incomplete Structure.** Any basement, cellar, garage, or any incomplete structure without an occupancy permit in use as a dwelling on the effective date of adoption or amendment of this Chapter shall not be used as a dwelling for more than twelve (12) months following said date, unless the structure has been completed in conformance with the regulations of the district in which it is located.

**Section 3.07 General: Essential Services**

- 3.07.01 **Essential Services Exempt.** Essential services shall be permitted as authorized and regulated by law and by the Village of Dundee, it being the intention hereof to exempt such essential services from this Chapter.
- 3.07.02 **Use: Essential Services Requirements.** All publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations necessary to provide essential services to the area by governmental units or public utilities will be permitted on lots provided that the minimum yard setback and maximum lot coverage (in percent) requirements set forth in the RA-1, One-Family Residential District are met.

**Section 3.08 Use: Principal Building, Structures, Main Uses of a Lot**

- 3.08.01 **One- Family Residential Dwellings:** Not more than one (1) one -family dwelling unit shall be located on a lot in a residential district, nor shall a one-family dwelling unit be located on the same lot with any other principal building or structure, or main use unless the use has been approved as an accessory dwelling unit under the requirements of the subject district.

- 3.08.02 **Main Uses.** No lot may contain more than one (1) principal building, structure or use, except groups of multiple-family dwellings, under the same ownership, site condominium projects, manufactured housing communities, farm worker housing, unified retail/business centers, auto dealerships, office complexes or other groups of buildings the Zoning Enforcement Officer deems to be a main use collectively.
- 3.08.03 **Use of Structures for Dwellings.** The use of any portion of the basement of a partially completed building, or any garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited.

**Section 3.09 Use: Temporary Uses, Buildings, and Structures**

- 3.09.01 **Temporary Uses Permitted with Village Council Approval.** The following uses and associated structures and buildings, which are clearly temporary in nature, may be permitted by the Village Council provided it meets the review standards of Section 3.09.06.
- (a) Fund raising events to support non-profit organizations.
  - (b) Tent sales or sidewalk sales of retail goods.
  - (c) Temporary dwellings in accordance with Section 3.09.07.
  - (d) Carnivals and fairs.
  - (e) Festivals sponsored by non-profit organizations.
  - (f) Golf tournaments.
  - (g) Temporary rental/sales offices.
  - (h) Temporary land uses and activities intended for seven (7) consecutive days or less or no more than two (2) consecutive weekends.
- 3.09.02 **Temporary Uses Permitted with Zoning Enforcement Officer Approval.** The following structures and buildings, which are clearly temporary in nature, may be permitted by the Zoning Enforcement Officer, provided it meets the standards of the Section 3.09.06.
- (a) Facilities at athletic events including portable toilets, tents, and signs.
  - (b) Facilities for temporary storage of materials or equipment related to large construction projects.
  - (c) Temporary construction structures including contractor's portable office or toilet facilities.
  - (d) Construction equipment and other apparatus when used on a construction site stored other than during times of active construction.
  - (e) Temporary dwelling while building a permanent dwelling unit in accordance with Section 3.09.07.
- 3.09.03 **Application Procedure.** Application for approval of any temporary use, building, or structure shall be filed by the owner of the property or his designated representative with the Zoning Enforcement Officer. The applicant shall submit a written request on such forms as provided by the Village. The request shall be accompanied by the required fee(s) as established by the Village Council. The request should include, at a minimum, the following information:
- (a) The name, address, and telephone number of the applicant.
  - (b) The location of the property.
  - (c) A complete explanation of the proposed temporary use, building or structure.

- (d) A plot plan in sufficient detail to allow review of the items listed in subsection 3.09.06.
- (e) Any other information requested by the Zoning Enforcement Officer and deemed necessary to make the necessary findings for approval.

**3.09.04 Application Approval.**

- (a) The Village Council—or Zoning Enforcement Officer, as provided by this Section, may approve, approve with conditions, or deny a temporary use, building or structure based upon review of the items required pursuant to the requirements of this Section and 3.09.06.
- (b) The approving authority may set forth conditions for approval of the temporary use, building or structure, may set a time limit for the expiration of the temporary use, building or structure permit, and may require the posting of a performance bond or insurance to ensure prompt termination and removal of the use, building or structure, and clean-up.
- (c) The Zoning Enforcement Officer shall notify the Planning Commission in writing of each temporary use granted under this Section.

**3.09.05 Reconsideration of Permit.** The body that originally issued a temporary use, building or structure permit has the authority to revoke or reconsider that permit based upon a finding that the conditions of the approval have been violated, or that the use, building or structure is adversely affecting the surrounding area. For permits that were issued by the Village Council, a temporary use, building or structure permit may be suspended by the Zoning Enforcement Officer until they can act, if the Zoning Enforcement Officer determines that public health or safety is jeopardized.

**3.09.06 Review Standards.** Prior to approval of any temporary use the reviewing body shall consider both the on-site and off-site impacts of the temporary use including the following issues

- (a) Adequacy of parking and access.
- (b) Adequacy of drainage.
- (c) Compatibility with surrounding land uses.
- (d) Size, height, and type of construction of proposed buildings and structures in relation to surrounding sites.
- (e) Sufficient setbacks from street and lot lines.
- (f) Adequacy of utilities.
- (g) Trash disposal and site clean-up.
- (h) Adequacy of sanitary facilities.
- (i) Hours of operation.
- (j) Outdoor lighting and signs.
- (k) Other licenses or permits required.
- (l) Potential noise, odors, dust, and glare.
- (m) Fire lanes, fire protection, and security.
- (n) Off-site impacts of traffic volumes and circulation.
- (o) Necessity of a performance bond or insurance to ensure prompt termination and removal of the use, clean-up, or compensation for impacts of the temporary use, building or structure.
- (p) Other concerns which may affect the public health, safety, or general welfare.

3.09.07 **Standards for Temporary Dwellings:** Temporary dwellings, as permitted in this Section, shall be subject to the following additional requirements:

- (a) No cabin, garage, cellar, or basement, or any temporary structure whether of a fixed or movable nature may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever except as provided in this Section.
- (b) During the period of construction of a new residential dwelling, or if a dwelling is destroyed or is damaged by a natural or manmade event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a temporary dwelling, including a manufactured home, approved by the Zoning Enforcement Officer, may be moved onto the lot, after obtaining a permit therefore from the Zoning Enforcement Officer for use as a temporary dwelling during construction, replacement or repair of a permanent dwelling. Occupancy of the temporary dwelling shall be limited to the owner or potential occupant of the new permanent dwelling under construction. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which it is located and shall be connected to a private water supply and sewage disposal systems approved by the County Health Department or to public water supply and sewage disposal systems.
- (c) The Zoning Enforcement Officer shall establish a reasonable date for removal of the temporary dwelling, not-to-exceed six (6) months from the period for reasonable cause. The temporary dwelling shall be removed from the lot within two (2) weeks of the date of completion of the replaced or repaired dwelling, with the date of completion to be as listed on the certificate of occupancy. A performance bond in the amount of one thousand dollars (\$1,000) shall be provided to ensure removal of the temporary dwelling in accordance with the permit.
- (d) The Zoning Enforcement Officer shall provide a written statement setting forth the conditions of permission granted under this Section to the proposed occupant and shall retain a copy in the file.

**Section 3.10 Use: Residential Occupancy by Unrelated Individuals**

The collective number of unrelated individuals domiciled together in a one family dwelling unit, whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit shall not exceed six (6) persons. This requirement is intended to avoid the occupation of one-family dwelling units by any society, coterie, club, fraternity, sorority, association or other assembly of persons that may impact the character of surrounding land uses.

**Section 3.11 Use: Storage of Recreational Vehicles and Equipment**

3.11.01 **Recreation Vehicles and Equipment Defined:** Recreational vehicles and equipment, are defined in Section 2.02. and include, but are not limited to: boats and boat trailers, snowmobiles, trail cycles, all terrain vehicles, travel trailers, camp trailers, tent trailers, motor homes, utility trailers, floats and rafts and similar equipment, and trailers, cases and boxes used for transporting recreational equipment, all designed to be used for a temporary dwelling for travel, recreation and vacation use or periodical and occasional family recreational and vacation use.

3.11.02 **Standards in Residential Districts.** The following standards shall apply in all residential districts:

- (a) Except as otherwise permitted in this section, recreational vehicles and equipment greater than eight (8) feet in width or thirty-six (36) feet in length shall not be parked or stored on any lot or parcel in any residential district, and/or parcel used for residential purposes, unless all of the following applies:
  - The lot/parcel is located adjacent to a property zoned for commercial use.
  - The vehicle/equipment is parked adjacent to the commercial use and behind the front corner of the home.
  - The front and side yard setbacks shall be satisfied.
- (b) Recreational vehicles and equipment eight (8) feet in width or thirty-six (36) feet in length or less may be parked and stored in the side yard, behind the front building line, on any lot or parcel in any residential district, and/or parcel used for residential purposes, providing the following is satisfied:
  - No less than a five (5) foot side yard setback is maintained.
  - No less than a ten (10) foot setback is maintained from the adjacent home unless abutting the garage in which case only the five (5) foot side yard setback shall apply.
  - No less than three (3) feet shall be maintained between the on-site home and the vehicle/equipment.
  - On a corner lot, vehicles and equipment shall be stored behind the established front building line as defined in Section 2.02.
- (c) No more than two (2) units shall be parked outside of a garage or similar structure. For purpose of this limitation, a unit shall be recreational equipment used in conjunction with other recreational equipment (i.e. a boat mounted on a boat trailer shall be considered one (1) unit).
- (d) If the side or rear yard are inaccessible (i.e. grade or proximity to permanent structure), one (1) unit (see subsection (b)) may be parked in the driveway provided no less than a ten (10) foot setback is maintained from the public sidewalk and it does not obstruct pedestrian or vehicular visibility.
- (e) For the purposes of loading and unloading, recreational vehicles and equipment may be parked anywhere in a driveway or parking area on a residential premises for a period not to exceed forty-eight (48) hours, unless subsection (d) applies. Parking of self-propelled (i.e. motorized) vehicles (as defined in the Motor Vehicle Code) within the public street shall also be acceptable for the same period. See Chapter 74, Article V, Division 1, Sec. 74-109 of the General Ordinance for additional regulations related to parking on the public street.
- (f) Such equipment shall not be used for living or sleeping purposes when parked or stored on a residential lot, or in any location not approved for such use, other than as follows:
  - The location shall be in accordance with the above noted provisions, and shall never be within the public right-of-way.
  - Duration shall not exceed two (2) weeks, no more than four (4) times per year.

- (g) Recreational vehicles and equipment shall not be parked or stored on any public right-of-way other than as noted above in subsection (e).
- (h) Stored recreational vehicles must have a current license plate and registered to an occupant of the dwelling unit on the parcel(s) on which it is stored.
- (i) The following shall apply to all recreation equipment:
  - Unmounted camper enclosures or boats are not permitted in the front yard or driveway and must be stored on the ground and stabilized.
  - Open top utility trailers may not be used to store any material other than the recreational equipment.
  - All boats must be covered.
  - Refer to Article 3, Section 3.29 for commercial vehicle parking and storage regulations.

3.11.03 **Standards in Multiple Family Districts and Manufactured Housing Communities.** In any multiple family residential district or manufactured housing community, the property owner or the controlling association shall provide a designated area, approved by the Planning Commission, to park or store recreational vehicles and equipment. Parking spaces required to meet parking requirements shall not be used for the parking and storage of recreational vehicles and equipment.

3.11.04 **Repairs in Residential Districts.** Recreational vehicles and equipment may not be stored or parked in residential districts for the purpose of making major repairs (i.e. engine rebuilding, reconditioning of motor vehicles, body work, etc.), refurbishing, or reconstruction of the recreational vehicle or equipment.

3.11.05 **Non-Residential Districts.** The storage of recreational vehicles and equipment in non-residential districts when it is not associated with the business of the property, shall provide proper screening (i.e. no less than eight (8) foot evergreens and/or a solid fence) so that it is not visible from the street and abutting residential areas. All such areas shall also be maintained in accordance with Chapter 82, Article II, Sec. 82-26 through 82-30.

**Section 3.12 Use: Outdoor Storage**

The outdoor location or storage of unlicensed vehicles, abandoned, discarded or inoperative appliances, furniture or materials, except for junkyards, shall be located and stored so as not to create a nuisance or a condition of blight.

**Section 3.13 Use: Home Occupations**

3.13.01 **Intent.** It is the intent of this Section to allow for and regulate the establishment of home occupations that are compatible with the neighborhood in which they are located and which will preserve the peace, quiet, and domestic tranquility within all residential districts of the Village of Dundee.

3.13.02 **General Provisions.** Home occupations may be permitted subject to the following conditions:

- (a) No more than one (1) employee other than members of the family residing on the premises shall be engaged in such operation.
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than fifteen percent (15%) of the habitable floor area of the dwelling unit may be used for the purposes of the home occupation.
- (c) The use of a single family residence by an occupant of that residence to give instruction in a craft or fine art within the residence, shall be deemed to be a home occupation.
- (d) A home occupation, including storage of materials and goods, shall be conducted within the confines of the dwelling unit or within a building accessory thereto. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and there shall be no external or internal alterations that are not customary in residential areas.
- (e) Unless specifically otherwise provided herein, no article shall be sold or offered for sale on the premises except as prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein. A retail showroom, sales area, outlet or similar facility is prohibited.
- (f) Traffic generated by such operation shall not be greater than that for normal residential purposes, and generally no more than ten (10) vehicular trips per day.
- (g) No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odor, or electrical interference that are nuisances to persons off the lot. Any electrical equipment or process which creates visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
- (h) Signs for the home occupation shall be limited to one (1) non-illuminated, non-protruding name plate, not more than two (2) square feet in area, attached to the building, located near the front entrance, and which sign shall contain only the name, occupation, and/or address of the premises.
- (i) No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
- (j) Any necessary parking spaces for vehicles generated by the conduct of the home occupation shall be provided on the site in a normal driveway or where on-street parking is permitted.

3.13.03 **Application Procedures.** An application shall be submitted through the Zoning Enforcement Officer for review and consideration by the Planning Commission. The Zoning Enforcement Officer may require any information necessary for a complete review of the application. Each application shall be accompanied by the payment of a fee established by the Village Council.

- 3.13.04 **Reconsideration of Home Occupation.** The Planning Commission shall have the authority to revoke any home occupation permit after the applicant has failed to comply with any of the applicable requirements of this Section or any other applicable sections of this Chapter.
- 3.13.05 **Non-Conforming Home Occupations.** Non-conforming home occupations that have been granted approval prior to the effective date of this Chapter may be allowed to continue as long as the home occupation remains in conformance with the requirements and provisions of the Chapter in effect at the time of approval.

### **Section 3.14 Use: Keeping of Animals**

- 3.14.01 **Keeping of Household Pets.** The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any zoning district that allows residential uses with the following listed limitations, unless the site is approved as a commercial kennel.
- (a) No more than three (3) dogs or cats, six (6) months of age or older, in any combination; and
  - (b) No more than a total of five (5) animals six (6) months of age or older.
- 3.14.02 **Keeping of Horses:** The keeping of horses, ponies and other equine on a residential lot is only permitted in the RA-1 Single Family Residential District on residential lots of at least five (5) acres in size. There shall be five (5) acres for the first horse or pony kept on a lot and one and one half (1.5) acres for each thereafter. All keeping of horses shall meet the following standards:
- (a) All grazing areas shall be fenced.
  - (b) An accessory structure shall be provided to house such animals.
  - (c) Any barn or stable structure and any outdoor feed (non-grazing) area training or exercising corrals shall be setback at least one hundred (100) feet from any occupied dwelling or any adjacent building used by the public.
  - (d) All stables shall be enclosed by a suitable fence and shall be maintained so that odor, dust, noise or water drainage shall not constitute a nuisance or hazard to adjoining premises.
- 3.14.03 The keeping of livestock (other than horses, ponies and other equine) and exotic animals is prohibited.

### **Section 3.15 Use: Wireless Communication Facilities**

- 3.15.01 **Purpose and Intent.** The regulations of this Section are intended to conform with federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within the Village of Dundee. It is the Village's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the Village. Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the Village that all users co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures. Co-location is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services. In recognition of the Village's concern that technological advances may render certain Wireless Communication Facilities obsolete or unnecessary in the future, requirements are set forth for the

removal of unused or unnecessary facilities in a timely manner and provide security for their removal.

3.15.02 **Definitions.** The following definitions shall apply in the application of this Section:

- (a) **Wireless Communication Facilities.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include “reception antenna” for an individual lot as otherwise defined and regulated in this Chapter.
- (b) **Attached Wireless Communication Facilities.** Wireless communication facilities affixed to existing structures, including, but shall not be limited to, existing buildings, towers, water tanks, or utility poles.
- (c) **Wireless Communication Support Structures.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- (d) **Co-location.** Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the Village.

3.15.03 **Zoning Districts and the Approval Process for Wireless Communication Facilities.** Wireless Communication Facilities may be located within the Village in accordance with the Table set forth below.

Type/Location of Wireless Communication Facility	Districts Permitted	Approval Procedure
<b>1. Attached to Existing Structures:</b>		
- Attached to an existing conforming structure that will not be materially altered or changed in appearance	All Non Residential Districts	Administrative Sketch Plan approval by the Zoning Enforcement Officer
- Attached to an existing water tower or utility pole that will not be modified or materially alter the structure or impair sight lines or compromise safety	All Districts	Administrative Sketch Plan approval by the Zoning Enforcement Officer, provided letter of acceptance is provided by the utility company
- Co-location upon an attached wireless communication facility previously approved for co-location	All Districts	Administrative Sketch Plan approval by the Zoning Enforcement Officer

<b>2. New Structure:</b>		
- Monopole up to 150 feet in height <sup>1</sup>	B-4, M-1, or M-2	Special Land Use and Site Plan Approval
- Lattice tower where it can be demonstrated that a monopole is not feasible.	M-2	Special Land Use and Site Plan Approval

<sup>1</sup> Height may be increased ten (10) feet where determined necessary to provide future co-location.

**3.15.04 Application Requirements.** The following information shall be provided with the application, in addition to other submittal requirements for sketch plan or site plan.

- (a) Signed certification by a professional engineer licensed by the State of Michigan with regard to the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e. “fall zone”), and that the setback area provided accommodates the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
- (b) A description of performance guarantee to be posted at the time of receiving site plan or administrative sketch plan approval, as applicable, for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the Village for removal of any structure used for wireless communication in an amount that reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the Village’s administrative costs in the event that the applicant or its successor does not remove the Wireless Communication Facility in a timely manner.
- (c) The security shall, at the election of the Village Council, be in the form of: (1) cash; (2) security bond; or, (3) an agreement in a form approved by the Village Attorney and recordable at the office of the County Register of Deeds, establishing a promise of the applicant and owner of the property, or their successors, to remove the facility in a timely manner as required under this Section. It shall further be provided that the applicant, owner or successor, shall be responsible for payment of any costs or attorney fees incurred by the Village in securing removal.
- (d) A map that illustrates existing and known proposed wireless communication facilities within the Village of Dundee and Dundee Township, which are relevant in terms of potential co-location or to demonstrate the need for the proposed facility. To the extent the information in question is on file with the Village, the applicant shall be required only to provide an update as needed. Any such information that is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality (MCL 15.243(l)(g)). This Section shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Village.

- (e) For all new facilities, in recognition of the Village policy to promote co-location, a written agreement, transferable to all assessors and assigns, that the operator shall make space available on the facility for co-location.
- (f) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

3.15.05 **Design Standards Applicable to All Facilities.** In addition to the Criteria of Site Plan Review and Special Land Use Review, all wireless communication facilities shall be constructed and maintained in accordance with the following standards:

- (a) Facilities shall be located and designed to be harmonious with the surrounding areas. The Planning Commission may require a unique design for the structure to either diminish the visual impact or to create an architectural feature that will contribute to or enhance community character.
- (b) A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible co-location is not available for the coverage area and capacity needs.
- (c) All new and modified wireless communication facilities shall be designed and constructed to accommodate co-location, with a written agreement in a format approved by the Village Attorney.
- (d) Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way.
- (e) Elevations of the accessory buildings shall be provided. All accessory buildings shall be constructed of brick, provided the Planning Commission may waive this requirement for a building that is located in the M-1 Manufacturing or M-2 Heavy Manufacturing Districts and is not visible from a public right-of-way or all other zoning districts.
- (f) Fencing shall be provided for protection of the support structure and security from unauthorized person to prevent access to the facility.
- (g) Any nonconforming situations on the site, such as outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions shall be brought into conformance prior to the erection of the wireless communication facility. If existing buildings or structures are not in conformance with the current standards of this Chapter, improvements shall be made to decrease the nonconformity or additional landscaping shall be provided to reduce the impact of the nonconformity and the wireless facility.
- (h) The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

- (i) The applicant shall demonstrate that the requested height of the new or modified support structure and antenna shall be the minimum height necessary for reasonable communication by the applicant, including additional height to accommodate future co-location, where appropriate.
- (j) Minimum required setbacks for a new facility or support structure.
  - 1. From any Residential District - The height of the structure, plus twenty-five (25) feet, provided the engineering information required is provided. The person or body with authority to approve the facility may decrease this setback to that provided in Section 3.16.05 (j)(3) upon a finding that no residential use exists or is expected on the adjacent site.
  - 2. From any existing or proposed rights-of-way or other publicly traveled roads or non-motorized improved pathways – one-half (0.5) the height of the structure, plus twenty five (25) feet, provided the engineering information required is provided; otherwise the setback shall be the height of the facility.
  - 3. From Non-Residential Districts - one-half (0.5) the height of the structure, plus ten (10) feet, provided the engineering information required demonstrates such setback is adequate.
- (k) Accessory buildings shall be a maximum of fourteen (14) feet high and shall be set back in accordance with the requirements for principal buildings in that zoning district.
- (l) There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to Residential Districts; minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
- (m) Where an attached wireless communication facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. Antennas shall be concealed by means such as a radio-transparent shield, disguised, painted or otherwise designed to blend into the façade or roof of the structure. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings.
- (n) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geo-technical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.

- (o) The requirements of the Federal Aviation Administration, Federal Communication Commission, Michigan Aeronautics Commission and Michigan Tall Structures Act shall be noted. Any aviation hazard lighting shall be detailed on the plans.
- (p) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

3.15.07 **Removal.** As a condition of every approval of a wireless communication facility, adequate provision shall be made for removal of all or part of the facility by users and owners upon the occurrence of one (1) or more of the following events:

- (a) When the facility has not been used for one hundred eighty (180) days or more. For purposes of this Section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
- (b) Six (6) months after new technology is available at reasonable cost, as determined by the Village Council, which permits the operation of the communication system without the requirement of the support structure.
- (c) The situations in which removal of a facility is required, as set forth in paragraph (a) above, may be applied and limited to portions of a facility.
- (d) Upon the occurrence of one (1) or more of the events requiring removal, specified in paragraph (a) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Enforcement Officer.
- (e) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

3.15.08 **Co-Location.**

- (a) **Statement of Policy.** It is the policy of the Village to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Village and to encourage the use of existing structures for Attached Wireless Communication Facilities. If a provider fails or refuses to permit co-location on a facility owned or controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be required, in contradiction with Village policy. Co-location shall be required where feasible, as determined by (b) below.

- (b) **Feasibility of Co-Location.** Co-location shall be deemed "feasible" for the purpose of this Section where all of the following are met:
1. The wireless communication provider or property owner where co-location is proposed will accept market rent or other market compensation for collocation and the wireless communication provider seeking the facility will pay such rates.
  2. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
  3. The co-location being considered is technically reasonable, e.g. the co-location will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas and the like.

3.15.09 **Nonconforming Facilities and Penalties for Not Permitting Co-Location.** If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect. In addition, if a party refuses to allow co-location in accordance with the intent of this Section, and this action results in construction of a new tower, the Village may refuse to approve applications for a new wireless communication support structure from that party for a period of up to five (5) years. A party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

3.15.10 **Variations.** The Zoning Board of Appeals may consider a variance from the standards of this Section, based upon a finding that one (1) or more of the following factors exist, as appropriate for the type of variance requested:

- (a) For location, the applicant has demonstrated that a location within a district or location in accordance with the standards of this Section can not reasonably meet the coverage or capacity needs of the applicant.
- (b) For variances from the co-location requirement, the applicant must demonstrate that a feasible co-location is not available for the coverage area and capacity needs because existing structures can not support the facility, that co-location would result in unreasonable interference, or that reasonable financial terms are not available for co-location.
- (c) For setback variances, the applicant shall provide engineering information that documents that the tower is self-collapsing and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
- (d) For height variances, the height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the Village.

- (e) For all variances, the applicant has proposed means to mitigate any negative impacts through provision for future co-location, if found to be appropriate by the Village, and special design of the facility and site.
- (f) For all variance requests, the wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area, such as a steeple, bell tower, or similar form.

**Section 3.16 Use: Wind Energy Conversion System (WECS)**

- 3.16.01 **Intent:** It is the intent of Village of Dundee to promote the effective and efficient use of Wind Energy Conversion Systems (WESC) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare. In no case shall this ordinance guarantee the wind rights or establish access to the wind.
- 3.16.02 **Approval Required:** Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within the Village of Dundee unless approval for a special land use has been obtained pursuant to Article 4 and this Section.
- 3.16.03 **General Standards:** The following standards shall apply to all private and commercial wind energy conversion systems in the Village of Dundee:
- (a) **Design Safety Certification.** The safety of the design of all private and commercial WECS structures shall comply with all current applicable State of Michigan guidelines and standards.
  - (b) **Controls and Brakes.** All commercial WECS structures shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification. Brakes are not required on private WECS structures.
  - (c) **Setbacks.** All private and commercial WECS structures must be setback from property lines at a distance equal to or greater than one and one half (1.5) times the height of the structure, measured from the base of the structure to the highest reach of its blade.
  - (d) **Climb Prevention.** All commercial WECS structures must be protected by anti-climbing devices such as:
    - (1) Fences with locking portals at least six feet high;
    - (2) Anti-climbing devices 12 feet from base of pole; or
    - (3) Anchor points for guy wires supporting tower shall be enclosed by a six-foot high fence or shall be located within the confines of a yard that is completely fenced.

- (e) Interference. All private or commercial WECS structures shall be designed and operated to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave or television signals.
- (f) Noise Levels. The noise level for either a private or a commercial WECS structure shall comply with the standards set forth in Section 24.06.06 - Noise.

3.16.04 **Additional Standards for Commercial WECS Structures:** The following additional standards shall apply to all commercial wind energy conversion systems in the Village of Dundee:

- (a) Color. Towers and blades shall be painted a non-reflective neutral color that is approved by the Village of Dundee or otherwise required by law.
- (b) Compliance with FAA. It shall be the responsibility of the applicant to obtain the appropriate FAA permits for the WECS structure, or to obtain a determination of no significant impact to air navigation from the FAA.
- (c) Warnings. A visible warning sign of High Voltage may be required to be placed at the base of all commercial WECS structures. The sign must have at a minimum six-inch letters with  $\frac{3}{4}$ -inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.
- (d) Performance Bond. The Village shall have on file a performance bond for removal of a commercial structure. The value of the bond shall be in the amount given prior to construction for the cost of removal and any other costs deemed necessary by the Village for inspections.
- (e) Removal. A condition of every approval of a commercial WECS structure shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
  - (1) When the WESC structure has not been used for 180 days or more. For purposes of this section, the removal of equipment, or the cessation of operations shall be considered as the beginning of a period of non-use. The applicant shall notify the Village upon cessation of operations or removal of equipment.
  - (2) The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a structure.
  - (3) Upon the occurrence of one (1) or more of the events requiring removal, specified in paragraph (1) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Village.
  - (4) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after written notice, the Village may remove or secure the removal of the facility or required

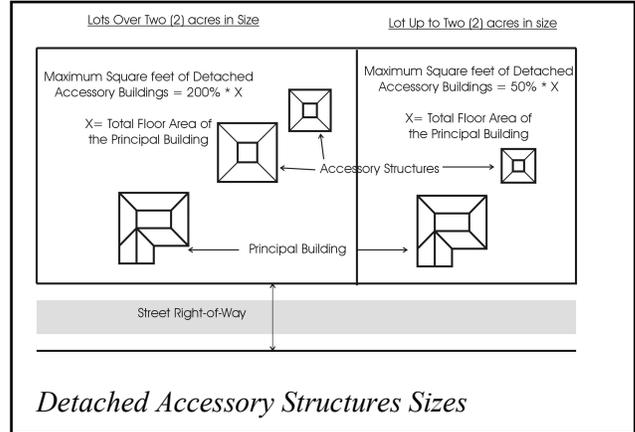
portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

**Section 3.17 Accessory Buildings, Structures and Uses: General**

- 3.17.01 Accessory buildings, structures and uses are permitted only in connection with and incidental to a principal building or structure that is permitted in the same zoning district.
- 3.17.02 No accessory building, structure or use shall be constructed or established on any lot or parcel without a principal building, structure, or use. No accessory building, structure, or use shall be occupied or in operation unless the principal structure, building, or main use to which it is accessory is occupied or in operation.
- 3.17.03 An accessory building, structure, or use must be in the same zoning district as the principal building or structure on a lot.
- 3.17.04 Where an accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this Chapter, applicable to principal buildings.
- 3.17.05 Detached accessory buildings and structures shall be permitted only in the rear yard, behind the rear building line.
- 3.17.06 No detached accessory building shall be located closer than ten (10) feet to any principal building nor shall it be located closer than two (2) feet to any side or rear lot line. The Village may reduce the spacing requirement from the principal building if a two (2) hour firewall is provided on the accessory building.
- 3.17.07 When an accessory building is located on a corner lot the accessory building shall not project into the required front yard unless such building is structurally attached to the principal building and required setbacks are met.
- 3.17.08 Accessory buildings and structures may occupy not more than thirty-five percent (35%) of the rear yard, provided that in no instance shall the accessory building exceed the requirements of 3.17.09.

3.17.09 The maximum cumulative square footage of all accessory buildings and structures shall be as follows:

(a) On lots up to two (2) acres in size, the cumulative square footage of all detached accessory buildings and structures shall not exceed one-half (0.5) the total floor area of the principal building. For lots in Residential Districts the total floor area shall be defined as established in Section 5.03 Area and Size Requirements. For lots in Non-Residential Districts, the total floor area shall be determined by the gross floor area as defined in Article 2 Definitions.



(b) On lots over two (2) acres in size, the cumulative square footage of the detached accessory buildings and structures shall not exceed two (2) times the floor area of the principal building. The total floor area in Residential and Non-Residential District shall be defined as established in (a) above.

3.17.10 The maximum building height for any detached accessory building is fifteen (15) feet.

3.17.11 The design, color, building materials and roof pitch of any accessory building must be compatible with the principal building.

3.17.12 No more than two (2) detached accessory buildings shall be permitted on any lot in a Residential District.

3.17.13 Accessory buildings and structures shall not be occupied for dwelling purposes.

**Section 3.18 Accessory Structures: Decks, Patios and Porches**

3.18.01 **Minimum Setback:** Uncovered and unenclosed decks, patios, terraces and porches elevated six (6) inches or more above grade in any Residential District shall meet the front yard setback of the district and be set back a minimum of three (3) feet from any side or rear lot line.

3.18.02 **Allowable Coverage:** A deck, patio, terrace or porch may be covered with an open-type canopy or sunscreen not to exceed fifty percent (50%) of the area of the deck, patio, terrace or porch.

**Section 3.19 Accessory Structures: Private Swimming Pools**

3.19.01 **Permit Required:** No private swimming pool (excluding a children’s swimming pool), shall be hereafter erected or constructed unless a building permit shall have been first issued for such work by the Zoning Enforcement Officer.

- 3.19.02 **Setbacks from Property Line:** There shall be a minimum distance of not less than ten (10) feet between adjoining property lines, or alley right-of-ways and the outside of the swimming pool wall. Side yard setback shall apply if the side yard setback requirement for the district is greater than ten (10) feet.
- 3.19.03 **Setbacks from Buildings:** There shall be a distance of not less than eight (8) feet between the outside swimming pool wall and any building located on the same lot.
- 3.19.04 **Setbacks from Right-of-Way:** No swimming pool wall shall be located less than fifty (50) feet from any street right-of-way line or private road easement.
- 3.19.05 **Setbacks from Easements:** No swimming pool shall be located in an easement including a utility or drainage easement.
- 3.19.06 **Fence Required:** For the protection of the general public, all areas containing swimming pools (excluding children's swimming pools as defined in Article 2) shall be completely enclosed by a fence not less than four (4) feet nor higher than six (6) feet above the surface of the ground, constructed of chain link or equally impenetrable material. All vertical members of the fence shall be on the swimming pool side thereof and all horizontal members shall be spaced not more than one and one-half (1.5) inches apart. The gates shall be of a self-closing and latching type with the latch on the inside of the gate and not readily available for children to open. Gates shall be capable of being securely locked. Enclosures shall be located not closer than ten (10) feet from the edge of the swimming pool. A building or masonry wall at least four (4) feet in height may be used as all or part of such swimming pool enclosure.
- If the swimming pool is constructed above ground so that the exterior thereof is at least six and one-half (6-1/2) feet above ground level, and entry into such above-ground pool is only by means of a ladder that locks up into place when the pool is not in use, then the fence and gate required in the preceding paragraph of this Section shall be required to enclose only the entry to the above-ground pool.
- 3.19.07 **Electrical Considerations:** All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the State of Michigan's Electrical Code. If service drop conductors or other utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of the swimming pool.
- 3.19.08 **Permit:** Upon compliance with all requirements of this Section and upon determination by the Zoning Enforcement Officer that the proposed swimming pool will not be injurious to the general public health, safety, and welfare of the Village and its citizens, Zoning Enforcement Officer shall issue a permit conditioned upon compliance with the requirements of this Section and the Building Code.
- 3.19.09 **Sanitation:** The current standards set by the State Department of Public Health to protect public health in the use of such swimming pools are hereby adopted and made a part of this Chapter. Swimming pools shall conform to Section 504.04 of the Monroe County Sanitary Code for isolation distances.

3.19.10 **Hot Tubs:** Hot tubs will be allowed adjacent to a dwelling in any Residential District. Hot tubs must have a locked lid or be fenced as in paragraph 6, above.

**Section 3.20 Accessory Structures: Fences, Walls and Other Protective Barriers.**

All fences of any nature, type or description located in the Village of Dundee shall conform to the following regulations:

3.20.01 **Approval Required:** The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Zoning Enforcement Officer as to conformance with the requirements of the zoning district and this section.

3.20.02 **Fence Height Measurement:** The height of a fence shall be measured using the following method:

- (a) The permitted height of all fences shall be measured from the ground elevation adjacent to the fenceline, as determined by the Zoning Enforcement Officer.
- (b) The permitted height of fences shall not be measured from an area of the ground that has been built-up or constructed in a manner that would have the effect of allowing a taller fence than permitted by this Chapter (e.g. the height of fences erected on a berm shall be measured from the finished grade adjacent to the edge of the berm).

3.20.03 **Visibility at Intersections:** All fences in the front yards must comply with the requirements of Section 3.23, Visibility at Intersections.

3.20.04 **Decorative Fences and Landscape Features:** Decorative fences (i.e. wrought iron, brick, stone, etc.) and landscape features which are less than thirty (30) inches in height may be considered a landscape element and may be located within a front, side, or rear yard without a permit.

3.20.05 **Fences in the Residential Districts and Manufactured Housing Communities:** These districts include the zoning district defined in Articles 5 and 7.

- (a) Fences located in the required and addressed front yard shall be setback from the property line no less than 4 feet for fences up to 3 feet in height and are intended to be decorative
- (b) Fences located in the required and non-addressed (secondary) front yard of a corner or through-lot shall be setback from the property line as follows:
  - No less than 4 feet for fences up to 3 feet in height and are intended to be decorative.
  - No less than 10 feet for fences up to 4 feet in height and shall comply with the definition of a non-privacy fence.
  - No less than 15 feet for fences up to 5 feet in height and shall comply with the definition of a non-privacy fence.
  - No less than the front yard setback required within the zoning district for fences up to 6 feet in height and shall comply with the definition of a privacy fence.

- (c) Fences located in the side and rear yards shall have a maximum height of six (6) feet and may be located on the property line assuming the front yard fencing requirements are satisfied.
- (d) Residents are encouraged to utilize ornamental materials, including but not limited to materials such as wrought iron, brick, stone, and similar replications of these materials, such as vinyl fencing that has the appearance of one of these materials.
- (e) Fencing materials shall be all weather, zero maintenance, and/or no less than forty (40) grade treated wood.
- (f) Chain link or similar fencing is permitted everywhere except within the front yard.
- (g) The finished side shall face outward toward adjacent property or right-of-way.
- (h) No fencing shall be permitted within the front corner clear zone (see Section 3.22: Visibility at Intersections). The same clear zone shall apply for solid fences abutting detached garages located on the non-addressed frontage of a corner lot (see Section 3.22, Visibility at Intersections).

3.20.06 **Fences in Business and Manufacturing Districts:** These districts include the zoning districts defined in Articles 8 and 9.

- (a) No fences may be located within the required front yard.
- (b) On a lot occupied by a principal structure, no fence may be located within the required front yard.
- (c) No fence may exceed eight (8) feet in height.
- (d) All fences should attempt to be decorative in nature and should be wrought iron, wood, brick, stone and similar replications of these materials. However, when abutting residentially zoned and/or used property, and when used to screen parking or outdoor storage areas, the fence shall be constructed of an opaque material.
- (e) Chain link or similar fencing is permitted everywhere except within the front yard and when abutting residentially zoned and/or used property.
- (f) No fencing shall be permitted within the corner clear zone (see Section 3.22: Visibility at Intersections).

3.20.07 **Prohibited Fences.** The following fences are prohibited:

- (a) A fence consisting in whole or part of coils of barbed wire, concertina wire or razor wire;
- (b) A fence with razored edges, broken glass, affixed spikes, projecting nails or other pointed instruments of any kind or description attached; fence gates shall not be constructed so as to create a hazard to the public by the projection of any pointed instrument or member when open or partially open;
- (c) A fence charged or connected with an electrical current, provided however, this provision shall not be construed to apply to electrical fences installed below ground as elements of an animal control or security system;
- (d) A standard barbed wire fence except upon essential service sites or industrial properties which do not abut property zoned or used for residential purposes; in such locations standards barbed wire may be installed on the top of a fence on arms or cradles extending inward over the owner's property provided that the fence has a minimum height of six (6) feet above the adjacent grade and the combined height of the fence and barbed wire and arms or cradles does not exceed eight (8) feet above the adjacent grade;
- (e) A chain link or similar fencing, unless noted in this Section.
- (f) A fence which consists in whole or part of woven plastic or other similar materials utilized within a chain link fence; and

- (g) A fence with all metal (i.e. barn siding, roof material, etc.), opaque paneling.

**Section 3.21 Accessory Structures: Reception Antennas**

- 3.21.01 In all districts, the installation and/or use of a reception antenna facility having a diameter in excess of one (1) meter (3.28 feet) shall be subject to Planning Commission site plan approval, and shall be permitted only as an accessory use and only as authorized in this Section.
- 3.21.02 A ground-mounted reception antenna facility shall be located in the rear yard only and shall be located no closer than six (6) feet from a side or rear lot line.
- 3.21.03 A roof-mounted reception antenna facility shall be located on that side of the roof adjacent to the rear yard of the property and a structure-mounted facility shall be located in the rear yard only.
- 3.21.04 All reception antenna facilities shall be of mesh or rod and/or pole construction, and shall not be of solid sheet or panel construction and shall be black in color.
- 3.21.05 The foregoing regulations have been determined to be the minimum necessary to achieve the health and safety objectives of:
  - (a) preventing inappropriate overcrowding of residential yards which obstruct clear vision of pedestrians and motorists and distracts motorists' attention from traffic conditions; and
  - (b) promoting the appropriate relationship in the location of mechanical structures and devices relative to one-family residences and to avoid blighting conditions.
- 3.21.06 Excluded from the regulations of this section are conventional VHF and UHF television antennae and satellite dishes less than one (1) meter in diameter based upon the following findings:
  - (a) there is relatively small concern for wind and snow load issues;
  - (b) there has been a long-demonstrated safety record;
  - (c) there has been a historical acceptance of such facilities from an architectural and aesthetic standpoint;
  - (d) the cost of complying with the procedure for application and review would be great in relation to the cost of purchasing and installing the facility; and
  - (e) standards of the Federal Telecommunications Act of 1996.
- 3.21.07 Residential radio towers, citizen band radios, ham operations, and attendant facilities shall be permitted as accessory uses and/or structures to a residential use. Freestanding towers shall be setback from the property line a distance equal to or greater than the height of the tower.

**Section 3.22 Site: Access To Streets**

- 3.22.01 In any residential, business, and manufacturing district, every use, building, or structure established after the date of this Chapter shall be on a lot or parcel which adjoins a public street, such street right-of-way to be at least sixty-six (66) feet in width unless a greater width has been established prior to commencement of such use or commencement of construction by the Village Council or shall adjoin a private street which has been approved as to design and construction by the Village Council. A parcel shall not be regarded as adjoining a street, public or private, merely because such

street dead ends at the property line, where the common boundary between the street and the parcel is shorter than the full width of the street.

- 3.22.02 Every building and structure constructed or relocated after the effective date of adoption or amendment of this Chapter shall be located on lots as to provide safe and convenient access for fire protection vehicles and required off-street parking and loading areas.

**Section 3.23 Site: Visibility at Intersections**

On a corner lot in any zoning district, no fence, wall, hedge, screen, structure, or planting shall be placed in such manner as to materially impede the vision between the height of two and one half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street right-of-way lines of such corner lots and the line joining points along said street lines twenty (20) feet from their point of intersection as measured along the street right-of-way lines. The same shall apply for fencing abutting detached garages located the non-addressed side of a corner lot (see Section 3.20.05(g)).

**Section 3.24 Site: Waste Receptacles and Screening**

Garbage, ashes, rubbish and similar refuse to be stored outside a multiple-family dwelling, manufactured housing community, all commercial and private recreational sites, and the commercial and industrial districts shall be stored within approved containers and situated in a centralized location(s) on the site. The waste receptacle and its enclosure shall comply with the following requirements:

- 3.24.01 **Location Provided On-Site Required:** A space for the location of a waste receptacle, including a dumpster or compactor, paved with a concrete pad, shall be provided for each zoning lot in all non-residential districts regardless of whether or not use of a waste receptacle is intended.
- 3.24.02 **Requirements for the Base:** The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed of six (6) inches of reinforced concrete. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- 3.24.03 **Location:** The waste receptacle shall be located in a rear yard or interior side yard and shall be clearly accessible to servicing vehicles. It shall be located as far as possible from any adjoining residential district or use.
- 3.24.04 **Screening:** Waste receptacles shall be screened from view on all sides. Such screening shall consist of any permanent building wall or obscuring wall constructed of brick or decorative concrete material which is not less than six (6) feet in height or at least one (1) foot above the height of the enclosed waste receptacle, whichever is greater. Gates providing access shall also provide screening. Enclosure materials are required to match the materials of the principal structure.

**Section 3.25 Site: Non-Motorized Circulation**

- 3.25.01 **Applicability:** Sidewalks or bike paths shall be required for any site plan, sketch plan, site condominium plan, condominium plan or subdivision plat.

3.25.02 **Non-Motorized Circulation in Residential Districts:** Sidewalks are required in all residential districts subject to the following:

- (a) For new residential neighborhoods and multiple family developments, a five (5) foot wide sidewalk is required on both sides of the internal streets and along the site's frontage on existing roads. In some cases, the Planning Commission may require a wider dimension along the site's frontage to be consistent with the existing sidewalk or bikepath network.
- (b) For residential in-fill projects a five (5) foot wide sidewalk is required along the site's frontage.
- (c) The Planning Commission may require a trail system within open space areas that shall link to the internal sidewalk system and/or public sidewalk.
- (d) Public walkways may be required in the middle of any block over 1350 feet in length to obtain satisfactory pedestrian circulation within the neighborhood, to provide access to parks or open space, to provide links with an adjacent neighborhood or to provide access to an activity center. Where walkways are required, an easement at least twenty (20) feet wide shall be provided. The Village may require placement of a fence along the easement to ensure the location is visible and to protect the adjacent property owners.
- (e) Where an approved subdivision plat or site plan contains sidewalks, a certificate of occupancy shall not be issued until the required sidewalk is installed along that individual lot's frontage.

3.25.03 **Non-Motorized Circulation in Non-Residential Districts:** A six (6) foot wide sidewalk is required along the site's frontage. The Planning Commission may require a link to the sidewalk systems of adjoining residential neighborhoods in instances where the residents would benefit from a direct sidewalk connection to the subject site.

3.25.04 **Bike Path:** In all zoning districts, for sites that have frontage on an 'Arterial' or 'Collector' as delineated on the Transportation Plan Map in the Village Master Plan, a ten (10) foot wide bike path is required in place of the required sidewalk. Where site constraints exist and where the bike path is not compatible with the improvements and character of adjoining properties, the Planning Commission may permit installation of a sidewalk in place of the bike path. Arterial and Collector routes include: M-50/Tecumseh/Monroe Street, Riley Street/Main/Stowell Road, Toledo Street, Ann Arbor Road, Wilcox Road, Dundee-Azalia Road, Oak Street, Rawson Street, Ypsilanti Street, and Adams Street.

3.25.05 **Walkways from the Sidewalk to Building Entrances:**

- (a) A continuous pedestrian walkway shall be provided from any adjacent street sidewalk to building entrances, including multiple family buildings.
- (b) Internal walkways shall incorporate a mix of landscaping, benches, drop-off bays and bicycle facilities for at least fifty percent (50%) of the length of the walkway.
- (c) Walkways shall be connected to adjacent sites wherever practicable.

**3.25.06 Walkways from Parking Areas to Building Entrances**

- (a) Internal pedestrian walkways shall be provided to the building(s) from internal parking areas, including multiple family buildings.
- (b) The walkways shall be designed to separate people from moving vehicles as much as possible.
- (c) The walkways shall be distinguished from the parking and driving areas. This may be accomplished with a raised elevation or with the use special pavers, bricks or scored/stamped concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the Village Council, Planning Commission or Zoning Enforcement Officer.

**3.25.07 Construction standards:** The following construction standards shall apply to all pedestrian facilities:

- (a) All sidewalks shall be concrete and constructed to the specifications of the American Society of Highway and Transportation Officials (ASHTO).
- (b) All bikepaths shall be asphalt or concrete, as determined by the Planning Commission and constructed in accordance with the specifications of ASHTO.
- (c) Walking trails, when provided, shall be six (6) foot wide crushed aggregate stone or asphalt, or wooden boardwalks in areas with sensitive environmental features. The path shall be linked to the internal sidewalks system.
- (d) Sidewalks and bikepaths shall be installed by the developer within the dedicated street right-of-way, private road access easements or special easement where grades or other factors prevent placement within the right-of-way or access easement.
- (e) Crosswalk pavement markings and signs may be required.
- (f) An inclined approach shall be required where sidewalks and bikepaths intersect curbs for barrier free access to the sidewalk.
- (g) A performance guarantee, in lieu of sidewalk/pathway construction, may be required by the Planning Commission in instances where significant site constraints, such as significant grade changes to adjacent undeveloped property or when utility and other infrastructure improvements are planned for the site. Under these circumstances, the sidewalk/pathway shall be constructed once the site constraints can be eliminated or reduced.

**Section 3.26 Site: Supplementary Height Regulations**

The following kinds of structural appurtenances may be permitted to exceed the height limitations for an authorized use.

- 3.26.01 Schools, churches, hospitals and other institutional buildings may be erected to a height not exceeding sixty (60) feet provided the front, side and rear yards shall not be less than the height of the building wall abutting that yard.
- 3.26.02 Chimneys, church spires, cupolas, domes, towers, penthouses, water tanks, monuments may be erected to a height up to sixty (60); flag poles may be up to forty (40) feet tall. The Village shall be provided sufficient evidence to assure that adjacent uses and structures are not threatened due to a collapse of the structure for any reason.

- 3.26.03 Mechanical equipment such as blowers, ventilating fans and air conditioning units, shall be placed no closer than three (3) feet to any lot line in commercial districts and no closer than twelve (12) feet to any lot line in residential districts. Mechanical equipment in industrial districts shall comply with all yard setbacks.
- 3.26.04 Any mechanical equipment, including water and gas meters, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, and other similar equipment, located on the roof of any building shall comply with the following standards:
- (a) All such equipment shall be screened by a solid wall, fence, landscaping and/or architectural feature that is constructed of the same material and compatible in appearance with the principal building.
  - (b) Roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. When roof-mounted equipment is located on a building that is adjacent to a residential use or is in view from the adjacent roadway, appropriate architectural screening shall be required.
- 3.26.05 Structural extensions appropriate to the building design, such as cornices, shall be limited to five (5) feet above the stated height limit.
- 3.26.06 Silos and other similar farm structures shall be limited to fifteen (15) feet above the stated height limit.

**Section 3.27 Site: Projections into Yards**

The following table outlines instances where projections into the required yard of the district is permissible.

Projection	All Yards	Rear Yard	Side Yard
Air conditioning equipment shelters	--	x	x
Air conditioning units, window mounted	X	--	--
Access drives	X	--	--
Arbors and trellises	X	--	--
Architectural entrance features (1)	X	--	--
Awnings and canopies	X	--	--
Bay windows (1)	X	--	--
Decks, open or enclosed (2)	--	x	x
Eaves, overhanging (1)	X	--	--
Fences	X	--	--
Flagpoles	X	--	--
Gardens	X	--	--
Gutters (1)	X	--	--
Hot tubs	--	x	x
Landscaping	X	--	--
Laundry drying equipment	--	x	x
Light standard, ornamental	X	--	--
Paved terraces and open porches (2)	X	--	--

Privacy walls	--	x	--
Sidewalks, bikepaths and walkways	X	--	--
Signs	X	--	--
Stairways, open unroofed	X	--	--
Steps and stoops	X	--	--
Swimming pools	X	x	x
Reception towers/antennas	x (3)	--	--
Walls	X	--	--
Waste receptacles	--	x	x

x = Permitted in any area of yard

Notes related to table:

- (1) Architectural Features: Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves and other architectural features may project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend into any front or rear yard not more than twenty four (24) inches.
- (2) Terraces, Decks and Porches: Open paved terraces and open porches may project into a required front yard up to fifteen (15) feet. Open paved terraces, decks and open porches may project into a required side or rear yard up to thirty percent (30%) of the required minimum side or rear yard.
- (3) Reception towers/antennas shall be subject to the requirements of Section 3.20.

**Section 3.28 Site: Lot Measurement along a Cul-de-Sac.**

For lots located on a cul-de-sac, calculations of the minimum dimensional standards shall be according to this Section.

- 3.28.01 Minimum frontage shall be no less than 20% of the lot width required for the district, or sixteen (16) feet, whichever is greater and shall be measured along the curved front lot line.
- 3.28.02 Minimum required front yard setback shall be defined along a curve parallel to the front lot line.
- 3.28.03 Minimum lot width shall be measured along the curve that defines the minimum front yard setback.

**Section 3.29 Repair of Vehicles**

The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any residential zoning district, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:

- 3.29.01 Procedures exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within an enclosed building.
- 3.29.02 Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.

**Section 3.30 Commercial Vehicle Parking and Storage**

- 3.30.01 Commercial vehicles shall not be considered as an accessory use to a single-family dwelling except as permitted below:
- (a) The vehicle shall be used as the principal means of transportation for a resident in the conduct of such resident's employment or profession or is the resident's sole means of motor vehicle transportation.
  - (b) The vehicle shall not be a utility trailer, dump truck, stake truck, flat-bed truck, wrecker or semi-tractor.
  - (c) No part of the vehicle may exceed seven (7) feet in overall height, measured from grade.
  - (d) The vehicle shall not have outside brackets or holders for ladders, tools, pipes or other similar equipment.
  - (e) The vehicle shall not have more than four (4) rear wheels.
  - (f) The vehicle shall not exceed eleven thousand (11,000) pounds gross weight.
- 3.30.02 The parking or storage of essential public service vehicles, such as a police vehicle, fire department or vehicle of a public agency where the vehicle is operated by the homeowner or the occupant is exempt from these provisions.
- 3.30.03 Commercial vehicles which are employed in conjunction with the permitted use of a lot, parcel or any premises shall be parked or stored in compliance with the following provisions:
- (a) For sites with a site plan approved subsequent to the effective date of this Section, such vehicles shall be parked or stored in parking or loading spaces designated for that purpose on the site plan.
  - (b) For situations not covered under (a) above, such vehicles shall not be parked while the commercial establishment is closed to the public or stored in any parking space adjacent to the public right-of-way except when the number of commercial vehicles under control of the owner and/or occupant exceeds the number of available parking spaces.
- 3.30.04 Commercial vehicles intended to be used as signs are prohibited. No commercial vehicle may be parked on a business premises or an industrial lot for a time period exceeding forty-eight (48) hours for the intended purpose, as determined by the building official, of advertising a product or serving as a business sign.
- 3.30.05 In any multiple-family residential district, the property owner or the controlling association shall provide a designated area, approved by the Planning Commission, to park or store commercial vehicles. Required parking spaces shall not be used for the parking or storage of commercial vehicles.
- 3.30.06 The parking or storage of commercial vehicles for residential, office or storage purposes shall not be permitted.