

ARTICLE 5:  
APPROVAL  
PROCEDURES

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DIVISION 1:  
SITE PLAN  
REVIEW

VILLAGE OF MAYVILLE ZONING ORDINANCE

**Article 5**

Division 1: Site Plan Review

**Sec. 14.01. Purpose**

1. It is the intent of this Article to require site plan review approval by the Planning Commission to issuance of a building permit for certain buildings, structures, and uses that can be expected to have an impact on natural resources, traffic patterns, adjacent parcels, and the character of future development, and for all special land uses, to ensure that all such buildings, structures, and uses are in conformity with the provisions of this Article.
2. It is further the intent of this Article to require the eventual upgrade of existing sites that do not conform with current standards of this Article and ensure that the arrangement, location, design, and materials within a site are consistent with the character of the Village and the goals and design guidelines in the Village of Mayville Master Plan.

**Sec. 14.02. Uses Requiring Site Plan Review**

Uses Requiring Site Plan Review					
	Use or Activity	Requires Site Plan Review		Sketch Plan Review (Administrative Approval)	Exempt
		Administrative Approval	Planning Commission Approval		
a.	New construction of any non-residential or multiple-family development; specifically non-residential buildings greater than 1,500 square feet in all districts excluding Central Business District.	•			
b.	All uses subject to special conditions.				
c.	All site plans with multiple phases				
d..	Site condominium developments or Residential Subdivision plans.		•		

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Uses Requiring Site Plan Review					
	Use or Activity	Requires Site Plan Review		Sketch Plan Review (Administrative Approval)	Exempt
		Administrative Approval	Planning Commission Approval		
e..	Planned Developments (PDs) in accordance with Article 5, Division 2: PUD, Planned Unit Development Overlay District Standards.				
f..	Erection of a tower, antenna, or other communication facility; essential public service buildings and storage yards.	•			
g..	Co-location of a communication antenna upon an existing tower.			•	
h..	Adult and child residential care facilities including day-care centers, foster care homes, family day-care homes and group homes.	In accordance with Section 86-131			
i.	Home occupations.			•	
j.	Temporary uses, buildings, structures, and seasonal events.			•	
k.	An increase in floor area of uses subject to site plan review up to 1,000 square feet or 5% of existing floor area, whichever is less.			•	
l.	Change in use to one permitted in zoning district and requires no significant changes to building footprint, parking, landscaping,			•	

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Uses Requiring Site Plan Review					
	Use or Activity	Requires Site Plan Review		Sketch Plan Review (Administrative Approval)	Exempt
		Administrative Approval	Planning Commission Approval		
	lighting, signs, bike paths, or sidewalks.				
m.	Improvements to outdoor recreational uses and parks.			•	
n.	Expansion, replacing or alteration of landscaping areas consistent with this Article.			•	
o.	Improvements or installation of walls, fences, or lighting.			•	
p.	Alterations to off-street parking layout or installation of pavement or curbing improvements provided total number of spaces does not change the number of parking spaces by more than five percent (5%) or to meet various Federal, State, or Americans with Disabilities Act requirements and the construction plans and lot construction are approved by the appropriate Village staff.			•	
q.	Construction or relocation of a waste receptacle or enclosure.			•	
r.	Changes to facade, architectural features, or wall signs (elevation plan showing changes and construction materials is required) pursuant to ARTICLE 2, DIVISION 3, SECTION 86-51: SITE	•			

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Uses Requiring Site Plan Review					
	Use or Activity	Requires Site Plan Review		Sketch Plan Review (Administrative Approval)	Exempt
		Administrative Approval	Planning Commission Approval		
	DEVELOPMENT REQUIREMENTS, and in compliance with the Mayville Downtown Design Guidelines.				
s.	Approved changes to utility systems.			•	
t.	Grading, excavation, filling, soil removal, creation of swimming pool, creation of ponds, or tree clearing over 100 square feet.			•	
u.	Grading, excavation, filling, soil removal, creation of ponds, installation of a swimming pool, or clearing of trees within an area of less than 100 square feet.				•
v.	Modifications to nonconforming uses, buildings or sites, including a change to a more conforming situation; modifications to nonconforming single-family dwelling units shall be in accordance with ARTICLE 6, DIVISION 1: NONCONFORMING USES, STRUCTURES, AND LOTS.			•	
w.	Modifications to upgrade a building to improve barrier free design, comply with Americans with Disabilities Act or other Federal, State or County regulations.			•	

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Uses Requiring Site Plan Review					
	Use or Activity	Requires Site Plan Review		Sketch Plan Review (Administrative Approval)	Exempt
		Administrative Approval	Planning Commission Approval		
x.	Construction or erection of permitted accessory buildings and structures accessory to a single- or two-family dwelling unit.				•
y.	Construction, reconstruction, erection and/or expansion of single-family or two-family dwelling on parcel zoned solely for residential purposes.				•
z.	Development regulated by the Land Division Act of 1997 (P.A. 112) and Chapter 70: Subdivisions of the Code of Ordinances, Village of Mayville.				•
aa.	Erection of essential public service local distribution lines.				•
bb.	Construction, erection or relocation of permitted accessory buildings and structures less than 100 square feet in area accessory to a multiple-family, commercial, office, essential service, municipal, or industrial use.				•
cc.	Keeping of animals as an accessory use without additional structures, except kennels under the Special Land Use requirements.				•

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Uses Requiring Site Plan Review					
	Use or Activity	Requires Site Plan Review		Sketch Plan Review (Administrative Approval)	Exempt
		Administrative Approval	Planning Commission Approval		
dd.	Construction of accessory building or structure for the keeping of animals.			•	
ee.	Accessory outdoor display of general retail items as determined by the Zoning Administrator.			•	
ff.	Internal construction or change in the floor plan for a conforming use that does not increase gross floor area, provided the construction cost over a 12-month period does not exceed 50% of the building SEV or affect parking requirements on a site.				•
gg.	Construction or erection of signs, antennas, cooling/heating or other mechanical equipment, telephone booth, newspaper boxes, or similar structures which conform to other Village standards and where site plan review is not specifically required under other sections of this Article.				•
hh.	Any proposed building or use which does not qualify for sketch plan or exempt from any site plan review.	•			

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### **Sec. 14.03. Planned Unit Developments, Site Condominiums, and Condominium Subdivisions**

Site plans for planned unit developments shall be subject to the provisions of *Article 5, Division 2: Planned Unit Development*, and site condominiums and condominium subdivisions shall be subject to the provisions of *Article 5, Division 5: Condominium Development Standards*, and the Condominium Act (MCLA 559.101 et seq.).

### **Sec. 14.04. Projects Exempt from Site Plan Review**

Projects identified as exempt from site plan review must still meet all applicable zoning ordinance and code requirements and obtain a Certificate of Zoning Compliance prior to application for a building permit or construction.

### **Sec. 14.05. Projects Eligible for Sketch Plan Review and Administrative Approval**

1. Intent. The intent of this section is to permit submittal of sketch plan in certain specific instances where a complete site plan is not considered essential to ensure compliance with the intent and standards of this Ordinance. The intent is to also provide for an administrative review by Village staff or Planning Commission approved site plans for compliance with conditions as imposed by the Planning Commission.
2. Eligibility. A sketch plan, rather than a complete site plan package, may be submitted for uses or activities identified in *Section 14.02. Uses Requiring Site Plan Review*.
3. Procedure
  - a. Sketch Plan. The process for administrative approval of a sketch plan shall involve submittal of the sketch plan and required application form, and fee to the Zoning Administrator. The Zoning Administrator shall review the sketch plan in accordance with the same standards used by the Planning Commission for a full site plan. The Zoning Administrator shall make a report of administrative reviews to the Planning Commission.
  - b. The minimum contents of a sketch plan submitted for administrative review include:
    - 1) Cover sheet including:
      - a) Completed application form and fee.
      - b) Title block with sheet number/title; name, address, and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year).
      - c) Scale and north-point.
      - d) Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning, and streets within a quarter mile.
      - e) Legal and common description of property including net acreage.
      - f) Identification and seal of registered or licensed architect, engineer, land surveyor, or landscape architect who prepared drawings.
      - g) Zoning classification of petitioner's parcel and all abutting parcels.
      - h) A note on each plan sheet stating ``Not to Be Used as Construction Drawings.''
      - i) Buildings and Structures
      - j) Existing and proposed buildings and parking lots with dimensions, setbacks, and percent coverage.
      - k) Floor plan indicating existing and proposed uses.



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- l) Building elevations including materials and colors for all sides with proposed changes. Building material samples shall be submitted to the Zoning Administrator for approval.
  - m) Parking and Access: Existing and proposed parking calculations.
  - n) Existing and proposed driveways.
  - o) Site Data.
  - p) Existing and proposed landscaping illustrated on the plan and described in a plant list.
  - q) Proposed changes to grading and other natural features.
  - r) Existing and proposed lighting and screening.
  - s) Proposed changes to utilities.
  - t) Any other items requested by the Zoning Administrator to assist in the administrative review.
4. Planning Commission Approved Site Plan. If the administrative review consists of a review of an approved site plan with conditions by the Planning Commission, the complete site plan must be submitted with all revisions highlighted in such a manner that all modifications are easily identified.
  5. Additional Information. The Zoning Administrator retains the option to require additional information or a complete site plan for review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts, or sites experiencing problems with drainage, traffic, noise, aesthetics, or other general health and safety issues. If a full site plan is required, the Zoning Administrator shall inform the applicant to submit a set of plans in accordance with this Article within fourteen (14) days of receipt of the application.

### **Sec. 14.06. (Optional) Conceptual Site Plan Review**

The site plan approval process includes a review, at the option of the applicant, of a conceptual site plan by the Planning Commission. This option is recommended for site plans affecting locations designated in the Village of Mayville Master Plan as having significant natural features, sites containing floodplain or within the flood hazard zone, sites containing or potentially containing MDEQ designated/regulated wetlands, special land uses, and complex developments. The review of a conceptual site plan allows the Planning Commission and Village staff to review and comment on the project's compliance with the requirements of this Article prior to the preparation of all the required site plan review materials.

### **Sec. 14.07. Site Plan Submittal Requirements**

1. The site plan shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
  - a. Application, Form, and Fees. A completed application form, supplied by the Village, and an application fee; a separate escrow deposit may be required for administrative charges to review the site plan submittal. An application will not be placed on the Planning Commission agenda until the Zoning Administrator determines that the application is complete as reviewed by Village staff and consultants.
  - b. Proof of Ownership. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
  - c. Project Schedule. A narrative indicating the period of time within which the project will be completed.
  - d. Copies of the site plan.

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- e. Sheet Size. Sheet size of submitted drawings shall be twenty-four (24) inches by thirty-six (36) inches, with graphics at an engineer's scale of one (1) inch equals twenty (20) feet for sites of twenty (20) acres or less; and one (1) inch equals one hundred (100) feet or less (i.e. one (1) inch equals twenty (20) to one hundred (100) feet) for sites over twenty (20) acres.
- f. Cover Sheet. Cover sheet providing:
  - 1) Applicant's name
  - 2) Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan.
  - 3) Date of preparation and revision dates.
  - 4) North arrow.
  - 5) Property lines and dimensions.
  - 6) Complete and current legal description and size of property in acres.
  - 7) Small location sketch of sufficient size and scale to determine the site's location within the Village.
  - 8) Note on each plan sheet stating "Not to Be Used as Construction Drawings."
- g. Site Plan. Plan sheet(s) indicating:
  - 1) Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.
  - 2) Lot lines and all structures on the property and within one hundred (100) feet of the site's property lines.
  - 3) Location of any vehicle access points on both sides of the street within one hundred (100) feet of the site along streets where vehicle access to the site is proposed.
  - 4) Existing buildings and any public or private easements, noting those which will remain, and which are to be removed.
  - 5) Layout and typical dimensions of proposed lots, footprints and dimensions of proposed buildings and structures; uses with the acreage allotted to each use; for residential developments, the number, type, and density of proposed housing units; if a multi-phase development is proposed, identification of the areas included in each phase.
  - 6) Elevations showing height, materials, and colors for all proposed structures, including any residential units, shall be provided and considered part of the approved site plan; the building elevations must show all rooftop mechanical units along with the proposed method of screening.
  - 7) Building footprints, setbacks, typical floor plans, and a sketch of any ground mounted equipment to scale along with required screening.
  - 8) Proposed lot coverage percentage and impervious surface percentage.
  - 9) Existing and proposed locations of utility services (with sizes), including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements; notes shall be provided clearly indicating which existing services will remain and which will be removed.
  - 10) Locations of all natural, historical, and architectural features; natural features shall include all woodlands, trees (in accordance with Article 4, Division 3, *Section 11.05. Incentives to Preserve Existing Trees*), non-MDEQ regulated wetlands, lakes, rivers, drainageways, topography, etc.
  - 11) Location(s) of any MDEQ- regulated wetland, including submission of a wetland delineation by a qualified wetland consultant, and indication of the status of application for an MDEQ

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- wetland permit or copy of permit received including description of any wetland mitigation required; and location of other non-regulated wetland areas over two (2) contiguous acres.
- 12) Location(s) of all properties within the Floodplain.
  - 13) Location and method of screening for all waste receptacles including dumpsters and compactors, meeting the requirements of Article 3, Division 1, *Section 08.40. Waste Receptacles and Enclosures*.
  - 14) Location and dimensions of parking lots and spaces, and loading/unloading areas (including vehicle pathway to access loading area), and calculations to meet the requirements of Article 4, Division 1, *Section 09.08. Off-Street Parking and Loading-Unloading Standards*.
  - 15) Details of exterior lighting meeting the requirements of Article 4, Division 5: *Section 13.05. Lighting Standards* including locations, height, method of shielding; and a photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).
  - 16) Size, type, and location of proposed identification signs including:
    - a) Location, type, height and method of lighting for identification signs.
    - b) Location and type of any directional or regulatory/traffic control signs, with details for any sign not conforming to the Michigan Manual of Uniform Traffic Control Devices.
  - 17) Details of site circulation and access design, including:
    - a) Dimensions of existing and proposed right-of-way lines, including those abutting the site, and names of abutting public streets.
    - b) Indication of pavement widths and pavement type including internal service and access drives.
    - c) Street horizontal and vertical dimensions, including curve radii.
    - d) Locations and dimensions of access points, including deceleration or passing lanes, distance from adjacent driveways or intersection streets, including those across a street.
    - e) Location of existing sidewalks and location and dimensions for proposed sidewalks and bicycle paths.
    - f) Written verification of access easements or agreements, if applicable.
    - g) Landscape Plan. A landscape plan in accordance with Article 4, Division 3: Landscape Standards and Tree Replacement, indicating proposed plant locations with common plant name, number, and size in caliper at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade.
  - h. Grading Plan. A site grading plan for all developments where grading will occur, with existing and proposed topography at a minimum of two-foot contour levels and with topography extending a minimum of fifty (50) feet beyond the site in all directions and a general description of grades within one hundred (100) feet, and further where required to indicate stormwater runoff into an approved drain or detention/retention pond.
  - i. Stormwater Management Plan. A general description and location of stormwater management system shall be shown on the grading plan, including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design (slope) of any retention/detention ponds. Stormwater outfall structures or basins constructed in an MDEQ-regulated wetland may require an MDEQ wetland permit; and, if constructed below the ordinary high water mark of an inland lake or stream, will require a permit under the Inland Lakes & Streams Act, PA 346 of 1972, as amended. Status of all such MDEQ permit applications or copies of permits with attached conditions shall be provided as applicable.

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- j. Additional Items. Any additional graphics or written materials requested by the Planning Commission or Village Council to assist the Village in determining the compliance with the site plan standards, such as aerial photography, photographs, traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways, and impact on significant natural features and drainage.

### **Sec. 14.08. Standards for Site Plan Approval**

1. Based upon the following standards, the Planning Commission may recommend approval, approval with conditions, or denial of the site plan:
  - a. General. All elements of the site plan shall be designed to take into account the site's topography, existing historical and architectural features, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Article.
  - b. Building Design. The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development in accordance with the requirements of Article 2, Division 3, *Section 05.03-05.05 Site Development Requirements*.
  - c. Preservation of Significant Natural Features. Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural features, in particular woodlands, MDEQ-designated/regulated wetlands, and, to a lesser extent, wetlands which are not regulated by the MDEQ.
  - d. Landscaping. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Article. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of *Article 4, Division 3: Landscape Standards and Tree Replacement*.
  - e. Streets. All streets shall be developed in accordance with the Village of Mayville engineering and construction standards, unless developed as a private road in accordance with the requirements of *Article 3, Division 1, Section 08.28. Private Road Standards*.
  - f. Access, Driveways, and Circulation. Safe, convenient, un-congested, and well defined vehicular and pedestrian circulation within and to the site shall be provided and shall meet the following criteria:
    - 1) Drives, streets, parking, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
    - 2) All driveways shall meet the design and construction standards of the Village.
    - 3) Access to the site shall be designed to minimize conflicts on adjacent streets, particularly left turns into and from the site.
    - 4) For uses having frontage and/or access on a major traffic route, as defined in the Village of Mayville Master Plan, the number, design, and location of access driveways

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and other provisions for vehicular circulation shall comply with the provisions of Article 4, Division 2: Access Management And Driveway Standards.

- g. Emergency Vehicle Access. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Village fire and police departments.
- h. Sidewalks, Pedestrian and Bicycle Circulation. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/pedestrian or bicycle pathways in the area in accordance with Article 3, *Section 08.33. Sidewalks, Bike paths, and Other Walkways*.
  - 1) A pedestrian circulation system shall be separated from vehicular circulation system.
  - 2) In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals, and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/service restaurants, and other high traffic areas of pedestrians or bicycles.
- i. Barrier-free Access. The site has been designed to provide barrier-free parking and pedestrian circulation.
- j. Parking. The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by Article 4, Division 1: Off-Street Parking and Loading Standards. However, where warranted by overlapping or shared parking arrangements, the Planning Commission or Village Council may reduce the required number of parking spaces as permitted in *Shared Parking, Section 09.06., Parking Lot Deferment*.
- k. Loading and Storage. All loading and unloading areas and outside storage areas shall be screened as determined by the Planning Commission in accordance with *Article 4, Division 3: Landscape Standards and Tree Replacement*.
- l. Soil Erosion Control. The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Village Engineer.
- m. Utilities. Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.
- n. Stormwater Management. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion, and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
- o. Lighting. Exterior lighting, in accordance with *Article 4, Division 5: Lighting Standards*, shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
- p. Noise. The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.

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- q. Mechanical Equipment and Utilities. Mechanical equipment and utilities, roof, building and ground mounted, shall be screened in accordance with the requirements of Article 3, Division 1, *Section 08.20. Mechanical Equipment and Utilities.*
- r. Waste Receptacles. Waste receptacles shall be provided as required in *Article 3, Division 1, Section 08.40. Waste Receptacles and Enclosures.*
- s. Signs. The standards of *Article 4, Division 4: Signs* must be met.
- t. Hazardous Materials or Waste. For businesses utilizing, storing, or handling hazardous material such as automobile service and automobile repair stations, automobile body repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.
- u. Other Agency and Department Reviews. The applicant has provided documentation of compliance with other appropriate agency and department review standards, including, but not limited to, the MDEQ, MDOT, Tuscola County Drain Commission, Tuscola County Health Department, Michigan Department of Floodplain Management, Village of Mayville Police, Fire, Building, etc., and other Federal and State agencies, as applicable.

### **Sec. 14.09. Site Plans with Multiple Phases**

The Planning Commission shall review site plans with multiple phases as a site plan meeting the submission requirements of this Division, *Section 14.07. Site Plan Submittal Requirements.* Any future phases identified on a site plan must be reviewed by the Planning Commission in the form of a site plan submission. The Planning Commission may require that the conceptual layout for future phases and outlots be shown on site plans to ensure proper development of the overall site. When a future phase of development is identified on a site plan, however, the Planning Commission is not bound by any aspect of that portion of the plan until a site plan meeting the requirements of this Article have been provided. In addition, any phase of a site plan where construction has not commenced within one (1) year from the date of approval must return to the Planning Commission for a new site plan approval.

### **Sec. 14.10. Conditions of Site Plan Approval**

1. As part of an approval to any site plan, the Zoning Administrator or Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary to ensure that public services and facilities can accommodate the proposed site plan and its activities, to protect significant natural features and the environment, and to ensure compatibility with adjacent land uses. Such conditions shall be considered necessary by the Zoning Administrator or Planning Commission to ensure compliance with the review standards of this Division, *Section 14.08. Standards for Site Plan Approval,* and necessary to meet the intent and purpose of this Article.
2. Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property or holder of the site plan.
3. A record of conditions imposed shall be recorded on the site plan and maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Division, *Section 14.12. Deviations from Approved Site Plan.*
4. A record of the decision of the Planning Commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.

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5. The Zoning Administrator may require that the applicant revise and resubmit a site plan in compliance with the conditions imposed by the Planning Commission. Should resubmittal be required, all modifications shall be highlighted on the plan in such a manner that the modifications are easily identified. The Zoning Administrator shall have authority to approve the site plan.
6. The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to terminate such approval following a public hearing.

### **Sec. 14-11. Validity of Approved Site Plan**

1. Approval of the site plan, including any phase of a multi-phased site plan, is valid for a period of eighteen (18) months. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the site plan shall be null and void.
2. Upon written application filed prior to the termination of the eighteen (18) month review period, the Planning Commission may authorize a single extension of the time limit for approval of a site plan for a further period of not more than eighteen (18) months. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period, the length of which shall be determined by the Planning Commission, but which shall not exceed eighteen (18) months.

### **Sec. 14.12. Deviations from Approved Site Plan**

1. Amendments to the approved site plan may occur only under the following circumstances:
  - a. An applicant or property owner who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
  - b. Minor changes may be approved by the Zoning Administrator. The Zoning Administrator must provide, in writing to the Planning Commission, documentation that the proposed revision does not alter the basic design, compliance with the standards of this Article, nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
    - 1) Change in size of structures, for residential buildings by up to five percent (5%), provided that the overall density of units does not increase.
    - 2) Change in square footage of non-residential buildings by up to five percent (5%) or one thousand (1,000) square feet, whichever is smaller.
    - 3) Alterations to horizontal and/or vertical elevations by up to five percent (5%).
    - 4) Movement of a building or buildings by no more than ten (10) feet.
    - 5) Increase in designated "areas not to be disturbed."
    - 6) Replacement of plantings approved in the site plan landscape plan by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one (1:1) or greater basis, with approval of the Zoning Administrator.
    - 7) Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
    - 8) Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
    - 9) Changes in floor plans which do not alter the character of the use.



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- 10) Slight modification of sign placement or reduction of size.
  - 11) Relocation of sidewalks and/or refuse storage stations.
  - 12) Internal rearrangement of parking lot which does not change the number of parking spaces by more than five percent (5%) or alter access locations or design.
  - 13) Changes required or by the Village for safety reasons.
- c. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, the Planning Commission shall be notified in writing that the site plan has been suspended, and, if construction has initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the site plan and submit to the Zoning Administrator for resubmission to the Planning Commission. All modifications must be highlighted in such a manner that the modifications to the approved plan are easily identified.
  - d. Any deviation from the approved site plan, except as authorized in this Division, *Section 14-12 Deviations from Approved Site Plan*, shall be considered a violation of this Article.

### **Sec. 14-13. Property Maintenance after Approval**

1. It shall be the responsibility of the owner of the property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities, and all other elements of a site.
2. Any property owner who fails to so maintain an approved site plan shall be deemed in violation of the provisions of this Article and shall be subject to the same penalties appropriate for a violation.
3. With respect to condominium projects, the master deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The master deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association.

### **Sec. 14-14. As-Built Drawings**

1. All projects within the Village which go through site plan and/or construction plan review shall be required to submit record drawings. The drawings will need to be reviewed and approved by the Village Engineer prior to final acceptance of the project by the Village of Mayville.
2. The initial submittals shall be of two (2) sets of black line prints providing the applicable information shown on the checklist below. The minimum scale shall be 1"=50' and shall bear the seal of a registered professional engineer or surveyor licensed to practice within the State of Michigan. All record lengths and elevations must be labeled as record.
3. After the record drawings have been approved by the Village Engineer, the applicant shall submit two (2) mylar copies of the approved drawings. A CD shall also be provided which contains a .pdf version of each sheet of the plan set with the following attributes.
4. Locations shall be shown on the plans in State Plane coordinates using the NAD83 Michigan South zone.
5. Individual pipe sizes and structure types should be on separate layers.



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6. The scale shall be 1:1.
7. Annotation should be snapped to the mid-point of lines. Lines should be snapped to the center of structures.

ARTICLE 5,  
DIVISION 2:  
PLANNED UNIT  
DEVELOPMENT  
(PUD) OVERLAY

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## VILLAGE OF MAYVILLE ZONING ORDINANCE

### Article 5

#### Division 2: Planned Unit Development (PUD) Overlay

##### Sec. 15.01. Intent

1. The Planned Unit Development (PUD) standards are a supplementary list of "overlay" zoning standards which apply to properties simultaneously with one (1) of the other zoning districts established in this Ordinance, hereinafter referred to as the "underlying" zoning district. For properties approved for PUD designation, these PUD standards replace the schedule of regulations listed for the underlying zoning districts.
2. The PUD standards are provided as a design option, intended to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership (such as condominiums), and variety in design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical, and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment, and shopping opportunities particularly suited to residents of the Village; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.
3. The standards are intended to accommodate development on sites with significant natural, historical, and architectural features, as noted in the Village of Mayville Master Plan, on land which exhibits difficult development constraints, and/or to provide the opportunity to mix compatible uses or residential types, and/or to allow clustering of residential units to preserve common open space and natural features. The PUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth.
4. In order to encourage PUD developments on specific properties, these standards relax or waive one (1) or more of the dimensional requirements of the underlying district. The PUD also allows the developer the opportunity to mix compatible uses or residential types on a single property, allows clustering to reduce construction costs, and may enhance marketability through the preservation of significant natural, historical, and architectural features.

##### Sec. 15.02. Principal Permitted Uses

Principal uses permitted under the PUD standards are based on the underlying zoning district, as indicated below:

1. SFR and MFR. All principal uses of the underlying district shall be permitted. In addition to those uses, low density multiple-family dwellings or a mixture of single and multiple-family dwellings on a planned basis, through the use of attached dwellings, townhouses

## VILLAGE OF MAYVILLE ZONING ORDINANCE

apartment buildings, zero lot line configurations, and/or other similar building configurations; or any combination of these residential uses may be permitted within the PUD.

2. CBD and LCD. All business, service, professional office, retail, and other commercial uses, or any combination of these uses, listed as principal uses permitted in the underlying zoning district shall be allowed. In addition, other business, service, and residential uses may be permitted, if determined by the Planning Commission to be similar to other uses in the surrounding area.
3. ID. All business, service, professional offices, light manufacturing, and other commercial uses, or any combination of these uses, listed as principal permitted uses in the underlying zoning district shall be permitted. In addition, other business, service, office, and light manufacturing uses may be permitted, if determined by the Planning Commission to be compatible with other proposed PUD uses and surrounding uses.

### **Sec. 15.03. Special Land Uses and Conditional Uses**

All uses listed as special land uses in the underlying district are considered as special land uses or conditional land uses within the planned unit development designation.

### **Sec. 15.04. Qualifying Conditions**

In order to qualify for PUD approval, the applicant must demonstrate in writing that each of the following criteria will be met by the proposed PUD:

1. Demonstrated Benefit. The PUD shall provide one (1) or more of the following benefits not possible under the requirements of another zoning district, as determined by the Planning Commission:
  - a. Preservation of significant natural or historic features.
  - b. A complementary mixture of uses or a variety of housing types.
  - c. Common open space for passive or active recreational use.
  - d. Mitigation to offset community impacts.
  - e. Redevelopment of a nonconforming site where creative design can address unique site constraints.
  - f. Implementation of a significant component of the Mayville Master Plan.
2. Availability and capacity of Public Services. The proposed type and density of use shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.
3. Compatibility with the Master Plan. The proposed PUD shall be compatible with the overall goals and recommendations as proposed in the Village of Mayville Master Plan.
4. Compatibility with the PUD Purpose. The proposed PUD shall be consistent with the purpose of Article 12 and spirit of this Ordinance.
5. Development Impact. The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance.

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6. Unified Control of Property. The proposed PUD shall be under single ownership or control such that there is a single entity having responsibility for completing the project in conformity with the PUD regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is provided to the Village.

### Sec. 15.05. Application and Review Procedure for Preliminary PUD Site Plan and Final PUD Site Plan

1. The application process for a PUD involves a three (3) step process including: an optional pre-application workshop; review of a preliminary (conceptual) site plan by both the Planning Commission and Village Council; and review of a final PUD site plan by the Planning Commission. The procedures are described below:



2. An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission agenda.
3. The applicant shall prepare and submit to the Village Clerk fifteen (15) copies of a preliminary PUD site plan for a PUD, meeting the requirements of Section 86-265: Preliminary PUD Site Plan Submittal Requirements, at least thirty (30) days prior to the meeting at which the Planning Commission shall first review the request; twenty-one (21) days for an applicant who has had a pre-application workshop on the proposal within sixty (60) days of the preliminary PUD site plan submittal. The Village President shall promptly transmit this plan to the members of the Planning Commission.
4. The Planning Commission shall review the preliminary PUD site plan and shall conduct a public hearing in accordance with the Michigan Zoning Enabling Act, Section 125.3503(5). During this review, the Planning Commission may request additional materials supporting the PUD proposal, or recommend modifications or conditions based on the standards of *Section 15.06. Standards for Approval of Preliminary PUD Site Plan*. The Planning Commission shall then, within sixty (60) days of the submittal, make a recommendation on the preliminary PUD site plan to the Village Council. The applicant shall incorporate these modifications or conditions recommended by Planning Commission prior to the review by the Village Council.
5. Following receipt of the Planning Commission recommendations, the Village Council shall take final action on said plan and petition within ninety (90) days of the date it receives a report from the Planning Commission or such reasonable extension of time as may be necessary for adequate review. A PUD rezoning is discretionary on the part of the Village

## VILLAGE OF MAYVILLE ZONING ORDINANCE

and the Village Council is not obligated to approve a PUD rezoning request unless, in its opinion, the proposal meets the purpose and requirements of this ordinance.

6. If any conditions are imposed upon the approval of the preliminary PUD site plan by the Village Council, a list of those conditions shall be made part of the approval and shall be reflected in the final PUD site plan.
7. Approval of the preliminary PUD site plan by the Village Council shall confer upon the owner the right to proceed through the subsequent PUD plan review phases for a period not to exceed three (3) years from date of approval. This period may be extended by the Village Council for one (1) additional three (3) year period.
8. The applicant shall submit fifteen (15) copies of detailed final site plans to the Village Clerk, as described in Section 15- 08.: Final PUD Site Plan Submittal Requirements, for all, or any phase of, the approved preliminary PUD site plan at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request.
9. Upon submission of all required materials and fees, the Planning Commission shall review such and shall approve, deny, or approve with conditions, in accordance with the standards and regulations of this Zoning Ordinance, the final PUD site plan.
10. If the final PUD site plan was approved with conditions, the applicant shall submit a revised site plan to the Village President in accordance with Article 5, Division 1, *Section 14.04: Projects Eligible for Sketch Plan Review and Administrative Approval* for approval prior to the issuance of any building permits.
11. If the approved preliminary PUD site plan indicated that the proposed development was to occur in phases, final site plan approval may be granted on each phase of the development, provided that each phase contains all the necessary components to insure protection of significant natural, historical, and architectural features, and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. Subsequent phases shall also follow the process for final PUD site plan outlined in this Article.
12. In the CBD District, the Village Council may, upon recommendation of the Planning Commission, approve an overall PUD plan for multiple sites and then require each subsequent developer to follow the process for final PUD site plan outlined in this Article. Depending upon the size and complexity of the project, the Village Council may then require each developer to enter into a separate PUD Agreement for each individual site or series of projects.

### **Sec. 15.06. Preliminary PUD Site Plan Submittal Requirements**

1. The preliminary PUD site plan shall set forth the proposed uses to be developed in the PUD. The following specific information shall be provided on a site plan:

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- a. Proof of Ownership. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- b. Written Documentation. Written documentation that the proposal meets the standards of Section 15.04: Qualifying Conditions.
- c. Application Form and Fees. A completed application form, supplied by the Building Official/Zoning Administrator, and an application/review fee; a separate escrow deposit may be required for administrative charges to review the PUD submittal.
- d. Sheet Size. Sheet size of submitted drawings shall be at least twenty-four (24) inches by thirty-six (36) inches, with graphics at an engineer's scale of one (1) inch equals twenty (20) feet for sites of twenty (20) acres or less; and one (1) inch equals one hundred (100) feet or less (i.e. one (1) inch equals twenty (20) to one hundred (100) feet) for sites over twenty (20) acres.
- e. Cover Sheet. Cover sheet providing:
  - 1) Applicant's name.
  - 2) Name of the development.
  - 3) Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan.
  - 4) Date of preparation and any revisions.
  - 5) North arrow.
  - 6) Property lines and dimensions.
  - 7) Complete and current legal description and size of property in acres.
  - 8) Small location sketch of the subject site and area within one-half (1/2) mile, and scale.
  - 9) Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site.
  - 10) Lot lines and all structures on the property and within one hundred (100) feet of the PUD property lines.
  - 11) Location of any vehicle access points on both sides of the street within one hundred (100) feet of the PUD site along streets where vehicle access to the PUD is proposed.
- f. PUD Site Plan. A site plan sheet indicating:
  - 1) Existing locations of all natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, MDEQ designated or regulated wetlands with supporting documentation, wetland areas two (2) or more acres in size, and a tree survey indicating the location and diameter (in inches, measured four (4) feet above grade) of "landmark" trees.

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- 2) Existing and proposed topography at five (5) foot contour intervals, and a general description of grades within one hundred (100) feet of the site.
- 3) Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths.
- 4) Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain, and which are to be removed.
- 5) Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and structures; uses with the acreage allotted to each use. For developments with residential components: the number, type, and density of proposed housing units.
- 6) General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained.
- 7) Size, type, and location of proposed identification signs.
- 8) Site Analysis. A separate plan sheet indicating locations of significant natural, historical, and architectural features, including landmark trees, that will be designated as "areas not to be disturbed" and secured through installation of a snow fence, other fencing, or police line during development of the PUD, including acreage of designated areas.
- 9) PUD Development Agreement. A draft written PUD Development Agreement specifying all the terms and understandings of the PUD development as prescribed in *Section 15.08: Final PUD Site Plan Submittal Requirements* may be required when deemed necessary by the Planning Commission.
- 10) Multi-Phased PUD. If a multi-phase PUD is proposed, identification of the areas included in each phase; for residential uses identify the number, type, and density of proposed housing units within each phase.
- 11) Additional Information. Any additional graphics or written materials requested by the Planning Commission or Village Council to assist the Village in determining the appropriateness of the PUD such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impact using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.

### **Sec. 15.07. Standards for Approval of Preliminary PUD Site Plan**



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1. Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the Village Council may deny, approve, or approve with conditions the proposed PUD.
2. The uses proposed shall be consistent with the Village's adopted Master Plan. Such uses must have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed must not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone or that of any other zoning district.
3. Any amendments to the dimensional standards of this Ordinance, such as lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards shall be reviewed and approved by the Planning Commission.
4. Any increase in the density requirements of the underlying zoning district must be approved by the Village Council upon recommendation of the Planning Commission and be included under preliminary review of the site plan.
5. The number and dimensions of off-street parking shall be sufficient to meet the minimum required by *Article 4, Division 1: Off-Street Parking and Loading Standards*. However, where warranted by overlapping or shared parking arrangements, the Planning Commission or Village Council may reduce the required number of parking spaces in accordance with *Article 4, Division 1, Section 9.02: General Requirements*.
6. All streets and parking areas within the PUD shall meet the minimum construction and other requirements of Village ordinances, unless modified by Village Council.
7. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
8. Sidewalks shall be provided in accordance with Article 3, Division 1, Section 8.32: Sidewalks, Bike paths, and Other Pedestrian Pathways.
9. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Plantings and other landscape features shall exceed the standards of *Article 4, Division 3: Landscape Standards and Tree Replacement*.
10. Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land, including EGLE regulated and nonregulated wetlands.
11. Surface water shall be retained on the site wherever possible.

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12. The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Village President. Public water and sewer facilities shall be available or shall be provided by the developer as part of the site development.
13. Building design shall be of a high quality, exceeding the standards of Article 2, Division 3, Commercial Mixed-Use Districts.

### **Sec. 15.08. Final PUD Site Plan Submittal Requirements**

1. The final PUD site plan shall include all the following information, unless the Village President determines that some of the required information is not reasonably necessary for the consideration of the PUD:

- a. All information required for site plan submittal in accordance with *Article 5, Division 1, Section 14.07: Site Plan Submittal Requirements*.
- b. Any additional graphics or written materials requested by the Planning Commission to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.
- c. A proposed written Development Agreement specifying all the terms and understanding of the PUD development including:
  - 1) A survey of the acreage comprising the proposed PUD.
  - 2) All conditions which the PUD approval is based, with reference to the approved preliminary PUD plan and a description of all deviations from Village regulations which have been requested and approved.
  - 3) The manner of ownership of the developed land.
  - 4) The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
  - 5) Provisions assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose; the Village may require conveyances or other documents to be placed in escrow to accomplish this.
  - 6) Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas, and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the Village Council.
  - 7) The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the Village Council.

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- 8) Provisions to ensure adequate protection of natural features and assurance for replacement of any trees and woodlands.
- 9) Any other concerns raised by the Planning Commission or Village Council regarding the construction and maintenance of the PUD.
- 10) The preliminary PUD plan shall be incorporated by reference and attached as an exhibit.
- 11) A written draft of PUD Design Guidelines specific to the PUD. Such document shall include provisions for site layout, access, vehicular and pedestrian circulation, parking, screening, building design and architecture, landscaping, open space, lighting, and signage. The Design Guidelines shall also include any variations to the dimensional standards of this Ordinance, such as density, lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards.

### **Sec. 15.09. Standards for Approval of Final Site Plan**

The Planning Commission shall use the standards for approval of *Article 5, Division 1, Section 14.08: Standards for Site Plan Approval*, and any design requirements developed specifically for the PUD by the Village Council, in reviewing the final PUD site plan.

### **Sec. 15.10. Conditions of Approval**

The Planning Commission may attach conditions to the final PUD site plan approval to meet the intent of this Article and *Article 5, Division 1, Section 14.10: Conditions of Site Plan Approval*.

### **Sec. 15.11. Validity of Approved Final PUD Site Plan**

1. Project Commencement. Construction on the approved final site plan, or for a phase thereof, shall be commenced and proceed in a reasonably diligent manner, within twelve (12) months of approval. If the PUD has not commenced and proceeded beyond site grading to include, at a minimum, installation of footings or foundations and underground utilities at the end of that twelve (12) month period, then the site plan shall be invalid and void.
2. Project Completion. The approved site plan shall remain valid for a three (3) year period following the date of final site plan approval, provided that the requirements of paragraph 1. above are met.
3. Extensions. The three (3) year period for project completion may be extended for one (1) year, if applied for by the petitioner and granted by the Planning Commission in writing following public notice and a public hearing. Failure on the part of the owner to secure the written extension shall result in a stoppage of all construction.

### **Sec. 15.12. Deviations from Approved Final PUD Site Plan**

1. Deviations and amendments from the approved final PUD site plan shall be reviewed and approved in accordance with *Article 5, Division 1, Section 14-12: Deviations from Approved Site Plan*.

## VILLAGE OF MAYVILLE ZONING ORDINANCE

2. Should the Planning Commission determine that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the modification shall be required and must be approved by the Village Council as a new preliminary PUD plan.
3. Any amendment to the PUD Design Guideline requirements established specifically for the PUD by the Village Council shall be adopted by resolution of the Village Council, upon recommendation of the Planning Commission, and will not require amendment of this Article of the Zoning Ordinance. Amendments to this document must be reviewed and approved in accordance with paragraph 1. above.
4. Any deviation from the approved PUD site plan, except as authorized in *Section 14-12, Deviations from Approved Final PUD Site Plan* shall be considered a violation of this Article and treated as a misdemeanor. Further, any such deviation shall invalidate the PUD designation.

### **Sec. 15.13. Appeals and Variances**

Amendments, appeals, and variances related to a PUD cannot be taken to the Zoning Board of Appeals in a PUD. Amendments can only be granted by the Planning Commission when it is determined that the requested amendments are in keeping with the overall purpose of PUD, as identified in *Section 15.01: Intent* and improve the quality of the development.

### **Sec. 15.14. PUDs Approved Prior to this Ordinance**

1. All properties zoned as PUD under the zoning district classifications in place prior to the adoption of this Ordinance shall be treated as follows:
  - a. Approved residential PUDs shall be rezoned to the appropriate residential district in conformance with their approved density. These and future such locations will be noted on the map as being approved PUD overlay zone districts. Any changes to the preliminary PUD plan and/or final site plans or revisions shall be regulated by this Ordinance.
  - b. Approved preliminary PUD site plans for mixed use PUDs shall be considered zoned as a mixed-use PUD in. The approved uses within such PUDs shall be in accordance with the approved locations of commercial, office, and residential uses as designated on the preliminary PUD site plan.
  - c. Any changes to the uses and/or their locations as approved on a mixed-use preliminary PUD plan shall meet Section 15.07: Standards for Approval of Preliminary PUD Site Plan. The applicant shall present graphics to illustrate the requested change, submit written materials documenting the need for the change and the adherence with the overall approved PUD concept, and submit updated copies of any traffic, environmental, or market studies which the Planning Commission or Village staff considered necessary to review the impacts of the proposed change.
  - d. All final site plans or revisions to final site plans for PUDs approved prior to the adoption of this Ordinance shall be regulated and reviewed in accordance with this Article.

### **Sec. 15.15 Tiny House Planned Unit Development (THPUD)**

1. Purpose. The purpose of the Tiny House Planned Unit Development (THPUD) is to:
  - a. Provide a housing type that responds to changing household sizes, ages and financial security (e.g., retirees, small families, single-person households, young professional);

## VILLAGE OF MAYVILLE ZONING ORDINANCE

- b. Provide opportunities for ownership of small, detached units within a neighborhood;
  - c. Encourage creation of more usable space for residents of the development through flexibility in density and lot standards;
  - d. Support the growth management goal of more efficient use of residential land;
  - e. Contribute to a strong sense of community through cluster arrangement;
  - f. Provide guidelines to ensure compatibility with surrounding uses; and
  - g. Allow for residential development in areas with environmental constraints like floodplains and woodlands.
2. Definition. A tiny house shall be defined as:
- a. A single-family dwelling of conventional modern construction and built to all Michigan building and sanitary codes;
  - b. Placed on a permanent foundation;
  - c. Has a total square footage of between 500 and 1,200;
  - d. Is sited on legally created parcel, subject to setbacks of this ordinance;
  - e. Is connected to water or well and sewer or septic; and
  - f. Is Only permitted as part of a Planned Unit Development (PUD).
3. Applicability. Tiny Housing Planned Unit Developments are allowed, as follows:
- a. Within single-family zones, SFR;
  - b. On single-family (SFR) zoned parcels adjacent to multifamily, commercial and industrial zoned parcels, as a transition to multifamily, commercial and industrial uses, including across the street on a case-by-case basis, approved by the Zoning Administrator; and
  - c. Within multifamily zoned properties (MFR).
4. Accessory dwelling units. Accessory dwelling units (ADUs) shall not be permitted in tiny housing developments.
5. Lot Requirements.
- a. Area. The minimum lot area per dwelling unit shall be of twelve hundred (1200) square feet. Maximum lot area per dwelling unit shall be three thousand (3000) square feet.
  - b. Maximum lot coverage 40% for structure, porches and drives 60%.
  - c. Lot Width. Minimum width per lot shall be 18 feet. Maximum width per lot 30 feet.
  - d. Lot Depth. Minimum length per lot 50 feet. Maximum length per lot 100 feet
6. House Site Arrangement.

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- a. Tiny housing developments shall contain a minimum of four tiny houses, with a maximum of 12 tiny houses per grouping. A development may contain multiple groupings.
  - b. Groups of tiny housing shall be arranged on at least two sides of a common open space, or a configuration as otherwise approved by the Village Administrator.
  - c. On a lot to be used for a tiny housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted tiny density.
7. Height Limit and Roof Pitch.
- a. The height limit permitted for structures in tiny housing developments shall be 18 feet.
  - b. The ridge of pitched roofs with a minimum slope of six to 12 (6:12) may extend up to 28 feet. The ridge of pitched roofs with a minimum slope of four to 12 (4:12) may extend up to 23 feet. All parts of the roof above 18 feet shall be pitched.
8. Lot Coverage and Floor Area.
- a. The maximum lot coverage permitted for buildings in tiny housing developments shall not exceed 60 percent.
  - b. The maximum main floor area is 700 square feet.
  - c. The total floor area of each tiny shall not exceed either one and one-half times the area of the main level or 1,200 square feet, whichever is less. Enclosed space in a tiny located either above the main level and more than 12 feet above finished grade, or below the main level, shall be limited to no more than 50 percent of the enclosed space of the main level, or 400 square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space but shall not apply to attic or crawl spaces (less than six feet in height).
  - d. Attached garages shall be included in the calculation of total floor area.
  - e. Areas that do not count as total floor area are:
    - 1) Unheated storage space located under the main floor of the tiny.
    - 2) Attached roofed porches.
    - 3) Detached garages or carports.
    - 4) Spaces with the ceiling height of six feet or less measured to the exterior walls, such as a second-floor area under the slope of a roof.
    - 5) The total square foot area of a tiny dwelling unit may not be increased under any circumstance.
9. Setbacks and Yards
- a. Yards. The front yard setback for tiny housing developments shall be 10 feet.

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- b. Rear Yards. The minimum rear yard for a tiny housing development shall be 10 feet.
  - c. Side Yards. The minimum required side yard shall be 10 feet.
  - d. Interior Separation for Tiny Houses in Clusters. The minimum separation shall be 10 feet.
10. Required Open Space.
- a. Quantity of Open Space. A minimum of 400 square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:
    - 1) A minimum of 200 square feet per unit shall be private usable open space (setbacks and common open space shall not be counted as private open space); and
    - 2) A minimum of 150 square feet per dwelling unit shall be provided as common open space. (Setbacks and private open space shall not be counted as common open space.)
    - 3) Critical areas and buffers shall not be counted as open space.
    - 4) Each house shall abut its private open space. A fence or hedge not to exceed three feet may separate private open space from common open space.
11. Development Standards. Tiny houses shall be oriented around and have their main entry from the common open space.
- a. Private usable open space shall be provided in one contiguous area with a minimum area of 200 square feet. No horizontal dimension of the open space shall be less than 10 feet and shall be oriented toward the common open space, as much as possible.
  - b. Required common open space shall be provided at ground level in one contiguous parcel. Each tiny house shall abut the common open space, and the common open space shall have tiny houses abutting at least two sides.
  - c. The minimum horizontal dimension for common open space shall be 10 feet.
  - d. Each tiny house shall have a covered porch or entry of at least 60 square feet with a minimum dimension of six feet on any side.
  - e. Secondary entrances facing a street or sidewalk shall have a five-foot by five-foot porch.
  - f. Separation of Identical Building Elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors.
  - g. Variety in Building Design. A variety of building elements and treatments of tiny houses and garage or carport must be incorporated. Structures must include articulation, change in materials or texture, windows, or other architectural feature as shown in the Village's design standards. No blank walls are allowed.

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- h. Five-foot-wide pedestrian pathways (sidewalks) must be included to provide for movement of residents and guests from parking areas to homes and other amenities.
12. Parking. Parking shall be:
- a. Located on the tiny housing development property.
  - b. Located in clusters of not more than five adjoining spaces.
  - c. Screened from public streets and adjacent residential uses by landscaping or architectural screening.
  - d. Parking is allowed between or adjacent to structures only when it is located toward the rear of the principal structure and is served by an alley or private driveway.
  - e. Off-street parking requirements are as follows:
    - 1) Units under 700 square feet: one space per unit;
    - 2) Units between 700 and 1,200 square feet: one and one-half spaces per unit
    - 3) At least one parking stall per dwelling will be enclosed or covered.
    - 4) Access to parking shall be from a private drive that is accessible from a public road. The private drive must meet the Village's engineering design and development standards.
    - 5) Not located in the front yard.
13. Covered Parking. Covered parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.
- a. For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.
  - b. Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which precludes the use of the parking spaces for vehicles is prohibited.
  - c. The design of carports must include rooflines similar and compatible to those of the dwelling units within the development.
14. Screening Requirements.
- a. Boundaries between tiny dwellings and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (i.e., through setbacks or architectural techniques) to meet the intent of this section.
  - b. Common waste and other storage receptacles shall not be placed in the front yard setback area.



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- c. Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent property owners, and the public rights-of-way.
15. Requests for Modifications to Standards. The Village President or Zoning Administrator may approve minor modifications to the general parameters and design standards set forth in this chapter, provided the following criteria are met:
  - a. The site is constrained due to unusual shape, topography, easements, flood prone, or sensitive areas.
  - b. The modification is consistent with the objectives of this chapter.
  - c. The modification will not result in a development that is less compatible with neighboring land uses.
16. Maintenance of open space and utilities. Before Final PUD approval is granted, the applicant shall submit covenants, deeds and homeowner's association bylaws and other documents guaranteeing maintenance and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed, approved, and recorded at the County.
17. Application and Review Procedure for Preliminary Tiny House PUD and Final Tiny House PUD Site Plan.
18. Application and review shall be consistent with *Sec.15-05 through Sec. 15.13*

ARTICLE 5,  
DIVISION 3:  
SPECIAL  
LAND USE

## VILLAGE OF MAYVILLE ZONING ORDINANCE

### Article 5

#### Division 3: Special Land Use

##### Sec. 16.01. Intent

The purpose of this Section is to permit and provide for a special review process for unique uses and activities in zoning districts where they would not otherwise be permitted, provided these uses and activities are made compatible with permitted uses in these districts by following the standards in this Section.

##### Sec. 16.02. Types of Special Land Use Permit Review

1. Types of Procedure. Special Land Use permits (SLU) are reviewed and approved through either a Planning Commission procedure and/or an administrative procedure depending upon the potential impact the proposed use or activity may have upon the adjacent land uses and the broader community.
2. Planning Commission approved Special Land Uses. Applications for Special Land Use permits for the following uses shall be reviewed by the Planning Commission according to the procedures and standards contained in this chapter:
  - a. New Buildings 3,000 Square Feet or Larger in Gross Floor Area for Allowed Uses
  - b. Amusement Parks, Carnivals, Fairgrounds
  - c. Automobile Gas Station
  - d. Auto Repair Establishment
  - e. Bed and Breakfast/airBnB
  - f. Commercial Parking Lot
  - g. Communication tower
  - h. Convention Center
  - i. Drive-throughs
  - j. Essential services structures
  - k. Golf Course
  - l. Golf Driving Range
  - m. Hospital
  - n. Outdoor Storage
  - o. Residential care and treatment facilities
  - p. Schools
  - q. Stores, retail, over 8,000 square feet per floor
  - r. Theaters, live, and performance art centers
  - s. Wind energy system, Pole or Tower-mounted

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3. Administrative Special Land Use Permits. Applications for Special Land Use permits for the following uses shall be reviewed by the Zoning Administrator according to the procedures and standards contained in this chapter:
  - a. Accessory Dwelling Units (ADU)
  - b. Adult Foster Care Small Group Home
  - c. Auto Wash (self-service or automatic)
  - d. Bars, Taverns, Microbreweries (Accessory) and Brewpubs
  - e. Communication Antennas
  - f. Funeral Homes
  - g. Group Day Care Homes, including Adult
  - h. Kennels
  - i. Mini-or Self Storage
  - j. Outdoor Retail/Display and Sales
  - k. Parking Area, private and public
  - l. Pet Boarding Facilities
  - m. Places of Worship
  - n. Restaurants with Open Front Window
  - o. Small Manufacturing Establishments
  - p. Veterinary Clinic/Hospital

### **Sec. 16.03. General Standards for Approval**

Each application for a special land use shall be reviewed for the purpose of determining that the proposed use meets all of the following standards:

1. The use shall be designed, constructed, operated and maintained so as to be harmonious and compatible in appearance with the intended character of vicinity.
2. The use shall not be hazardous nor disturbing to existing or planned uses in the vicinity.
3. The use shall be served adequately by existing or proposed public infrastructure and services, including but not limited to, streets and highways, police and fire protection, refuse disposal; water, wastewater, and storm sewer facilities; electrical service, and schools.
4. The use shall not create excessive additional requirements for infrastructure, facilities, and services provided at public expense.

## VILLAGE OF MAYVILLE ZONING ORDINANCE

5. The use shall not involve any activities, processes, materials, equipment or conditions of operation that would be detrimental to any person or property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors or water runoff.
6. Where possible, the use shall preserve, renovate and restore historic buildings or landmarks affected by the development. If the historic structure must be moved from the site, the relocation shall be subject to the standards of this section.
7. Elements shall relate the design characteristics of an individual structure or development to existing or planned developments in a harmonious manner, resulting in a coherent overall development pattern and streetscape.
8. The use shall be consistent with the intent and purposes of the zoning district in which it is proposed.

### **Sec. 16.04. Special Land Use Applications**

All land for which an application for a special land use permit is made shall be owned by the applicant or by a person who has consented, in writing, to the application. The parcel must be capable of being planned and developed as one integral land use unit. Noncontiguous parcels may be considered. The application must be signed by the applicant and by the owner or a person with the owner's written consent and must contain:

1. A site plan as described by this Zoning Ordinance;
2. A statement of present ownership of all land which is the subject of the request;
3. An application fee. This application fee shall be non-refundable.
4. Upon the request of the Planning Commission, the applicant shall provide such other information pertinent to the special land use application. Failure of the applicant to provide such requested information within a reasonable time may be grounds for denial of the application.
5. The Village Council will have Final Approval for all Special Land Use permits.
6. If the application is approved, the applicants shall pay all Register of Deeds recording fees to record the special land use permit.

### **Sec. 16.05. Planning Commission Procedure for Approval**

The following procedures shall be followed for special land use permits to be granted by the Planning Commission and Village Council:

1. Pre-application conference. Before submitting an application, the applicant shall meet with the Zoning Administrator to review the proposed project, the Village of Mayville Code of Ordinances, and any planning documents that relate to the property.
2. Application. A special land use permit application shall be submitted to the Planning Commission for review and recommendation.
  - a. Public hearings

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- b. The Planning Commission shall hold a public hearing with such notice as it deems advisable. After review, the Planning Commission shall submit a written recommendation to the Village Council based upon the standards of this Zoning Code.
- c. A public hearing shall be held by the Planning Commission on each special land use application properly filed under this Zoning Code. Notice of the public hearing shall be given not less than fifteen days before the date of the public hearing. Notice shall be published in a newspaper of general circulation in the Village and shall be mailed or personally delivered to:
  - 1) The owners of the property for which approval is being considered;
  - 2) All persons to whom real property is assessed within 300 feet of the boundary of the property in question; and
  - 3) At least one occupant of each dwelling unit or spatial area owned or leased by different persons within 300 feet of the boundary of the property in question. Where a single structure contains more than four dwelling units or other distinct spatial areas, notice may be given to the President or owner of the structure with a request to post the notice at the primary entrance of the structure. The occupants of all structures within 300 feet of the boundary of the property in question. Where the name of the occupant is not known, structures within 300 feet of the boundary of the property in question. Where the name of the occupant is not known, the term "occupant" may be used in making notification.
- d. Notice. The notice of the Planning Commission public hearing shall contain:
  - 1) A description of the nature of the special land use request;
  - 2) A description of the property which is the subject of the special land use request, including a listing of all existing street addresses within the property where they exist; and
  - 3) The time and place of consideration of and public hearing on the special land use request; and
  - 4) When and where written comments will be received concerning the request.
- e. Decision. The Planning Commission may deny, approve or approve with conditions requests for special land use approval after a hearing and notification as provided herein, once Village Council Approval has been given. Its' decision shall be in the form of an order which shall incorporate a statement of conclusions and shall specify the basis for the decision and any conditions imposed. An order denying a special land use shall state the standards which have not been met. A decision of the Planning Commission shall be final. There shall be no appeal of the Planning Commission's decision to the Zoning Board of Appeals.
- f. Order. If the Planning Commission determines that the application is consistent with the intent of this Zoning Code as expressed in this chapter and with the other standards and requirements herein contained, it shall issue an order authorizing the special land use in accordance with the application and material submitted, modified

## VILLAGE OF MAYVILLE ZONING ORDINANCE

as it may consider necessary to carry out the intent and standards of this Zoning Code, and containing any lawful conditions or restrictions which it may consider necessary to carry out the purposes of this Zoning Code and to protect the public health, safety and welfare. The order shall recite the findings of fact and the reasons upon which it is based.

- g. Compliance. After approval of a special land use, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the special land use or only as authorized by the provisions of this Zoning Code which would apply if the special land use order had not been issued.

### **Sec. 16.06. Administrative Special Land Use**

The intent of Administratively approved Special Land Uses is to provide standards for certain land uses, which are uses with specific conditions that if met, make the use permitted by right. These conditions are intended to minimize potential negative impacts to other surrounding land uses that could arise due to operations of the particular use. This Article provides standards for the Zoning Administrator or Planning Commission, depending upon the site plan review requirements, to review and determine if the conditions have been met.

1. Standards for Approval
  - a. Prior to approving a conditional land use, the Zoning Administrator shall require that the proposed use meets all requirements and standards. If all requirements and standards are met, a conditional use permit is granted.
  - b. Properties for which application for conditional land use approval is made shall also be concurrent with, and subject to, site plan review in accordance with the requirements of Article 5, Division 1, Site Plan Review. Failure to obtain site plan approval will constitute denial of the approved Special Land Use.
2. Requirements and Standards of Approval
  - a. The requirements to permit the Administrative Special Land Use approval shall remain unchanged.
  - b. The Zoning Administrator shall make periodic investigations of the Special Land Use to ensure continued compliance with all requirements and standards imposed by this Article. Noncompliance with the requirements for the conditional land use shall constitute grounds for the Zoning Administrator to terminate the approval.
3. Validity of Administrative Special Land Use Approval
  - a. In cases where actual physical construction of a substantial nature of the structures authorized by a conditional land use and site plan approval has not commenced within eighteen (18) months, and a written application for extension of the approval has not been filed as provided below, the approval shall automatically become null and void and all rights thereunder shall terminate.

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- b. Upon written application filed prior to the termination of the eighteen (18) month period, the Zoning Administrator may authorize a single extension of the time limit for a further period of not more than eighteen (18) months. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the eighteen (18) month extension.
  - c. The granting of a Special Land Use shall allow that particular use to be conforming in the zoning district, as long as the standards of this Article are maintained.
4. Zoning Administrator referral to Planning Commission. At the discretion of the Zoning Administrator, a special land use requiring administrative approval of the Planning Commission may be submitted to the Planning Commission.

### **Sec. 16.07. Amendments**

A special land use may be amended as follows:

1. Minor amendment. Minor amendments are those which will have no foreseeable effect beyond the property boundary, such as minor changes in the siting of buildings, the alignment of utilities and the alignment of interior roadways and parking areas. Minor amendments for good cause may be authorized by the Zoning Administrator without notice or hearing, provided no such changes shall significantly increase the size or height of structures, significantly reduce the efficiency or number of public facilities serving the site, significantly reduce the usable open space or significantly encroach on natural features proposed by the plan to be protected.
2. Major amendment. Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be approved by the authority granting the SLU to be amended according to the procedures authorized by this chapter for approval of a SLU.
3. Unless otherwise provided by this chapter or the granting order, an order approving a special land use may be amended by the granting authority according to the procedures authorized by this chapter for approval of a special land use.

### **Sec. 16.08. Termination of Orders.**

A special land use order shall expire two years from the date of final approval if the applicant has not commenced substantial construction and is not diligently proceeding to completion or, where no construction is necessary, if the use authorized has not been commenced. Upon written request stating the reasons therefor, the granting authority may extend the order for one additional year. An order may be terminated upon application by the owners of record of the land subject to a granting order. It shall be submitted and considered under the same process as is then established for granting or amending such order. The applicant shall demonstrate that if the order is terminated the property shall comply with all current requirements for the zoning district(s) of that property. The order may be rescinded at any time by the granting authority for a violation of the order by the applicant, its successors, agents or assigns after notice to the current owners and occupiers of the property and after



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a hearing on the violation. Upon termination of an order, the zoning requirements shall be the current requirements for the zoning district designated for the property. Any use authorized by a special land use order shall be continuously maintained once the same is commenced, and if not so continuously maintained, the special land use permit shall expire.

### **Sec. 16.09. Special Land Use Permits Granted by The Planning Commission.**

The Planning Commission may grant a special land use permit for the following uses in any district, except as herein qualified:

#### **1. Amusement Parks, Carnivals, Fairgrounds, Fairs, and Other Types of Outdoor Entertainment Facilities**

- a. Minimum lot size shall be ten (10) acres.
- b. Activity areas using fences, buildings, walkways, or other suitable barriers shall be clearly defined on the site plan.
- c. All buildings, structures, and parking shall be at least three hundred (300) feet from any dwelling unit, excluding any dwelling unit on the site.
- d. Access shall be provided onto a primary road.
- e. Vehicle access shall be controlled, with capability to accommodate at least three (3) lanes of ingress traffic. At least three hundred (300) feet of stacking (queuing) area shall be provided on-site for parking fee collection.
- f. The Planning Commission shall determine the sufficient amount of on-site parking.
- g. Maximum lot coverage by buildings and structures shall be twenty percent (20%).
- h. The Planning Commission may require posting of a financial performance guarantee, in an amount determined necessary by the Village, to cover any potential damage or clean-up on the site or adjacent properties.
- i. The Planning Commission may establish limits on hours of operation, time limits on the validity of the special land use approval, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.
- j. Prior to issuance of a special land use approval, the applicant shall provide evidence of public liability insurance and property damage insurance to cover potential liability for death or injury to persons or damage to property, which may result from the conduct of the activity.

#### **2. Automobile Gasoline Stations**

- a. There shall be a minimum lot area of one (1) acre and minimum lot width of two hundred fifty (250) feet.

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- b. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least fifteen (15) feet from any lot line.
- c. Overhead canopies shall be setback at least twenty (20) feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo, or identifying paint scheme shall be in accordance with Article 4, Division 4: Signs. The canopy shall be no higher than the principal building. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.
- d. Only one (1) driveway shall be permitted from each street unless the Planning Commission determines additional driveways will be necessary to ensure safe and efficient access to the site.
- e. The intensity of lighting within a site shall meet the requirements of *Article 4, Division 4: Lighting Standards*.
- f. There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment except within an area defined on the site plan approved by the Planning Commission and which extends no more than ten (10) feet beyond the building.
- g. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the Village of Mayville Fire Department.
- h. Any use involving maintenance, service, or repair shall also meet the standards for automobile service establishments.
- i. In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises, in accordance with State requirements.

### **3. Automobile Repair Establishments (Major Repair) and Automobile Service Establishments (Routine Maintenance and Minor Repair)**

- a. All principal and accessory structures shall be set back a minimum of five hundred (500) feet from a Single-Family Residential District.
- b. There shall be a minimum lot frontage on a paved road of two hundred (200) feet.
- c. All maintenance and repair work shall be conducted completely within an enclosed building.
- d. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies, or equipment.

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- e. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted in a designated area. Such area shall be appropriately screened from public view as determined by the Planning Commission.
- f. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the Village of Mayville Fire Department.
- g. Any use with gasoline sales shall also meet the standards for automobile gasoline stations.

### **4. Bed and Breakfast Inns/Airbnb**

- a. Parking areas shall be located off-street and shall not be located in any required front yard.
- b. No bed and breakfast inn shall be located closer than three hundred (300) feet to another bed and breakfast inn.
- c. Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the inn.
- d. The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and such operator shall live on the premises while the establishment is active. In the case of multiple ownership, at least one owner shall occupy the premises while the establishment is active.
- e. No guest of the bed and breakfast inn shall be permitted to reside on the premises for more than thirty (30) consecutive days.
- f. Any dwelling or structure proposed as a bed and breakfast inn must possess some historical or architectural significance that makes it a unique location for such an establishment. The exterior appearance of the bed and breakfast shall not be changed from its single-family or historic character.
- g. No more than five (5) rooms shall be available for rent at any time.

### **5. Commercial Parking Lots**

- a. A commercial parking lot may be permitted as an expansion of an existing parking lot or new construction that is abutting a principal permitted or special land use.
- b. The applicant must demonstrate that there is an on-site parking shortage that cannot be economically resolved without expanding onto an abutting lot.
- c. All access to the lot shall be provided from the commercial property and/or the street on which the commercial use fronts; not onto a residential (local) street.

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### 6. Communication Towers

The intent of this section is to ensure communication towers are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact will be minimized. Communication towers are permitted if all of the following requirements are met:

- a. The communication tower is located in an appropriate district and properties owned by governmental agencies.
- b. The communication tower complies with all applicable FCC and FAA regulations and all applicable building codes.
- c. The tower is no higher than 20 feet above the height restrictions of the district in which it is located unless it can be demonstrated that additional height is necessary for the tower's intended purpose, but in no case shall the tower exceed 50 feet above the height restrictions of the district. Height is measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- d. Communication towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. Guidewires and accessory buildings must satisfy the minimum zoning district setback requirements. The Planning Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
- e. The design of the buildings and structures related to communication towers shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- f. The tower shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
- g. Cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
- h. Existing mature trees and natural landforms on the site are preserved to the maximum extent possible.
- i. The communications tower and operating equipment shall comply with the general standards for approval contained in this section. Any tower that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the Village of Mayville. Failure to remove an abandoned tower within said 90 days may be removed by the Village of Mayville at the owner's expense.

### 7. Convention Centers

- a. The building is limited to 30,000 square feet;
- b. Thirty five percent (35%) of the building facade shall be windows or other street level activity;

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- c. A traffic and economic impact analysis to assess impacts on neighboring streets is provided by the applicant.

### **8. Drive-through Window Facilities for Banks, Restaurants or Other Permitted Uses**

- a. Sufficient stacking capacity in accordance with *Article 4, Division 1: Off-Street Parking and Loading Standards*, for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way.
- b. A bypass lane shall be provided around the stacking spaces.
- c. In addition to parking space requirements, at least three (3) parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation to allow for customers waiting for delivery of orders.
- d. Only one (1) ingress/egress driveway shall be permitted on any single street. If the use is located on a corner lot access to the drive-through facility shall be only from the street which carries the least amount of daily traffic at the time the application is approved, except that such access from any other street may be shared with an adjoining property.
- e. The Planning Commission may require direct vehicular access connections with adjacent commercial developments where feasible.
- f. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any other driveway.
- g. Overhead canopies shall be setback at least twenty (20) feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. The canopy shall be no higher than the principal building.
- h. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
- i. The drive-through shall be accessed from an alley, not a street. However, a single lane driveway may exit onto a street if such driveway existed and was utilized prior to July 1, 2017, and it can be clearly demonstrated that alley egress for the drive-through is not practical.
- j. The drive-through shall be limited to two service lanes.
- k. The building associated with the drive-through shall be streetward of the approach lanes to screen the vehicle service lanes.

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### 9. Essential Services Structures

- a. The structure and use are reasonably necessary for the public convenience or welfare and, where applicable, a certificate of public convenience and necessity has been obtained from the appropriate regulating agency.
- b. Noise, lights, glare and odor will not disturb the surrounding land uses or members of the public.
- c. Fencing or other adequate security is constructed to adequately protect the public.
- d. If potential adverse effects have been identified, alternative sites have been examined and the proposed site is reasonably necessary to provide the essential service to residents and visitors of the Village.
- e. Evidence of the appropriate franchise, license or other required governmental permission is demonstrated.
- f. Setbacks of the district shall apply unless varied by the Planning Commission for good cause.

### 10. Golf Courses

- a. Minimum size for properties involved for the use shall be forty (40) acres.
- b. The principal and accessory buildings, including maintenance sheds, shall be set back at least seventy-five (75) feet from all property and street lines.
- c. Accessory buildings, structures, and storage areas shall be screened on all sides from adjacent residential areas and public street rights-of-way as determined by the Planning Commission.
- d. Operational hours for maintenance vehicles, course maintenance, and/or irrigation may be restricted by the Planning Commission to protect nearby Residential Districts.

### 11. Golf Driving Ranges and Miniature Golf Courses

- a. All traffic ingress and egress shall be from a major traffic route in the Village of Mayville Master Plan, or as a local or collector street on the Village's Act 51 map.
- b. Whenever any such use abuts a Residential District, a transition buffer area at least one hundred (100) feet in width shall be provided between all operations, buildings, and structures, including fences, and the residential property. Landscaping, berms, and structural screens of a type approved by the Planning Commission may be placed within the buffer strip.
- c. All buildings, uses, operations, and structures, including fences, shall be located a minimum of one hundred (100) feet from any public right-of-way. This yard shall be landscaped as determined by the Planning Commission.

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### 12. Hospitals

- a. Minimum site area shall be ten (10) acres.
- b. The proposed site shall have at least one (1) property line abutting a “major street” or identified as a major traffic route in the Village of Mayville Master Plan.
- c. The front, side, and rear yard minimum setbacks shall be fifty (50) feet.
- d. Parking setbacks shall be forty (40) feet in the front yard, twenty (20) feet for side and rear yards.
- e. Whenever any such use abuts a Residential District, a transition buffer area of at least one hundred (100) feet in width shall be provided. Walls, fences, or landscaping may be required as part of this buffer area as determined by the Planning Commission.
- f. Emergency room, ambulance and delivery areas shall be screened from public view with an obscuring wall and/or landscaping with a minimum height of six (6) feet.
- g. Auxiliary uses, such as a pharmacy, gift shop, cafeteria, day care, and similar customary hospital related uses shall be allowed.
- h. Parking for professional and outpatient buildings, or sections of a hospital building, shall be calculated as separate uses as noted in *Article 4, Division 1, Off-Street Parking and Loading Requirements*. Only one-half (1/2) of the total number of parking spaces within gated or restricted physician parking lots shall be included for required parking calculations.

### 13. Outdoor Storage

- a. A special land use approval may be granted for outdoor display, sales, or storage on the same property as an approved mini-storage use, marina, or other principal use deemed compatible by the Planning Commission.
- b. Stored vehicles or goods on a site without a building, shall meet the setback requirements of the zoning district. If a building is located on the site, no outdoor storage shall be permitted in any required yard of buildings for the district in which the commercial outdoor storage use is located.
- c. If retail activity is associated with the use, an enclosed building of at least five hundred (500) square feet of gross floor area for office and sales use is required.
- d. The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing into adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials is prohibited.
- e. All stored materials including loosely packaged materials shall not be piled or stacked higher than the height of the obscuring screen. Vehicles, implements, and recreational vehicles may exceed the height of the screen provided that they are set back from the screen a distance equal to their height.

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- f. All outdoor storage areas shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose of all surface water.
- g. All loading and truck maneuvering shall be accommodated on-site or on a dedicated easement.
- h. Fencing and lighting for security purposes may be required as determined by the Planning Commission. All lighting shall be shielded from adjacent residential areas in accordance with *Article 4, Division 5: Lighting Standards*.

### **14. Residential Care and Treatment Facilities**

- a. The use is located in an appropriate district.
- b. The facility shall be located on an arterial or collector street as shown on the Zoning Map if such facility has more than 12 residents.
- c. Off-street parking is provided as required by this Zoning Code, except that the Planning Commission may vary the number of parking spaces required.
- d. The design of the structure is approved by the Fire Chief prior to the issuance of the special land use permit and at least annually thereafter to maintain the permit.
- e. The structure is not used as a medical clinic or for outpatient treatment.
- f. The structure is not used primarily for office, administrative or regular meetings if located in a multiple family dwelling district, although occasional meetings may be allowed upon approval of the Planning Commission.
- g. All necessary licenses are obtained and maintained.
- h. The operators of the facility maintain a list of all persons residing at the facility and record their length of stay. State licensed residential facilities (e.g., adult foster care homes) with under seven residents are considered by State law to be single family residences, and State law preempts this Code. MCL 125.583(b); MSA 5.2933(2).

### **15. Schools (private and public), Colleges, Universities**

- a. The use is located in an appropriate district.
  - 1) A master site and facilities plan are submitted to and approved by the Planning Commission showing: Existing facilities and planned facilities for the ensuing five years.
  - 2) Adequate street crossing facilities, pedestrian routes, and projected number of pedestrians.
  - 3) Sufficient areas for motor vehicle and bus circulation routes, together with areas for pick up and drop off of students.
  - 4) If childcare use is provided, the facilities for such use shall be designated in the plan, together with the childcare hours of operation.



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- 5) The building and parking area shall not exceed 70 percent of the lot area.
- 6) A traffic study must be submitted to the Planning Commission.

### **16. Stores, Retail, Over 8,000 Square Feet Per Floor**

- a. The building is limited to 30,000 square feet.
- b. Thirty five percent of the building facade shall be windows or other street level activity.
- c. A traffic and economic impact analysis to assess impacts on neighboring streets is provided by the applicant.

### **17. Theaters, Live, and Performance art Centers**

- a. The use must have existed prior to 2017.
- b. Minor additions are allowed provided the addition is for barrier free access, fire safety or space that will not increase the seating capacity of the facility.
- c. Additions are architecturally compatible with the existing structure and the character of the neighborhood.
- d. The applicant submits a parking plan that demonstrates there is sufficient parking within 500 feet to meet the theater's parking demand.
- e. On-site exterior lighting is directed to minimize impacts on adjacent residential areas.
- f. Performances are not allowed between the hours of 12:00 midnight and 8:00 a.m.

### **18. Wind Energy System, Pole or Tower-Mounted Structures**

The intent of this section is to ensure that free-standing wind energy systems are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact is minimized.

- a. Free-standing wind energy systems are permitted if all the following requirements are met:
  - 1) The free-standing wind energy system is located in an appropriate district and properties owned by governmental agencies.
  - 2) Guide wires are only permitted to be used on a case by case basis.
  - 3) The free-standing wind energy system complies with all applicable FCC and FAA regulations and all applicable building codes.
  - 4) The pole or tower is no higher than 20 feet above the height restrictions of the district in which it is located unless it can be demonstrated that additional height is necessary for the wind energy system's intended purpose, but in no case shall the wind energy system exceed 40 feet above the height restrictions of the district.
  - 5) Wind energy systems must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. The setback can be reduced by up to 50% or a minimum of 20 feet from the lot line if it can be demonstrated through

## VILLAGE OF MAYVILLE ZONING ORDINANCE

a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine. Accessory buildings must satisfy the minimum zoning district setback requirements. The Planning Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.

- 6) The design of the wind energy system or buildings and structures related to the wind energy systems shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
  - 7) The wind energy system shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
  - 8) Wind energy system cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
  - 9) Existing mature trees and natural landforms on the site are preserved to the maximum extent possible.
  - 10) The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the Village. Failure to remove an abandoned wind energy system within said 90 days may be removed by the Village at the owner's expense.
  - 11) The wind energy system will meet the standards set in the Village of Mayville Code of Ordinances, Noise Control. A wind energy system emits a pure tone and would be subject to a reduction of five DBA.
- b. Wind energy system, building-mounted structures. The intent of this section is to ensure that building-mounted wind energy systems are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact is minimized. Building-mounted wind energy systems may exceed the 20 feet above the height limitation of the district if all of the following requirements are met:
- 1) Height exceptions to what is allowed by right will not be allowed.
  - 2) A taller building-mounted wind energy system may be proposed and may be approved on a case by case basis.
  - 3) Guide wires are only permitted to be used on a case by case basis.
  - 4) The building-mounted wind energy system complies with all applicable FCC and FAA regulations and all applicable building codes.

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- 5) A building-mounted wind energy system is no higher than 20 feet above the height of the roof deck in which it is located unless it can be demonstrated that additional height is necessary for the wind energy system's intended purpose, but in no case shall the wind energy system exceed 40 feet above the height of the roof.
- 6) The setback can be reduced by up to 50% or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine. Accessory buildings must satisfy the minimum zoning district setback requirements. The Planning Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
- 7) The design of the wind energy system or buildings and structures related to the wind energy systems shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- 8) The wind energy system shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
- 9) Wind energy system cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
- 10) Existing mature trees and natural landforms on the site are preserved to the maximum extent possible.
- 11) The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the Village. Failure to remove an abandoned wind energy system within said 90 days may be removed by the Village of Mayville at the owner's expense.
- 12) The wind energy system will meet the standards set in the Village of Mayville Code of Ordinances, Noise Control. A wind energy system emits a pure tone and would be subject to a reduction of five DBA.

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### **Sec. 16.10. Administrative Special Land Use Permits.**

Administratively approved Special Land Uses, because of their unique character and potential impacts on adjacent properties and the Village, require additional specific requirements. Such uses are listed below with specific standards and regulations that must be met.

The following are Special Land Uses with specific site and/or use standards may be approved administratively, which are described:

#### **1. Accessory Dwelling Unit**

- a. Purpose. Accessory dwelling units are allowed in certain situations to:
  - 1) Create new housing units while respecting the look and scale of single-dwelling development;
  - 2) Support more efficient use of existing housing stock and infrastructure;
  - 3) Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
  - 4) Provide housing that responds to changing family needs, smaller households, and increasing housing costs; and
  - 5) Provide accessible housing for seniors and persons with disabilities.
- b. Definition. An accessory dwelling unit (ADU) is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:
  - 1) Garden cottages are detached structures. Examples include converted garages or new construction.
  - 2) Suites are attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.
- c. Eligibility. An ADU may be added to a house on any residentially zoned lot.
- d. Utilities. Utilities for ADU must be connected to the house on the parcel and may not have a separate meter or be billed separately.
- e. Number. One ADU is permitted per residentially zoned lot.
- f. Creation. An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a garden cottage while simultaneously constructing a new primary dwelling on the site.
- g. Density. ADUs are exempt from the residential density standards of this code.
- h. Approval. Applications for ADUs must meet the following criteria.

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- 1) The applicant must demonstrate that the ADU complies with all development and design standards of this section.
  - 2) The applicant must demonstrate that the proposed modifications comply with applicable building and fire safety codes.
- i. Occupancy and Use. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.
- j. Design. Design standards for ADUs are stated in this section. If not addressed in this section, base zone development standards apply.
- k. All ADUs (accessory suites and garden cottages) must meet the following requirements:
- 1) Size. An ADU may be no more than 600 square feet or the size of the primary dwelling, whichever is less.
  - 2) Parking. No additional parking is required for an ADU. Existing required parking for the primary dwelling must be maintained or replaced on-site.
  - 3) Exterior finish materials. Exterior finish materials must visually match in type, size and placement, the exterior finish materials of the primary dwelling.
  - 4) Roof pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling.
  - 5) Windows. If the street-facing façade of the ADU is visible from the street, its windows must match, in proportion and orientation, the windows of the primary dwelling.
  - 6) Eaves. If the primary dwelling has eaves, the ADU must have eaves that project the same distance from the building. If the primary dwelling does not have eaves, no eaves are required for the ADU.
- l. Accessory suites must meet the following additional requirements:
- 1) Location of entrances. Only one entrance may be located on the facade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory suite was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
  - 2) Exterior stairs. Fire escapes or exterior stairs for access to an upper level accessory suite shall not be located on the front of the primary dwelling.
- m. Garden cottages must meet the following additional requirements:
- 1) Height. The maximum height allowed for a garden cottage is the lesser of [20-25] feet or the height of the primary dwelling.

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- 2) Setbacks. Garden cottages must be located at least six (6) feet behind the primary dwelling, unless the garden cottage is in an existing detached structure that does not meet this standard.
  - 3) Building coverage. The building coverage of a garden cottage may not be larger than the building coverage of the primary dwelling.
  - 4) Yard setbacks. No portion of an existing building that encroaches within a required yard setback may be converted to or used as a garden cottage unless the building complies with setback exemptions (i.e. for garages, properties abutting alley) available elsewhere in the code.
- n. Exemptions. Garden cottages are eligible for either of the following exemptions:
- 1) Design compatibility. Exceptions may be granted for garden cottages that are under 500 square feet and under 18' average height, or meet Community Design Standards, defined elsewhere in the code.
  - 2) Alteration. If a garden cottage is proposed for an existing detached accessory structure that does not meet one or more of the above standards, the structure is exempt from the standard(s) it does not meet. Alterations that would move the structure out of conformance with standards it does meet are not allowed. If any floor area is added to a detached accessory structure, the entire structure must meet the standards above.

### **2. Adult Foster Care Small Group**

Adult foster care small group subject to the following specific requirements:

- a. All necessary licenses are obtained and maintained. Expiration or revocation of a license automatically terminates the special land use permit and a change in the licensee requires a special land use permit renewal.
- b. The adult foster care licensee shall be a member of the household and an occupant of the residence.
- c. The lot is not located within 500 feet of another lot devoted to such use.
- d. The use is not allowed in an apartment
- e. No additional parking is required for the Adult Foster Care Home provided on-street parking is allowed adjacent to the property. If on-street parking is not allowed, two parking spaces shall be provided on premise.

### **3. Automobile Washes, Automatic or Self-service**

- a. Only one (1) ingress/egress driveway shall be permitted on any single street.
- b. Where adjoining residentially zoned or used property, a decorative masonry wall six (6) feet in height shall be erected along any common lot line. Such wall shall be

## VILLAGE OF MAYVILLE ZONING ORDINANCE

continuously maintained in good condition. The Zoning Administrator or Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative.

- c. All washing facilities shall be within a completely enclosed building. Self-service facilities may be within a partially enclosed building.
- d. Vacuuming and drying may be located outside the building but shall not be in the required front yard and shall be set back at least fifty (50) feet from any Residential District. Such areas shall be screened with obscuring landscaping as determined by the Zoning Administrator or Planning Commission.
- e. Adequate stacking space shall be provided in accordance with the requirements of Article 4, Division 1: Off-Street Parking and Loading Standards. Stacking spaces shall not be permitted in the public right-of-way.

### **3. Automobile or Vehicle Dealerships**

- a. Outdoor storage of automobiles or vehicles for sale shall not be permitted in any required front or side yard.
- b. All parking, display, and outdoor storage areas shall be paved with a permanent and durable surface. Curbing around all parking, display and storage areas shall be provided.
- c. A use involving the maintenance, service, or repair of vehicles shall also meet the standards for automobile repair and/or service establishments.
- d. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity within a site shall not exceed twenty (20) footcandles within the site for or one (1) footcandle at the property line, except where it abuts a residentially used or zoned site, whereby a maximum of ten (10) footcandles and 0.5 footcandles is permitted for vehicle storage areas.
- e. Flags, banners, streamers, and inflatables shall not be permitted unless approved by the Zoning Administrator or Planning Commission.

### **4. Bars, Taverns, Lounges, Microbreweries (Accessory), and Brewpubs**

- a. The principal building shall be setback at least one hundred (100) feet from a Residential District (does not apply in the CBD or HDD).
- b. Noise shall not be a nuisance outside of the building, in accordance with *Sec. 8.24., Performance Standards*, and other Village ordinances.
- c. Outdoor seating may be provided.

### **5. Communication Antennas**

The intent of this section is to ensure that communication antennas are constructed and placed in a manner which will protect the public health, safety and welfare and where visual

## VILLAGE OF MAYVILLE ZONING ORDINANCE

impact will be minimized. Co-location of communication antennas are permitted, subject to the following:

- a. Communications antennas and cabinets housing operating equipment are not permitted for residential buildings or structures. When associated with a building, the antenna(s) and cabinet(s) housing operating equipment shall be located inside the building.
- b. The antenna(s) is no taller than 8 feet above a building or structure.
- c. The antenna(s) shall be screened, located or designed in a manner which minimizes views from adjacent properties and street level views or blends with the architecture so as not to be noticed.
- d. Cabinets housing operating equipment located on a building roof shall be enclosed or screened from street level view using the same materials used for the building walls or a material which is approved by the Zoning Administrator as visually compatible with the building.
- e. Cabinets housing operations equipment not located in a building or on a building roof shall be architecturally screened from adjacent properties and street level views.
- f. All necessary licenses shall be obtained and maintained.
- g. The antenna(s) and operating equipment shall comply with the general standards for approval contained in this Division.

### **6. Funeral Homes and Mortuary Establishments**

- a. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred fifty (150) feet.
- b. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

### **7. Group Day Care Homes, Including Adult Day Care, as defined by MCL 722.111 et seq,**

- a. All necessary licenses are obtained and maintained. Expiration or revocation of a license automatically terminates the special land use permit and a change in the licensee requires a special land use permit renewal.
- b. The lot is not located within 500 feet of another lot devoted to such use.
- c. A fenced outside recreation area shall be located on premise where it will most effectively shield neighboring properties from noise and visual disruptions. Play equipment shall not be placed street ward of the principal structure unless specifically allowed by the Planning Commission for unique circumstances.
- d. The use is not allowed in an apartment.



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- e. The use is limited to an established and recognized work or shift period and shall not be operated on a 24-hour basis unless approved by the Planning Commission.
- f. No additional parking is required for the Group Day Care Home provided on street parking is allowed adjacent to the property. If on-street parking is not allowed, two parking spaces shall be provided on premise.
- g. As part of the application, a site plan shall be submitted showing the designated outside play area, primary drop off/pick up entrance and parking spaces.

### **8. Kennels**

- a. For kennels housing dogs, the minimum lot size shall be two (2) acres for the first three (3) dogs and an additional one-third (1/3) acre for each one (1) additional dog.
- b. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located closer than one hundred fifty (150) feet to any lot line and two hundred (200) feet from any road right-of-way.
- c. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).
- d. All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals, shall be hard surfaces and provided with proper drains.
- e. Kennel may be permitted as an accessory use to a veterinary office, clinic, or hospital. Such accessory use shall be subject only to the special land use standards of the veterinary use.

### **9. Mini- or Self Storage Warehouses**

- a. Minimum lot size shall be three (3) acres.
- b. Minimum building and parking setbacks shall be fifty (50) feet from any public street right-of-way line, fifty (50) feet from any residential district and twenty-five (25) feet from any nonresidential zoning district.
- c. The front yard visible from a public right-of-way and any side or rear yards adjacent to residential districts shall include wrought iron or similar decorative fencing and landscaping as determined by Zoning Administrator or Planning Commission.
- d. The storage units shall be screened from all abutting properties through the use of landscaping and/or walls.
- e. Building design and materials shall be compatible with the existing and intended character of the area. Building facades facing a right-of-way must consist of decorative split face block or brick, as approved by the Zoning Administrator or Planning Commission. All roofs must be pitched.

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- f. No storage unit doors shall face a public right-of way. Walls, fences, and landscaping as determined by the Zoning Administrator or Planning Commission may be utilized to obscure views of doors from the public right-of-way.
- g. All storage shall be completely within enclosed buildings or structures, unless a separate special land use approval is granted for commercial outdoor storage on the premises, in accordance with *Section 16.10.10, Outdoor Retail Display and Sales*.
- h. Buildings shall be limited to storage only.

### 10. Outdoor Retail Display and Sales

- a. Unless accessory to an approved retail business, an enclosed building of at least five hundred (500) square feet of gross floor area for office and sales use is required.
- b. Shall be placed against the front wall of the principal building and shall not extend more than 36 inches from the building façade; provided that where there is a pedestrian sidewalk in front of the display, it shall remain unobstructed for a continuous width of at least 48 inches.
- c. Displays shall be no taller than five feet high and shall not be longer than 20 feet or the length of the store's façade, whichever is less.
- d. Displays shall not interfere with fire lanes.
- e. The merchandise displayed must be offered for sale on the premises in front of which it is displayed.
- f. Palletized materials such as mulch, salt pellets, hunting bait, etc. shall not be displayed.
- g. A sketch plan indicating the location and dimensions of the outdoor display must be submitted and approved by the Village prior to any outdoor display. Any outdoor display shall at all times comply with the sketch plan or site plan approved by the Village.

### 11. Parking area

(Private, if public parking is available within 500 feet of an allowed use, subject to the following standards):

- a. No buildings may be removed or demolished to provide the private parking area.
- b. Access shall be from an alley or adjacent property only, not from a public street.
- c. All requirements of the Circulation and Parking ordinance are met.
- d. All requirements of the Screening requirements for parking areas, and the Landscape development internal to a parking area are met.
- e. Pedestrian travel routes within the parking area shall be provided, clearly defined and approved by the Planning Commission.

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### 12. Pet Boarding Facilities

- a. Except for the outdoor play area, the facilities must be located in a building with the pet boarding and any ancillary services being the only uses.
- b. The lot shall be at least two (2) acres in size.
- c. Up to 5% of the floor area may be used for accessory retail sales.
- d. Adequate traffic circulation must be provided on-site to accommodate the frequent pickup and drop-off of animals for the facility.
- e. An outdoor play area is allowed with the following restrictions:
  - 1) Any outdoor play area shall not be any closer than one-hundred fifty (150) feet from a residential zoning district.
  - 2) Any outdoor play area shall be located in the interior side yard or rear yard.
  - 3) A maximum eight (8) foot high fence enclosure is required around the play area and surface must be easy to maintain.
  - 4) All animal waste shall be removed from the outdoor play area daily and disposed of in a sanitary manner.
  - 5) Pets shall not be permitted to remain outdoors overnight.

### 13. Places of Worship

- a. Buildings of greater than the maximum height allowed in *ARTICLE 2, DIVISION 9: SCHEDULE OF REGULATIONS*, may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed. The building height cannot exceed 35 ft.
- b. All principal and accessory buildings shall be set back a minimum of one hundred (100) feet from any single-family residential use. Parking shall be set back a minimum of fifty (50) feet from any single-family Residential use.
- c. Vehicle access to the site shall be provided from a street classified as a “major street” or collector street on the City’s Act 51 map.
- d. The Planning Commission may require an operations plan and/or parking generation studies to determine parking needs.
- e. All churches, temples, and similar places of worship or public assembly in existence at the time of adoption of this Ordinance shall be considered conforming but must meet the standards of this Ordinance for any expansions.

### 14. Restaurants with an Open Front Window

- a. Trash receptacles shall be provided and maintained on the property.
- b. All signs placed on the building shall be mounted flat against the building; and interior signs visible to patrons through glass or an opening shall not exceed twenty-five percent (25%) of that area. Temporary signs indicating the whether the establishment is “opened” or “closed for the season” shall be permitted in accordance with *Article 4, Division 5: Signs*.

## VILLAGE OF MAYVILLE ZONING ORDINANCE

- c. Months and hours of operation shall be provided as part of the conditional land use application.

### 15. Small Manufacturing Establishment

- a. In the Central Business District and Historic Downtown District Permitted by right, subject to the following:
  - 1) Establishment occupies less than 1,500 square feet and has not more than 10 employees.
  - 2) May not include bulk storage of flammable materials.
  - 3) Storage of materials/production must be completely within a closed building.
  - 4) The emission of odor or noise must be mitigated.
  - 5) Must have an accessory retail use or another component that provides direct interaction with the public.
  - 6) Must have windows along street frontage that allow pedestrians to view manufacturing process.
  - 7) Must have a public entrance directly from the street.
- b. In the Local Commercial/Mixed Use District Permitted by right, subject to the following:
  - 1) Establishment occupies less than 3,000 square feet and has not more than 20 employees.
  - 2) May not include bulk storage of flammable materials.
  - 3) Storage of materials/production must be completely within a closed building.
  - 4) The emission of odor or noise must be mitigated.
  - 5) Must have an accessory retail use or another component that provides direct interaction with the public.

### 16. Veterinary Clinic/Hospitals

- a. Such facilities shall be used only for domesticated animals. Treatment or boarding of non-domesticated, wild, exotic, or vicious animals shall not be permitted.
- b. The principal buildings or structures shall be set back at least seventy-five (75) feet from the front property line; and at least two hundred (200) feet from any property line abutting a Residential District or use on the same side of the street, and at least seventy-five (75) feet from all other property lines.
- c. The Zoning Administrator or Planning Commission may permit veterinary and animal grooming uses as accessory uses to retail pet supply establishments.

## VILLAGE OF MAYVILLE ZONING ORDINANCE

- d. Parking lots shall be set back at least fifty (50) feet from a Residential District or use and shall be screened by a wall at least four (4) feet high with landscaping on the exterior side of the wall. The Zoning Administrator or Planning Commission may permit a landscaped berm or dense landscape buffer as an alternative to the wall.
- e. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor animal enclosures or runs are permitted unless a separate special land use has been approved for a kennel.
- f. Any indoor boarding shall be limited to that incidental to treatment or surgery unless the use has also been approved as a kennel or pet boarding facility.
- g. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).
- h. All waste disposal shall meet the requirements of the Health Department of the State of Michigan.

ARTICLE 5,  
DIVISION 3:  
CONDOMINIUM  
DEVELOPMENT  
STANDARDS

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## VILLAGE OF MAYVILLE ZONING ORDINANCE

### Article 5

#### Division 3: Condominium Development Standards

##### Sec. 18.00. Purpose

The intent of this Article is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership. This Article is not intended to prohibit or treat a proposed or existing condominium project different than a project or development under another form of ownership.

##### Sec. 18.01. Definitions

The definitions contained in Article 1, Division 2: Definitions, are intended to make comparison possible between the definitions of the Zoning Ordinance and the Village of Mayville Subdivision Regulations (Mayville Code of Ordinances Section 86-2 et seq.)

##### Sec. 18.02. Application and Authority

The following review process shall apply to all condominium projects within the Village:

1. Concurrently with notice required to be given to the Village pursuant to Section 71 of P.A. 59 of 1978, as amended (MCL 559.171) a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the Village Clerk the following information with respect to the projects:
  - a. All names, address and telephone numbers of:
    - 1) The person, firm, corporation or other legal entity with an ownership interest in the land on which the project will be located together with a statement that the entity is a fee owner or land contract purchaser.
    - 2) All engineers, attorneys, architects, and licensed land surveyors, involved in the condominium project.
    - 3) The developer or proprietor of the project.
  - b. The legal description of the land including tax identification numbers.
  - c. The total acreage.
  - d. The intended use.
  - e. The number of units to be developed.
  - f. A copy of the proposed master deed.
  - g. Condominium projects shall contain all information required by the Condominium Act.
  - h. The information shall be filed with the Zoning Administrator at the time the information is filed with the Village Clerk and shall be kept current.
2. In addition to the requirements of this Article, any applicable requirements of ARTICLE 5, Division 2: Planned Unit Development Overlay Standards, ARTICLE 5, Division 1: Site Plan Review, and the Village of Mayville Subdivision Regulations, must be met.
- 3.

## VILLAGE OF MAYVILLE ZONING ORDINANCE

### **Sec. 18.03. Approval of Plans**

All condominium plans must be approved by the Planning Commission following the same process identified for site plan review in the Village of Mayville Zoning Ordinance. In making determination, the Planning Commission shall consult with the Zoning Administrator, Village planner, Village attorney, and the Village Engineer regarding the adequacy of the master deed, deed restrictions, utility systems, streets, project design, and layout and compliance with the Condominium Act.

### **Sec. 18.04. Streets and Necessary Easements**

1. Condominium projects shall comply with all public and private street requirements found in the Mayville Code of Ordinances. Streets in condominium developments which connect to public streets shall dedicate the project street to the public.
2. The condominium plan shall include all necessary easements granted to the Village for constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits, and other installations of a similar character (hereinafter called public structures) for the purpose providing public utilities, including, but not limited to, conveyance of sewage, water and stormwater runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.

### **Sec. 18.05. Setbacks and Boundaries**

1. The setback requirements for condominium buildings shall be in accordance with the district regulations unless otherwise modified by the Planning Commission as part of planned unit development (PUD). Setbacks shall be measured from roadway easement lines. Distances between buildings shall be the required minimum yard setback for the total of both sides.
2. The relocation of boundaries as defined in Section XXXX of the Condominium Act shall conform to all setback requirements of this chapter for the district in which the project is located, shall be submitted to the Planning Commission for review and approval and these requirements shall be made a part of the bylaws and recorded as part of the master deed.

### **Sec. 18.06. Common Elements**

After construction of a condominium unit, the undeveloped area of a unit site shall become a common element.

### **Sec. 18.07. Encroachment**

A condominium project shall not be constructed in a manner that intentionally creates an encroachment.

### **Sec. 18.08. Subdivision of Unit Sites**

Subdivision of condominium unit sites is permitted with Planning Commission approval, contingent upon the submission of an amended master deed to determine the effect of the subdivision on conditions of zoning or site plan approval, and shall be made as part of the bylaws and recorded as part of the master deed.



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### **Sec. 18.09. Conformance with Subdivision Regulations**

All condominium project plans shall conform to the plan preparation requirements, design layout, and improvements standards as established in the Village of Mayville Subdivision Regulations.

### **Sec. 18.10. Residential Recreational Area**

Any residential condominium comprising twenty (20) or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area in accordance with Article 3, Sec. 8.32., Residential Recreational Area.

### **Sec. 18.11. Water and Wastewater**

The condominium project shall comply with and meet all Federal, State, and County standards for a domestic water system and wastewater disposal.

### **Sec. 18.12. Expansion and Conversion**

Any expansion or conversion of a condominium project involving additional land and new phases must be approved by the Planning Commission.

### **Sec. 18.13. Master Deed**

The project developer shall furnish the Zoning Administrator with one (1) copy of the proposed consolidated master deed, one (1) copy of bylaws and two (2) copies of the proposed plans. The proposed plans shall be reviewed for compliance with this chapter and the Village Code of Ordinances and to ensure that an assessment mechanism has been included to guarantee adequate maintenance of common elements. Master deeds submitted to the Village for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed to the Village for review and approval. Fees for these reviews shall be established, from time to time, by resolution of the Village Council.

### **Sec. 18.14. As-Built Plan and Occupancy**

Submission of an as-built plan of a condominium unit is required prior to occupancy. The Zoning Administrator may allow occupancy of the project before all improvements required are installed provided that a bond is submitted to the Village Clerk, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the Village. The amount of the bond shall be determined by the Village Engineer.

### **Sec. 18.15. Final Bylaws, Consolidated Master Deed, and Site Plan**

Upon approval of the development, a copy of the bylaws and consolidated master deed shall be furnished to the Village. The site plan shall be provided in digital format meeting the requirements of *Article 5, Division 1, Sec. 14.14., As-Built Drawings*.

### **Sec. 18.16. Compliance with Other Statutes and Ordinances**

All condominium projects shall comply with Federal, State, and Village laws, statutes and ordinances.

### **Sec. 18.17. Violation and Penalty**

Any violation of the terms and conditions of this article shall constitute a misdemeanor punishable, upon conviction, by a sentence of not to exceed ninety (90) days in jail or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment, in the discretion of the court.