

ARTICLE 11 DESIGN STANDARDS

Sec. 11.01 Planned unit developments (PUD)

Planned unit developments (PUD) are permitted by Conditional Use Permit in Residential A-1, Residential A-2 and Residential B Districts provided the following conditions are met and provided such development is found not detrimental to the public health, safety and general welfare of the occupants and the community:

A. Requirements Regarding Tract

1. The minimum required land area for a planned unit development shall be sixty (60) contiguous acres.
2. The developer shall provide within the planned unit development a sanitary sewage system which shall be of sufficient size and design to collect all sewage from all present and proposed structures in the planned unit, shall connect with the Village's system, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner's Office and the Village.
3. The developer shall provide within the planned unit development a storm drainage system which shall be of sufficient size and design as will in the opinion of the Village's Engineers collect, carry off and dispose of all predictable surface water run-off within the development and any adjoining tributary area, and shall be so constructed as to conform with the statutes, ordinances and regulations of the State of Michigan, the Genesee County Drain Commissioner's Office, and the Village.
4. If a public water system is not available, the developer shall provide within the planned unit development a potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.
 - a. The developer shall provide a fire hydrant within four hundred (400) feet of each structure.
 - b. Water systems shall conform to the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner's Office, and the Village.

B. Permitted Uses

1. Single family attached or detached dwelling
2. Apartment building or townhouse
3. Accessory private garage
4. Public or private park or recreation area which may include a golf course, swimming pool, tennis court, ski slope, toboggan run, ice skating rink, and other similar recreational uses, but which may not include any use or activity which produces noise, glare, odor, air pollution, fire, or other safety hazards, smoke, fumes or other pollutants detrimental to existing or prospective adjacent structures or to existing or prospective occupants or the general public.
5. Municipal building
6. School
7. Church, temple, synagogue, parsonage or parish house, convent
8. Art gallery or professional office
9. Theatre for stage productions or films, but not a drive-in theatre
10. Studio of artist, sculptor, musician or photographer, but no goods or objects shall be sold or publicly displayed on the premises
11. Restaurant

12. Business activities of a local or neighborhood character, conducted within an enclosed building only, providing necessary services for the day-to-day operation of a household, and which can be supported economically by a small neighborhood area, including business of the type included in, although not limited to, the following:
 - a. Barber and beauty shop
 - b. Cigar store
 - c. Cleaning and dyeing distribution shop (no processing)
 - d. Dairy products, retail sales
 - e. Delicatessen
 - f. Drugstore
 - g. Laundry collecting shop, self-service laundry, self-service dry cleaner, and hand laundry
 - h. Local store selling, at retail, fish, fruit, food, hardware, meats (no slaughtering) and vegetables, and beer and wine under SDM license and gasoline from not more than two gasoline pumps; provided further, that such store may not exceed twelve thousand (12,000) square feet of sales floor area
 - i. Newsstand

C. Density and Design Standards

1. Area limitations for various uses:

Within a planned unit development the following percentages of the total land area shall be devoted to the specified uses:

- a. A maximum of eighty (80) percent for residential use; land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private open spaces and courts which abut and service primarily residences or groups of residences, but it shall not include useable open space which is available for use by the general public or by persons who do not live in the residences or groups of residences immediately adjacent to it unless otherwise provided herein.
- b. A maximum of twenty (20) percent for non-residential uses and required parking, provided however that open air recreational uses, other open space uses and land devoted to streets shall not be included in determining non-residential use.
- c. A minimum of twenty (20) percent for open air recreational uses and other useable open space.
 - 1) Useable open space shall be defined as an open area designed and developed for common use by the occupants of the development or by others for recreation (whether commercial, private or public) courts, gardens or household service activities such as clothes drying, which space is effectively separated from automobile traffic and parking and is readily accessible; the term shall not include space devoted to streets and parking.
 - 2) Residential density: The density of residences shall not exceed six (6) units per acre of the land within the development which is devoted to residential use and useable open space.
 - 3) Lot size: There shall be no minimum lot size, no minimum setbacks no minimum percentage of coverage and no minimum lot width for any unit; provided, however, that in areas of single family and/or townhouse structures which are to be sold and for which the care and maintenance of the grounds and exteriors associated with such structures will be the responsibility of the purchaser of such structure or parts of structures, such area shall be platted with applicable and recordable provisions of the Subdivision Regulations. For purposes of

determining overall densities within the planned unit development the number of units located in such platted areas shall be included.

- 4) Height: The height of any structure within a planned unit development shall be related to the location of the structure such as to equal the distance to any adjacent property line; provided, however, the height limitation shall be related to the fire fighting capability of Forest Township and provided further, that this provision affect any structure of less than thirty-five (35) feet.
- 5) Location of structures: The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
- 6) Every single family dwelling shall have access to a public street court, walkway or other area dedicated to public use. No structure and no group of structures (such as semi-detached dwellings or a row of townhouses) shall be erected within twenty-four (24) feet of any other structure or group of structures.
- 7) Protection of open spaces: Open spaces between structures including those spaces being used as public or private recreational areas, shall be protected by adequate covenants running with the land or by conveyances or dedications, as the Planning Commission shall specify.
- 8) Roads and parking areas: The dimensions and construction of roads, alleys, and parking areas within the development, whether or not dedication of them to the Village is contemplated, shall conform to all applicable state, county and Village ordinances.

D. Procedure

1. Before any conditional use permit or building permit is issued for land or a building in a PUD, the developer shall obtain approval by the Village Planning Commission of an overall plan for development of the land. For this purpose, he shall submit to the Planning Commission a plan prepared by a registered community planner, or a registered architect which:
 - a. shall state the acreages to be devoted to specific uses;
 - b. shall set forth the proposed density of dwelling units;
 - c. shall include a major thorough fare plan and a public utility plan; and
 - d. shall include a separate plan showing the location of parks, open recreation areas and other open spaces, schools and other public or community uses.
2. The criteria for approval of any planned unit development shall be those which are included within the Conditional Use Permit Review Procedures Section of this Ordinance in Article 6. These criteria shall include the desirability of the planned unit development's design in terms of traffic safety, health, drainage, densities, land use relationships of proposed uses to each other and uses adjacent to the site and its overall relation to a community development plan if such a plan exists.
3. If the plan is approved by the Planning Commission, the developer shall thereafter submit a detailed plan, containing all the information required of this Ordinance.
 - a. The Planning Commission shall review the detailed plan to determine that it complies with this Ordinance and with the overall plan originally submitted by the developer.
 - b. Approval of any detailed plan shall lapse unless construction is started in that section within one year.
 - c. No conveyance of land within the development may be made until the developer has complied with all Village regulations.

Sec. 11.02 One family dwelling, detached

Single Family dwellings in the Village of Otisville not located in a mobile home park shall comply with the following standards.

- A. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- B. It has a minimum width across any section of 20 feet and complies in all respects with the Village Building Code, including minimum heights for habitable rooms. This size requirement shall not make any houses existing at the date of amendment non-conforming so that they cannot be enlarged or improved.
- C. The roof shall have a minimum 4/12 pitch.
- D. It is firmly attached to a permanent foundation, constructed on the site in accordance with the Village Building Code and coextensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.
- E. It does not have exposed wheels, towing mechanism, under-carriage or chassis.
- F. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- G. The dwelling contains storage area either in the basement under the dwelling, in an attic area, in closet areas or a separate structure being standard construction similar to or of better quality than the principal dwelling. Such storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than 10 percent of the minimum square footage requirement of this Ordinance for the zone in which the dwelling is located. In no case, however, shall more than two-hundred (200) sq. ft. of storage area be required by this provision.
- H. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than two (2) exterior doors with one being in the front of the dwelling and the other being either the rear or side of the dwelling; contains permanently attached steps connected to said exterior areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the Village Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals under the terms of Section 13.06 of this ordinance. Any determination of compatibility shall be based upon the standards set forth in the definition of "dwelling" as well as the character of residential development outside of mobile home parks within three hundred (300) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of said area; where said area is not so developed, by the character of residential development outside of mobile home parks throughout the Village. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- I. The dwelling contains no additions or rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.

- J. The dwelling complies with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled Mobile Home Construction and Safety Standards, effective June 15, 1976 as amended.
- K. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by a state or federal law or otherwise specifically required in the Ordinance of the Village pertaining to such parks.

Sec. 11.03 Special regulated uses

Special regulated uses are permitted by Conditional Use Permit in the Commercial B district subject to the following:

A. Purpose:

- 1. In the development of a community it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this article.

Uses subject to these controls are as follows:

a. Group "A" - Special Regulated Uses:

- 1) Adult Book Store
- 2) Adult Motion Picture Theater
- 3) Adult Mini-Motion Picture Theater
- 4) Massage Establishments
- 5) Establishments for the consumption of beer or intoxicating liquor on the premises and having adult entertainment
- 6) Steam Baths
- 7) Health Clubs
- 8) Taxi Dance Halls

Any other use, including Group "B" special regulated uses, which provides goods or services which are distinguished or characterized by their emphasis on matters depicting, describing or related to "specified sexual activities" or "specific anatomical areas" or which provides goods or services in a manner which is distinguished or characterized by its emphasis on "specified sexual activities" or "specified anatomical areas". These other uses as listed below are for the purpose of illustration and not limitation.

b. Group "B" - Special Regulated Uses:

- 1) Hotel, Motel and public lodging houses
- 2) Pawn shops
- 3) Pool or billiard halls
- 4) Secondhand stores
- 5) Shoeshine parlors
- 6) Liquor stores

B. Application to establish a special regulated use

Application to establish any of the special regulated uses as itemized in Sec. 11.18.A1 shall be made to the Village of Otisville Planning Board which shall not approve any such request unless the locational standards listed in the following sections are adhered to.

C. Locational standards-Relationship to similar uses

1. Group "A" Special Regulated Uses (Sec. 11.18A1a). An application to establish a Group "A" Special regulated use shall not be approved if there is already in existence two (2) or more Group "A" and/or Group "B" special regulated uses within one thousand (1,000) feet of the boundaries of the site of the proposed uses, excepting as provided for in Sec. 11.17E.
2. Group "B" Special Regulated Uses (Sec. 11.18A1b). An application to establish a Group "B" Special Regulated Use shall not be approved if there is already in existence four (4) or more Group "B" Special Regulated Uses within one thousand feet (1,000) of the boundaries of the site of the proposed regulated uses, excepting as provided for in 11.17E.

D. Locational Standards - Relationship to Residential Area and Other Uses

1. Group "A" Special Regulated Uses (Sec. 11.18A1a) An application to establish a Group "A" Special Regulated Use shall not be approved if the proposed location is within one thousand (1,000) feet of any Residentially Zoned District, trailer park, K through 12 school, park, or church, excepting as provided form Sec. 11.18F.
2. Group "B" Special Regulated Uses (Sec. 11.18.A1b) An application to establish a Group "B" Special Regulated Use shall not be approved if the proposed location is within three hundred (300) feet of a Residentially Zoned District, trailer park, K through 12 school, park, or church, excepting as provided for in Sec. 11.18.F.

E. Waiver of Locational Standards

1. Relationship to similar uses

The Zoning Board of Appeals may waive the locational standards of Sec. 11.18.A.1, limiting the location of Group "A" and Group "B" uses as they relate to similar uses if the following findings are made:

- a. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of the Ordinance will be observed.
- b. That the proposed use will not enlarge or encourage the development of a "skid row" area.
- c. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.
- d. That all applicable regulations of the Ordinance will be observed.

2. Relationship to Residential Areas and Other Uses

The Zoning Board of Appeals may waive the locational standards of Sec. 11.18.D, limiting the location of Group "A" and Group "B" uses as they relate to Residentially Zoned Districts, trailer parks, K through 12 schools, parks or churches, provided that a validated petition requesting such a waiver, signed by owners or purchasers of at least seventy (70) percent of the parcels of land within five hundred (500) feet of the proposed location is presented to the Board.

- a. The circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the circulator personally witnessed the signatures on the petition and the same were affixed to the petition by the person whose name appeared thereon.
- b. The petition will be so worded that the signers of the petition will attest to the fact that they are the owners or purchasers of the parcel of land identified by the permanent parcel number opposite their signature.
- c. For the purpose of this section, parcels of land shall equate to the permanent parcel number assigned by the Village of Otisville to all property within said five hundred (500) feet.

F. Application to the Zoning Board of Appeals

An applicant requesting a waiver of the locational requirements of Sec. 11.18.A.1.a and Sec. 11.18.D shall file according to the procedures outlined in Sec. 13.01 of the Village of Otisville Zoning Ordinance.

G. Conditions on Waivers

Prior to the granting of a waiver of the locational requirements, the Zoning Board of Appeals may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operations of regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

H. Definitions for the Purposes of these Articles

1. Adult Book Store. An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below), or an establishment with a segment or section devoted to the sale or display of such materials.
2. Adult Motion Picture. Theater An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below), for observation by patrons therein.
3. Adult Mini Motion Picture Theater. An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below), for observation by patrons therein.
4. Adult Entertainment. Any conduct which presents material by books, films, slides, or the like or by live presentation which includes services to the patron of an establishment, which material is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Areas" or "Specified Anatomical Areas".
5. Massage Establishment. Any establishment where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly which massages are administered only to the scalp, the face, the neck or shoulders. This definition shall not be construed to include a public or non-profit organization such as a school, park department, YMCA or YWCA operating a community center, swimming pool or other educational, cultural, recreational facilities for the residents of the area.
6. Specified Sexual Activities

- a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
7. Specified Anatomical Areas
- a. Less than completely and opaquely covered:
 - 1) human genitals, pubic region
 - 2) buttock
 - 3) female breast below a point immediately above the top of the areola
 - b. Also human male genitals in a discernibly turgid state, even if completely and opaquely covered.

I. Regulations

Any permit granted under Sec. 11.18.A.1.a, Group "A" shall be subject to the following rules and regulations.

1. There shall be no outside advertising of material, except name of business.
2. No material on display within said establishment shall be visible from surrounding property or roadways.

Sec. 11.04 Performance Standards

Uses in all commercial and industrial districts shall conform to the following.

A. Smoke Control

No individual or individuals shall cause, suffer, or allow to be discharged in the atmosphere from any source, smoke the shade or appearance of which is equivalent to or greater than that density described as No. 2 of the Ringelmann chart; provided, however, that smoke the shade or appearance of which is equivalent to but not darker than No. 2 of the Ringelmann chart for a period or periods aggregating four (4) minutes in any thirty (30) minutes shall be permitted and provided further, that smoke, the shade or appearance of which is equivalent to but not darker than No. 3 of the Ringelmann chart for a period or periods aggregating three (3) minutes in any fifteen (15) minutes shall also be permitted when building a new fire or when breakdown or malfunctioning of equipment occurs such as to make it evident that the emission was not reasonably preventable.

B. Control of Noise

At no point on the boundary of any non-industrial district shall the sound pressure level of any operation exceed the described levels in the designated octave bands below:

Octave Band in Cycles per Second	Maximum Permitted Sound level in decibels
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

C. Control of Odors

There shall be no emission of odorous matter in such quantities as to be offensive at lot boundary lines.

1. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that the control will be maintained if the primary safeguard system should fail.
2. There is hereby established as a guide in determining such quantities of offensive odors, Table III, (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual" copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.

D. Control of Glare or Heat

Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point beyond the lot lines of the lot upon which the source of such glare or heat is located.

E. Control of Vibrations

No vibration which is discernable to the human sense of feeling shall be perceptible at any point beyond the lot line of the lot upon which the source of such vibration is located.

F. Control of Radioactivity or Electrical Disturbance

There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbance.

G. Outdoor Storage and Waste Disposal

1. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting with energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
2. All outdoor storage facilities for fuel, raw materials, and products and all fuel; and all raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties.
3. No materials or wastes shall be deposited upon a lot in such a form or manner that may be transferred off the lots by natural forces or causes.
4. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

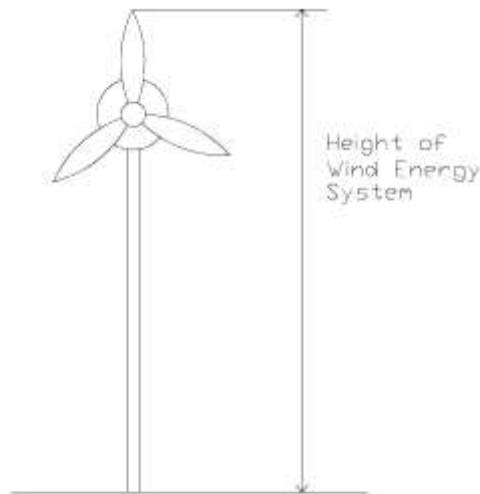
Sec. 11.05 Wind Energy

Wind energy is a use allowed by Conditional Use Permit in all zoning districts. Uses in all commercial and industrial districts shall conform to the following.

- A. The system is designed to primarily serve the needs of a home, farm, or small business.
- B. Shall have a tower height of sixty-six (66) feet or less.
- C. Property Set-back: The distance between an onsite wind energy system and the owner's property lines shall be equal to the height of the wind energy system tower including the top

of the blade in its vertical position (See figure 11-1). The distance between an onsite wind energy system and any structure on an adjacent residential lot shall be equal to twice the height of the wind energy system tower including the top of the blade in its vertical position. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.

Figure 11-1



- D. Sound Pressure Level: On-site wind energy systems shall not exceed the standards contained in Section 11.04 of this ordinance.
- E. Construction Codes, Towers, & Interconnection Standards: On site wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 *et seq.*), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 *et seq.*). An interconnected on site wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
- F. Safety: An onsite wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. Guy wires are not allowed for towers in residential zoning districts. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.

- G. In addition to the siting and design requirements listed above, the structure mounted wind energy systems shall be subject to the following:
1. Height: The height of a structure mounted wind energy system shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
 2. Setback: The setback of the structure mounted wind energy system shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the structure mounted wind energy system is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts
 3. Location: The structure mounted wind energy system shall not be affixed to the wall on the side of a structure facing a road
 4. Quantity: No more than three (3) structure mounted wind energy system s shall be installed on any parcel of property
 5. Separation: If more than one structure mounted wind energy system is installed, a distance equal to the height of the highest structure mounted wind energy system must be maintained between the furthest outward extension of any moving part of each structure mounted wind energy system.

Figure 11-2

