

Article 6: Development Standards

Chapter 1: General Provisions

SECTION 6.1.1 • CONFLICTING REGULATIONS

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

SECTION 6.1.2 • SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed or altered, and no new use shall be made of or change shall be made to any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

SECTION 6.1.3 • USE REGULATIONS

Except as otherwise provided herein, regulations governing land and building use are hereby established in Article 3, Chapter 4, covering each district. Uses permitted in each district after special approval shall be permitted only in accordance with the Special Use Approval standards and procedures of this Ordinance.

SECTION 6.1.4 • USES NOT OTHERWISE SPECIFIED WITHIN A USE DISTRICT

Uses which have not been specifically mentioned within any use district may be processed under the Special Use Review procedure, in accordance to Article 9, Chapter 3. Such uses and related structures shall be subject to the area, height, bulk, and placement requirements in the subject zoning district for which the use is located.

SECTION 6.1.5 • GENERAL AREA, HEIGHT, BULK REGULATIONS

Except as otherwise provided herein, regulations governing the minimum lot width, lot area per dwelling unit, required open spaces, height of buildings and other pertinent factors are as shown Article 3, Chapter 4.

SECTION 6.1.6 • LAND REQUIRED TO SATISFY REGULATIONS

No portion of a lot used in or necessary for compliance with the provisions of this ordinance shall through sale or otherwise be reduced beyond said minimums or again be used to satisfy the zoning requirements of another lot.

SECTION 6.1.7 • PUBLIC UTILITY FACILITIES

When operating requirements necessitate the locating of public utility facilities and uses (without storage yards) within the district in order to serve the immediate vicinity, such facilities shall be permitted in

all zoning districts, subject to Special Use approval by the Planning Commission, review and approval of the site plan, and a finding by the Planning Commission that the use is compatible to the surrounding area and will not be injurious to the surrounding neighborhood and is not contrary to the spirit and purpose of this Ordinance.

SECTION 6.1.8 • GENERAL EXCEPTIONS

- A. Essential Services.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village, it being the intention hereof to exempt such essential services from the application of this ordinance, except that all buildings hereunder shall be subject to site plan review in accordance with this Ordinance.
- B. Voting Place.** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- C. Height Limits.** The height limits of this Ordinance shall not apply to radio transmitting and receiving or television antennae, chimneys or flagpoles, church spires, belfries, cupolas, domes, water towers, observation towers, power transmission towers, radio towers, masts, aerials, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenance pertaining to the permitted uses of the districts which they are located, provided that they do not exceed the maximum permitted height of the building by more than 10 feet. The height of wireless telecommunication facilities shall be regulated by Section 4.1.41.

SECTION 6.1.9 • EASEMENTS

It shall be unlawful for any person to install, erect, cause or permit the installation of a permanent structure (garage, building or large tree) on or across an easement of record which will prevent or interfere with the free right or opportunity to use or make accessible such easement for its proper use.

SECTION 6.1.10 • GRADES, ELEVATION DIFFERENTIALS, AND RETAINING WALLS

- A.** The grading of all building lots shall be such as to divert water away from buildings and to prevent standing water and soil saturation detrimental to structures, lot use, and surrounding property.
- B.** Retaining walls in excess of one (1) foot in height shall require a building permit. All retaining walls shall be designed and built so as to safely resist lateral pressures of soil behind them and be safely supported by soil beneath them. Additionally, retaining walls shall be maintained in structurally sound, good and safe repair and shall not impair drainage or create negative impacts on any other lot.

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SECTION 6.1.11 • CLEAR VISION AREA

No structure, wall, fence, shrubbery, or trees shall be erected, planted or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection; excepting that shrubbery and low retaining walls not exceeding thirty (30) inches in height above the curb level and trees where all branches are not less than eight (8) feet above the street level will be permitted. In the case of corner lots, this shall also mean that there shall be provided an unobstructed triangular area formed by the street property lines and a line connecting them at points twenty five (25) feet from the intersection of the pavement edge lines, or in the case of a rounded corner, from the intersection of the street property lines extended.

SECTION 6.1.12 • MINIMUM DISTANCE BETWEEN RESIDENTIAL BUILDINGS

The sum of the minimum required side yards for single family residential buildings on two (2) lots which abut each other along a common side lot line shall be not less than the total of the two (2) required side yards of either of the lots.

SECTION 6.1.13 • FENCE, WALL, AND PRIVACY SCREENS

Fences, walls, or privacy screens shall conform to the following:

- A.** Fences, walls, or privacy screens in Single Family Residential districts shall not exceed six (6) feet in height above grade. Fences or walls are permitted within a front yard, provided that they do not exceed thirty (30) inches in height. All fences which are a part of any deck structure shall not exceed 4 feet in height above the surface of the deck. All such fences shall be subject to the following conditions:
 - 1. Those side yards that have a common street line with front yards in the same block shall be treated as front yards and shall not have a fence, wall, or privacy screen over thirty (30) inches in height erected within the minimum front yard setback.
 - 2. On corner lots with a common rear yard relationship within the block, fences, walls, or privacy screens shall not be higher than forty-two (42) inches within ten (10) feet of the street right-of-way line.
 - 3. Fences, walls, or privacy screens which serve as architectural or decorative landscaping and are not used to enclose property and/or are not placed on common lot lines, may be erected within the provisions of the minimum yard requirements for said yard as specified in the subject zoning district.
- B.** Fences, walls, or privacy screens which enclose public or institutional playgrounds shall not exceed six (6) feet in height above grade, and shall not obstruct vision to an extent greater than 25 percent of their total areas.
- C.** Fences, walls, or privacy screens shall not contain barbed wire, electric current or charge of electricity; provided, however, that fences in the I-1 District which enclose storage areas may have barbed wire connected therewith, provided such barbed wire is located more than six (6) feet above grade and not visible from

a public or private street.

- D.** Fences, walls, or privacy screens shall be maintained in good condition, so as not to endanger life or property. Such maintenance shall be the responsibility of the owner of the property on which the fence or wall is located. Rotten, crumbled or broken components shall be replaced, repaired or removed, and exposed surfaces shall be painted, stained or similarly treated. Failure to maintain a fence in conformance to the standards of this Section shall be deemed a violation of this Ordinance.
- E.** The erection, construction or alteration of any fence, wall or privacy screen as defined herein, shall be constructed within all municipal codes and shall require a building permit.

SECTION 6.1.14 • TEMPORARY AND PORTABLE BUILDINGS, USES, STRUCTURES AND SPECIAL EVENTS

The Planning Commission may permit temporary buildings, structures, and uses for a period of six (6) months provided that all requirements and conditions are met, as are the relative to the type of structure and use, the timing and arrangements for termination and removal. The Planning Commission may modify the six (6) month time period based on unique circumstances, however in no case shall the approval be granted for more than 12 months. The Planning Commission may require safeguards related to setbacks, screening, off street parking which are considers necessary to protect the health, safety, welfare and comfort of inhabitants of the Village. Mobile homes, mobile or temporary offices, trucks, truck trailers, vans or other passenger vehicles or trailers shall not be used for storage, warehousing, retail sales, service or offices, except by approval of the Planning Commission and subject to conditions imposed by the Planning Commission.

SECTION 6.1.15 • STORAGE OF OBNOXIOUS MATTER IN OPEN CONTAINERS PROHIBITED

No garbage, filth, refuse or other obnoxious matter shall be kept in open containers, piled or laid on the open ground; and all containers shall be stored in such a way so as not to be visible from any street.

SECTION 6.1.16 • SOIL EXCAVATION OR FILLING

- A.** The deposit or burying of garbage anywhere in the Village of Oxford is expressly prohibited.
- B.** The use of land for quarry excavation and the removal or filling of topsoil, sand, gravel or other material from or on the land is not permitted in any zoning district unless a plan for such excavation or filling has first been filed with and a building permit is obtained from the Building Official. Before issuing a permit, the Building Official shall determine that such removal will not cause stagnant water to collect or, at the expiration date of such permit, leave the surface of the land in an unsuitable condition or cause the land to be unfit for other uses permitted in the district in which the removal or filling occurs; and that such fill or removal will not cause water or other materials to encroach on any public street, sidewalk, or adjacent property not owned by the applicant. When appropriate, the Building Official may require that such fill or excavation areas are

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protected with fencing, rail guards, and warning signs.

- C. This regulation shall not prohibit the normal removal or filling of soil for the construction of an approved building or structure when such plans have been approved by the Building Official, and a building permit has been issued for said building development.

SECTION 6.1.17 • OPEN STORAGE OR DUMPING ON LAND PROHIBITED

The use of land for the open storage or collection or accumulation of lumber (excluding firewood less than two feet long) or human made materials, or for the dumping or disposal of scrap metal, junk, junk cars, parts of automobiles, trucks, and boats, tires, garbage, rubbish, or other refuse or of ashes, slag or other wastes or by products, shall not be permitted in any zoning district.

SECTION 6.1.18 • COMMERCIAL VEHICLES IN RESIDENTIAL AREAS

- A. **Purpose.** The purpose of restrictions on commercial vehicles is to preserve the health, safety and general welfare of persons and property in areas designed and utilized for single family residential development. The parking of large commercial vehicles are frequently impediments to the ingress and egress of emergency vehicles and equipment, and are frequently unsafe when operated on residential streets. The noise, exhaust emissions and appearance of such commercial vehicles tend to impair the health, safety and general welfare of the people of the Village.
- B. **Residential Parking Prohibited.** No commercial vehicle of any kind, shall be parked in a residentially zoned or used area. Provided however, this provision shall not apply to commercial vehicles temporarily parked less than eight (8) hours in a residential area in conjunction with maintenance or service to a residential property.
- C. **Presumption of Ownership.** In any proceeding for violation of any parking provision of this section, the person to whom a commercial vehicle is registered, as determined from the registration plate displayed on said motor vehicle, shall be presumed in evidence to be the person who committed the violation charged.

SECTION 6.1.19 • OUTDOOR STORAGE OF RECREATION AND OTHER VEHICLES AND EQUIPMENT IN SINGLE FAMILY RESIDENTIAL DISTRICTS

The outdoor storage or parking of any airplane, antique or racing automobile, boat, boat hoist or dock, float, trailer, trailer coach, camping trailer, motorized home, vacant or unused mobile home, demountable travel equipment of the type adaptable to light duty trucks, and other equipment or vehicles of a similar nature, shall be prohibited for a period greater than forty-eight (48) hours in all single family residential districts, except where the following minimum conditions are met:

- A. All such vehicles or equipment shall be placed within a completely enclosed building or located behind the required

front building line, but no closer than the required side or rear setback requirement.

- B. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.
- C. Trailer coaches, motor homes and other vehicles or equipment designed or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or to electricity, water or gas.
- D. Not more than two (2) recreation vehicles per dwelling unit may be kept or stored outdoors at one time. Not more than one of these recreation vehicles may exceed sixteen (16) feet in length. The size of recreation vehicles kept or stored outdoors may not exceed eight (8) feet in width, ten (10) feet in height, or twenty-eight (28) feet in length.
- E. Such vehicles so kept or stored shall be in good repair. Open storage of partially or disassembled component parts of said uses is prohibited.
- F. The storage of vacant mobile homes in single family residential districts shall be prohibited.

SECTION 6.1.20 • UNLICENSED VEHICLES

No unlicensed motor vehicles shall be kept on any property for a period of more than fifteen (15) days except in an I-1 District or if contained entirely within a building. This provision shall not pertain to vehicles such as farm tractors which are not ordinarily licensed.

SECTION 6.1.21 • ENCLOSURE OF ROOF APPLIANCES OR ACCESSORIES

In all zoning districts, roof appliances such as, but not limited to, cooling towers, air conditioners, heating apparatus, dust collectors, filters, transformers and any other such appliance or apparatus, other than flag poles, chimneys for carrying products of combustion, wireless communication facilities, and radio antenna towers, shall be enclosed with opaque screens not less in height than the height of the highest appliance, as measured from the plane of the roof surface upon which the screen device is mounted to the top of the highest appliance. However, if the screening device is mounted on the top of the parapet or other part of the building facade which extends above the roof surface, and the height of the parapet or other part of the building facade is equal to the height of the highest appliance, such walls may be lowered to permit passage of air for cross ventilation, provided that the roof appliances are totally screened from view. The design of the screening device shall be compatible with the architectural design of the building upon which it is located.

SECTION 6.1.22 • SIDEWALKS

For all developments requiring site plan approval, either a new public sidewalk or the reconstruction of existing sidewalks, shall be required to be constructed to Village standards along the perimeter of the lot which abuts any public or private street. New or reconstructed sidewalks or bikeways shall be aligned with existing or proposed sidewalks or bikeways. Additionally, when a site is proposed for

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development or redevelopment and the site is located adjacent to a park owned by the Village or the Polly Ann Trail, the Village may require a pedestrian access path or sidewalk to be constructed to provide access to the park or Polly Ann Trail. The pedestrian access path or sidewalk as required herein shall be built consistent with the standards for sidewalk or pedestrian path construction that shall be specified by the Village.

SECTION 6.1.23 • KEEPING OF FARM ANIMALS AND OTHER ANIMALS

The keeping, raising, or breeding of animals, poultry or livestock, including farm animals and non domestic animals and reptiles (except domesticated cats, dogs, canaries, parakeets, parrots, gerbils, hamsters, guinea pigs, turtles, fish, rabbits and similar animals commonly kept as pets), shall be prohibited, except as may be permitted by and under conditions of public safety, comfort, convenience and quiet use of property imposed by the Zoning Board of Appeals.

SECTION 6.1.24 • DUMPSTERS OR OUTDOOR TRASH RECEPTACLES

Any new or altered use which requires site plan review under Article 9, Chapter 2, and has an outdoor trash storage area shall comply with the following requirements:

- A.** Any outdoor trash storage area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed.
- B.** A decorative wall or fence of six (6) feet in height shall enclose three (3) sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. Opaque and lockable screening gates may be required by the Planning Commission when deemed necessary to obscure a trash receptacle from view from a public right-of-way or adjacent use. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.
- C.** In no instance shall any such refuse be visible above the required enclosure.
- D.** Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off street parking areas or entrances to or exits from principal buildings nearby.
- E.** Any such storage shall be located in a rear yard or be so located and arranged as to minimize its visibility from adjacent streets and uses. In no instance shall any such area be located in a front yard.

SECTION 6.1.25 • SWIMMING POOL REGULATIONS

- A. Permit Application.** It shall be unlawful for any person to construct or maintain an outdoor swimming pool without first making application to the Building Official and obtaining a

permit thereof. Application for such permit shall show the name of the owner, a plot plan of the property showing the location of such swimming pool, a detailed plan and specifications for such swimming pool, and full information as to the type, height and location of the fence surrounding such swimming pool and the number of gates therein.

- B. Location.** Outdoor swimming pools may be erected in the rear yard, provided that they are located no closer than ten (10) feet from the side or rear lot lines. No such pool or part thereof shall be installed within twenty five (25) feet of a side street.
- C. Fencing.** The swimming pool shall be completely enclosed by a fence not less than four (4) feet in height. The gates shall be of the self closing, self latching type with latch on the inside of the gate not readily available for children to open. A fence which encloses the yard, as a whole, of the type referred to above, may be considered as complying with the requirements hereof. All gates must be locked when the residents are away from the house or when the pool is not in use.
- D. Inspection.** The Building Official shall have the right, at any reasonable hour, to inspect any swimming pool for the purpose of determining that all provisions of this Section are complied with. Before any swimming pool shall be used, a final inspection and approval must be received from both the Building Official and Plumbing Inspector.
- E. Nuisance.** Any such outdoor swimming pool installed, operated or maintained in violation of provisions of this Section shall constitute a nuisance, and the Village may, in addition to the penalties herein set forth in Article XXII, maintain any proper action for the abatement of such nuisance.

SECTION 6.1.26 • PERFORMANCE STANDARDS

No activity, operation, or use shall be permitted on any property which by reason of the emission of odor, fumes, smoke, vibration, radiation, noise or disposal of waste is deleterious to other permitted activities in the zone district or is obnoxious or offensive to uses permitted in neighboring districts, or is harmful to the general health, safety or welfare of the community. The following standards shall apply:

A. Noise.

- 1. Noise Level Limits.** No operation or activity shall be carried on which causes or creates measurable noise levels which have an annoying or disruptive effect on surrounding properties, or which exceed the maximum noise level limits prescribed in Table A below, as measured at the boundary line of the lot on which the operation or activity is located. The measuring equipment and measurement procedures shall conform to the latest American National Standards Institute (ANSI) specifications. The sound measuring equipment shall be properly calibrated before and after the measurements.

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Maximum Permitted Noise Levels		
Zoning District	Time	Sound Level (A Weighted) Decibels dB(A)
Residential	7:00 am to 7:00 pm	55
	7:00 am to 7:00 pm	50
	10:00 pm to 7:00 am	45
Commercial	Any Time	55
Office	Any Time	55
Industrial, not adjacent to residential zone	Any Time	70
Industrial, adjacent to residential zone	Any Time	55

2. **Intermittent Sounds.** Intermittent sounds or sounds characterized by pure tones may be a source of complaints, even though the measured sound level may not exceed the permitted level in Table A. In such cases, the Building Official shall investigate the complaints to determine the nature of and justification for the complaint and possible corrective action. If the complaints are determined to be justified and are not resolved within sixty (60) days, the Building Official may proceed to enforce the terms of the Zoning Ordinance in accordance with the remedies provided herein.

3. **Permitted Exemptions.** Noise resulting from the following activities shall be exempt from the maximum permitted sound levels provided such activity occurs in a legally accepted manner:

- a.) Temporary construction activity that occurs between 7:00 am and 7:00 pm.
- b.) Performance of emergency work.
- c.) Warning devices necessary for public safety, such as police, fire, and ambulance sirens and train horns.
- d.) Lawn care and house maintenance that occurs between 9:00 am and 9:00 pm.

B. Vibration.

1. **Permitted Vibration.** Vibration is the oscillatory motion of a solid body. Machines or operations which cause vibration may be permitted in industrial districts, provided that:
 - a.) No operation shall generate any ground or structure borne vibrational motion that is perceptible to the human sense of touch beyond the property line of the site on which the operation is located, and
 - b.) No operation shall generate any ground transmitted vibrations which exceed the limits specified in Subsection 2, below, as measured at the boundary line of the lot on which the operation or activity is located.

2. **Method and Units of Measurement.** The instrument used to measure vibrations shall be a three component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions. Vibrations shall be measured in terms of Particle Velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 (F \times D)$$

Where:

PV = Particle Velocity, expressed in inches per second

F = Vibration Frequency, expressed in cycles per second

D = Single amplitude displacement of the vibration, expressed in inches

The maximum velocity shall be the vector sum of the three components recorded.

Ground transmitted vibration shall not exceed a Particle Velocity of 0.20 inches per second, as measured at the boundary line of the lot, unless the adjacent property is used for residential purposes, in which case the Particle Velocity shall not exceed 0.02 inches per second. These maximum permitted values may be doubled for impact vibrations, i.e., discrete vibration pulsations not exceeding one second in duration and having a pause of at least one second between pulses.

3. **Permitted Exemptions.** Vibrations resulting from temporary construction activity that occurs between 7:00 am and 7:00 pm. shall be exempt from the maximum permitted vibration levels in Subsection 2, above, provided that such activity occurs in a legally accepted manner.

C. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind

Erosion. The drifting of air borne matter beyond the lot line, including wind blown dust, particles or debris from open stock piles, shall be prohibited. Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas borne or airborne solids or fumes emitted into the open air.

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- D. Odor.** Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.
- E. Glare and Heat.** Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one half (1/2) of one (1) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
- F. Fire and Safety Hazards.** The storage and handling of flammable liquids, liquified petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the state Fire Prevention Act, Michigan Public Act 207 of 1941, as amended. Further, all storage tanks for flammable liquid materials above ground shall be located at least one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining wall capable of containing the total capacity of all tanks so enclosed. Below ground bulk storage tanks which contain flammable material shall be located no closer to the property line than seventy-five (75) feet.
- G. Hazardous Substance Containment and Storage.** The storage and handling of hazardous substances shall comply with all applicable state, county and local regulations. There shall be no general purpose floor drains in structures in which hazardous substances are kept. Above ground storage containers for hazardous materials shall require secondary containment facility capable of containing the total volume of all hazardous substances.
- H. Sewage Wastes and Water Pollution.** Sewage disposal and water pollution shall be subject to the standards and regulations established by Federal, state, county and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Natural Resources, the Wayne County Health Department, and the U. S. Environmental Protection Agency.
- I. Gases.** The escape of or emission of any gas which is injurious or destructive to life or property, or which is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, the federal Clean Air Act of 1990, as amended, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart, which is based on the National Ambient Air Quality Standards as established by the

Environmental Protection Agency, unless a higher standard is imposed by a Federal, state, county or local regulatory agency which has jurisdiction:

Gas	Max. Emissions Level	Sampling Period
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hours
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hours
Lead	1.5 ug/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours
Beryllium	2.0 ug/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

- J. Electromagnetic Radiation and Radio Transmission.** Electronic equipment required in an industrial, commercial, or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.
- K. Radioactive Materials.** Radioactive materials, wastes and emissions, including electromagnetic radiation such as from an x ray machine, shall not exceed levels established by Federal agencies which have jurisdiction.

Article 7: General Provisions

Chapter 1: Off Street Parking and Loading

SECTION 7.1.1 • PURPOSE

Off-street facilities designed for the parking of self-propelled motor vehicles for occupants, employees and patrons of buildings erected, used, altered or extended after the effective date of adoption or amendment of this Ordinance shall be provided and maintained in accordance with the provisions of this Chapter. Such facilities shall be maintained and not encroached upon so long as the principal use remains, unless an equivalent number of spaces are provided elsewhere in conformance with this Ordinance.

The purpose of this Chapter is also to limit the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building; to establish flexible minimum and maximum standards for off-street parking and loading; and to promote the use and development of shared parking facilities and cross-access between sites.

SECTION 7.1.2 • SCOPE

Adequate off-street parking and loading spaces shall be provided in all districts in accordance with the provisions in this Chapter whenever a structure or use is established, constructed, altered, or expanded, an existing use is replaced by a new use (change of use), or the intensity of a use is increased through additional dwelling units, an increase in floor area or seating capacity or similar means. Such spaces shall be provided in accordance with the provisions of this Chapter.

SECTION 7.1.3 • GENERAL STANDARDS

The following general standards shall apply to all off-street parking and loading facilities:

- A. Provision of Spaces.** There shall be provided in all zoning districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as prescribed in this Chapter.
- B. Location of Parking Spaces.**
 - 1. Off-Street Parking Spaces for One and Two-Family Dwellings.** Off-street parking facilities required for one and two-family dwellings shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve subject to the provisions of Section 4.1, Accessory Uses. No parking

shall be permitted in the required front yard except on a driveway which leads to an approved parking space.

- 2. Off-Street Parking for Multiple-Family and Non-Residential Uses in the RM, C-1 Core, C-1 Transition, C-2, and I-1 Districts.**
 - a.) Off-street parking facilities required for multiple-family and non-residential uses shall be located on the same lot or parcel as the building or use they are intended to serve, or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership or a use easement, duly recorded with the Oakland County Registrar of Deeds, shall be shown for all off-site land areas intended for use as parking by the applicant.
 - b.) Off-street parking may be permitted to occupy a required front yard, except in the C-1 Core and C-1 Transition District, after approval of a parking layout plan. However, the number of parking spaces located within the front yard shall be limited to a maximum of 50% of the total parking provided for the site. Parking should be located to the rear or the side of buildings to the greatest extent possible. Where possible, on-site parking lots shall be accessed by means of common driveways, preferably from side streets or lanes. If the Planning Commission finds that additional front yard parking is needed to ensure public safety and/or logical site circulation, the Commission may permit up to a maximum of 75% of the proposed parking within the front yard. Front yard parking shall only be permitted provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet in all other nonresidential districts between the nearest point of the off-street parking area, exclusive of driveways, and the nearest existing or proposed right-of-way line. The buffer area between the parking lot and the right-of-way line shall be landscaped in accordance with Section 7.2.5.
 - c.) Parking shall not be permitted in the front yard in the C-1 Core and C-1 Transition District.
 - d.) In the I-1 District, required side yards may be utilized for parking and loading and unloading provided that in such instances the Planning Commission shall review the plans for such area to ensure sufficient access to the building or any storage or related areas to provide for the health, safety and general welfare

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of employees in the building. All off-street loading and unloading and storage areas shall be provided with adequate obscuring screening at least six feet in height, except it shall not be required on the interior of the district where the area is not visible from a thoroughfare or other zoning district.

- e.) Off-street parking may be located in a required side yard abutting a nonresidential zoning district in the C-2 district provided that there shall be an unobstructed and landscaped setback of at least ten (10) feet maintained between the nearest point of the off-street parking lot, exclusive of driveways, and the side lot line. Such unobstructed and landscaped setback shall extend continuously and uninterrupted along the side lot line from the nearest existing or proposed right-of-way line or private road easement to the rear yard. The unobstructed and landscaped setback of at least ten feet may be reduced or waived by the Planning Commission upon determining that such reduction or waiver is compatible with and/or part of a comprehensive plan with the adjacent properties.
 - f.) Off-street parking may be located within any non-required yard and within the rear yard setback.
 - g.) Where a C-2 District borders on a side street, wherein a residential zoning district exists in the same block, there shall be provided a setback of ten (10) feet from the side street right-of-way line for all parking and loading areas.
 - h.) Parking, loading areas, and circulation or access drives shall set back at least five (5) feet from any building or structure. Concrete curbing shall be installed along the perimeter of the vehicular use area to prevent encroachments.
 - i.) Parking spaces may be covered by carports, subject to approval under the appropriate process from Article 9 based on the overall project.
- C. Alteration of Existing Parking.** Existing off-street parking facilities accessory to an existing building or use shall not be reduced to an amount less than the minimum required by this Chapter for a similar new building or new use. The minimum required off-street parking spaces shall not be replaced by any other use unless adequate parking facilities meeting the standards of this Chapter have first been provided at another location.
- D. Pedestrian Circulation.** The parking lot layout shall accommodate pedestrian circulation. Where applicable, pedestrian crosswalks shall be provided, shall be distinguished by textured paving or pavement striping, and shall be integrated into the sidewalk network.
- E. Cross Access.** Common, shared parking facilities are encouraged. As such, wherever feasible, cross-access connections between adjacent parking lots, or a future connection when no adjacent parking lot exists but can reasonably be expected to be constructed on an adjacent parcel at a future date are required. Blanket cross-access easements across the entire parking lot area shall be provided for connected lots under separate ownership or management. The cross-access easement shall be recorded with the Oakland County Register of Deeds.
- F. Prohibited Activities.** An unenclosed off-street parking space may not be used for the storage or parking of trailers, mobile homes, travel trailers, boats, boat trailers, junked or wrecked vehicles of any type or used as a storage area for merchandise or industrial equipment or material, or used as a dump for refuse of any description. No repairs or service to vehicles and no display of vehicles for purpose of sale shall be carried on or permitted on areas designated as required off-street parking.
- G. Minimum Parking Required.** Off-street parking, stacking, and loading spaces shall be provided in accordance with the minimum requirements of Section 7.1.9. The Planning Commission may reduce the number of required spaces as described in Section 7.1.5, Modification of Standards.
- H. Maximum Parking Permitted.** In order to minimize excessive areas of pavement which negatively impact aesthetic standards and contribute to high volumes of stormwater runoff, the maximum amount of off-street parking permitted for any use shall not exceed one hundred twenty-five percent (125%) of the minimum parking requirements of Section 7.1.9. This requirement shall not apply to single-family or two-family dwellings. The Planning Commission may permit additional parking over and above the maximum parking limit based on document evidence indicating that the maximum parking permitted will not be sufficient to accommodate the use on a typical day.
- I. Uses Not Listed.** For uses not specifically listed in Section 7.1.9, the default parking standard for that type of use shall apply, unless the Planning Commission determines that the standard for a similar listed use is more appropriate.
- J. Uses Meeting More Than One Category.** Where more than one use is present in a building or a site, such as a gas station with convenience store and restaurant, the various components of the use shall comply with the requirement for each component. In such a case, the applicant must provide information regarding the floor area, employees, or other relevant information for each use in order to allow the Village to determine the minimum parking requirement for the use.
- K. Fractional Spaces.** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.

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L. Units of Measurement. The following units of measurement are used in calculating required parking:

1. **Floor Area.** Where floor area is the unit for determining the required number of parking spaces, said unit shall mean gross floor area.
2. **Usable Floor Area.** Usable floor area shall mean the floor area used for service to the public and shall not include floor area used for storage or processing and packaging of merchandise where it is undertaken in a room in which service to the public is not involved. When usable floor area is not known at the time of site plan submittal, 80 percent of the total floor area shall be used for usable floor area for parking computations.
3. **Places of Assembly.** For places of worship or similar places of assembly in which those in attendance occupy benches, pews or similar seating, each twenty four (24") inches of such seating shall be counted as one (1) seat.
4. **Employees.** For requirements stated in terms of employees, the calculation shall be based on the maximum number of employees on the premises during the largest shift.

SECTION 7.1.4 • SHARED PARKING

Different types of uses have different peak usage times, for instance, residential land uses generate the most parking demand during evening and night hours, while office uses generate the most parking demand during daytime hours. Therefore, the minimum parking requirement may be adjusted by a shared parking factor that considers a mixture of uses sharing a common parking facility. The uses that share a common parking facility may be located within a single building or in separate buildings located on the same or different sites.

A. Shared Parking Procedure. The number of shared parking spaces required for two (2) or more land uses sharing a parking lot or located on the same parcel of land shall be determined by the following procedure:

1. Multiply the minimum parking required for each individual use, as set forth in the Shared Parking Factor Table on the following page, by the appropriate percentage indicated in the following table for each of the six (6) designated time periods.
2. Add the resulting sums for each of the six (6) columns.
3. The minimum parking requirement shall be the highest sum among the six (6) columns resulting from the above calculations.
4. Other Uses. If one (1) or all of the land uses proposing to make use of shared parking facilities do not conform to the general land use classifications in the Shared Parking Factor table, as determined by the Planning Commission, the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the Planning Commission shall determine the

appropriate shared parking requirement, if any, for such uses.

- B. Agreement.** A written agreement between joint users in a form approved by the Village shall be filed with the Oakland County Register of Deeds. The agreement shall assure the continued availability of the parking facility for the uses it is intended to serve.
- C. Public Parking Bonus.** For lots within the Form Based Code Boundary, the Village wishes to encourage parking owners to allow public parking in their lots. To that end, any lot open to the general public shall be permitted a 10% reduction of the minimum parking requirement. Any parking lot open to the general public on a limited basis, such as only after business hours, shall be permitted a 5% exemption in the minimum parking requirement.

Shared Parking Factors						
Land Use	Weekdays			Weekends		
	1 am - 7 am	7 am - 7 pm	7 pm - 1 am	1 am - 7 am	7 am - 7 pm	7 pm - 1 am
Residential	95%	25%	95%	95%	75%	95%
Commercial/ Retail	0%	95%	75%	0%	90%	75%
Office/ Service	5%	95%	5%	0%	10%	0%

SECTION 7.1.5 • MODIFICATION OF PARKING REQUIREMENTS

The Planning Commission may modify the numerical requirements for off-street parking based on evidence submitted by the applicant that another standard would be more reasonable because of the level of current or future employment or customer traffic.

The Planning Commission may attach conditions to the approval of a modification of the requirements that bind such approval to the specific use in question.

SECTION 7.1.6 • DEFERRED PARKING

Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum number of required parking spaces exceeds the amount necessary for the proposed use, the Commission may approve construction of a lesser number of parking spaces, subject to the following:

- A.** The banked parking shall be shown on the site plan and set aside as landscaped open space.
- B.** The banked parking shall be constructed upon request by the Village, after the Village documents three (3) incidents of problem parking on the site within any one (1) year period.
- C.** Banked parking shall be located in areas which are suitable for future parking and comply with Ordinance requirements.

ARTICLE 7: GENERAL PROVISIONS

SECTION 7.1.7 • PAYMENT IN LIEU OF PARKING

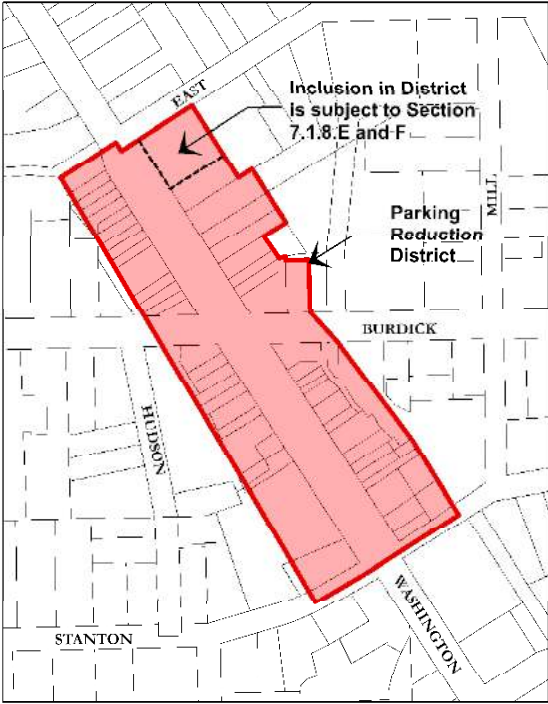
Where it can be demonstrated that the reasonable and practical development or property precludes the provisions of required off-street parking, the Planning Commission may permit the requirements thereof to be satisfied in all areas zoned C-1 Core and C-1 Transition by the payment to the Village of a sum equivalent to the estimated cost of planning for and later acquiring parking spaces within the Village limits. The estimated amount to be determined at the sole discretion of the Village Council which shall set such amount by resolution after review by the Village Engineer.

- A.** An off-street parking requirement satisfied in the manner shall run with the land, but any subsequent change in use which requires additional parking shall require compliance with all zoning and subsequent action to satisfy any additional parking requirement including the payment of additional costs as determined by the Village Council.
- B.** Such payment shall be a condition of site plan approval and shall be made to the Village prior to the issuance of the building permit. No refund of such payment shall be made for any reason including when there is a change to a use requiring less parking.
- C.** The amount of payment for each required parking space shall be fixed by resolution adopted from time to time by the Village Council.
- D.** Funds derived from such payment shall be deposited by the Village in a Special Parking Fund which shall be used and expended exclusively for any or all of the following: planning, designing, acquiring, and/or developing off-street parking facilities located, within the Village.
- E.** An application for permission to make such payment-in-lieu of providing off-street parking shall be made as a part of an application to the Planning Commission for site plan approval.
- F.** Where off-street parking has been provided through special assessment of property, the required number of off-street parking spaces may be reduced by the Planning Commission by that number of spaces which can be allocated to the assessment on that property. Likewise, a property which has paid pursuant to this section shall be given a 100% credit for off-street parking paid for under this section, which becomes part of a special parking assessment district. If all the costs of acquisition, administration and construction of such a district is less on a pro rata basis than that contributed by a property there shall be a 100% refund of the difference with no interest thereon applied provided the affected property owner makes application for such a refund not later than 90 days after the final payment on construction district. Notice of final payment and the provisions of this section shall be posted in three conspicuous places in the special assessment district, published once in a newspaper of general circulation in the Village and mailed, with appropriate proof of service, to the last entity on the property tax roll, which shall be deemed to be effective notice under this ordinance.

SECTION 7.1.8 • PARKING REDUCTION IN THE CENTRAL BUSINESS DISTRICT

Recognizing that the developed character of the Village of Oxford Central Business District makes the provision of private off-street parking difficult, that requiring parking can lower development density and restrict pedestrian activity in the Central Business District which is inconsistent with the Village Master Plan and Downtown Plan, and that shared public parking lots and on-street parking spaces are located in the Central Business District, therefore the following parking requirements shall apply to uses within the Parking Reduction District:

- A.** Any permitted principal use or use permitted after special approval located on the first or second floor of a building shall be exempt from providing the required number of parking spaces per Section 7.1.9.
- B.** Any permitted principal use or use permitted after special approval located on the third floor or above of a building shall provide for the required number of on-site parking spaces per Section 7.1.9.
- C.** Where it can be demonstrated that the reasonable and practical development of property precludes the provision of required off-street parking, the Planning Commission may permit payment in lieu of required parking subject to the requirements of Section 7.1.9.
- D.** The requirements of this Section shall only apply to parcels located in the Parking Reduction District, as shown on the official Village of Oxford Zoning Map, except as provided in Section 7.1.8.E.
- E.** The requirements of this Section shall only apply to 40 N. Washington Street once said property owner reimburses all of the participants of Special Assessment (not land arrangements) based upon the same formula as the original assessment.
- F.** This Ordinance is not intended to nor does it restrict reasonable assessments by the Village of Oxford. The Village may consider appropriate credits for improvements previously paid for by property owners in the Parking Reduction District when establishing such assessments.



Parking Reduction District Map

1	Purpose
2	Definition
3	Zoning District and Uses
4	Use Standards
5	Planned Unit Development
6	Development Standards
7	General Provisions
8	Nonconformities
9	Administration & Enforcement

ARTICLE 7: GENERAL PROVISIONS

SECTION 7.1.9 • PARKING REQUIREMENTS

USE	MINIMUM PARKING REQUIRED
COMMUNITY AND RECREATION USES	
Default parking standard	1 space per 3 persons permitted at maximum occupancy
School, elementary or middle	1 space per employee + 1 space per 3 persons permitted at maximum occupancy for auditoriums and gyms
School, high	1 space per employee + 1 space per each 10 students + 1 space per 3 persons permitted at maximum occupancy for auditoriums and gyms
Hospital or urgent care center	1 space per 3 beds
Municipal buildings and uses	1 space per employee
Nursery schools, day nurseries, and child care centers	1 space per 10 pupils + 1 space per employee + 5 stacking spaces for drop-off and pick-up
Places of worship	1 space for each 3 persons permitted in the main worship hall at maximum occupancy
COMMERCIAL, OFFICE, AND RETAIL USES	
Car wash	1 space per employee + four stacking spaces per wash line or bay + 1 exit stacking space for post-wash detailing
Drive-in or drive-through facilities	<ul style="list-style-type: none"> • 3 stacking spaces per general use service window or station, or • 10 stacking spaces per restaurant service window
Hotel, motel, or other lodging	1.1 spaces per room
Office, medical or professional	1 space per 350 sq. ft. of usable floor area
Outdoor sales	1 space per 1,000 sq. ft. of outdoor sales or display area
Places of assembly (where parking demand is generated by occupancy rather than floor area, such as banquet halls, movie theatres, etc.)	1 space per 3 persons permitted at maximum occupancy
Restaurant	1 space per 3 persons permitted at maximum occupancy
Retail sales and service establishments	1 space per 350 sq. ft. of usable floor area
INDUSTRIAL, RESEARCH, AND TECHNOLOGY USES	
Light industrial and manufacturing	1 space per 550 sq. ft. of usable floor area + 1 space per 350 sq. ft. of office floor area
Mini-warehouses	3 spaces + 1 space per employee
Warehousing or distribution	1 space per 1,700 sq. ft. of f usable floor area + 1 space per 350 sq. ft. of office floor area
RESIDENTIAL USES	
Elderly housing, independent living and senior housing	0.8 spaces per dwelling unit
Elderly housing, dependent (including nursing homes and assisted living)	0.5 spaces per resident sleeping room
Foster care small or large group home	0.25 spaces per resident
Congregate care facility	
State licensed residential facility	
Group day care home	
Manufactured housing park	2 spaces per dwelling unit
Multiple family	<ul style="list-style-type: none"> • 1.5 spaces per dwelling unit with 2 or fewer bedrooms + 0.2 visitor spaces per dwelling unit • 2 spaces per dwelling unit with 3 or more bedrooms + 0.25 visitor spaces per dwelling unit
One and two-family dwellings	2 for each dwelling unit

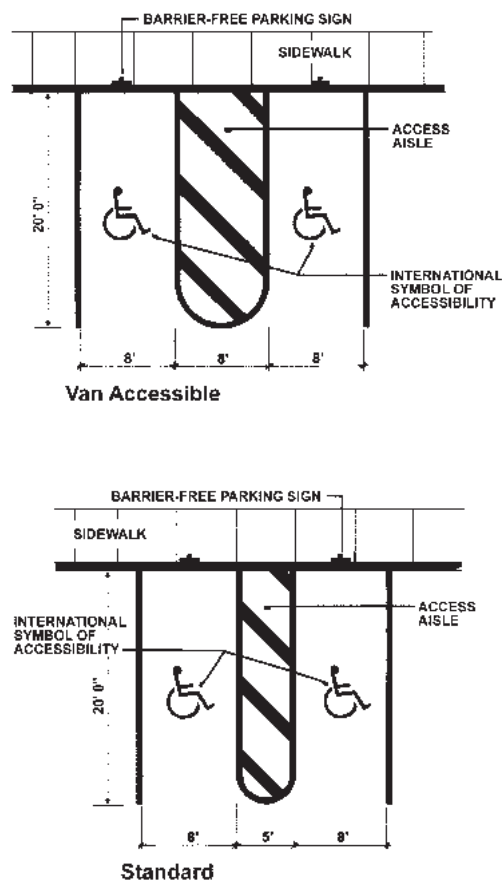
SECTION 7.1.10 • BARRIER-FREE PARKING REQUIREMENTS

Off-street parking facilities, other than parking for one or two-family dwellings, shall be designed, constructed, and maintained in accordance with the following:

- A. Barrier free parking spaces shall be provided per the State Construction Code and the following:

Number of Parking Spaces Provided	Minimum Number of Barrier-Free Spaces Required	Van Accessible Parking Spaces Required	Accessible Parking Spaces Required
Up to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 per 100 spaces over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces

- B. Barrier free spaces shall be accessible from and conveniently located near each primary building entrance.
- C. Barrier free spaces shall be identified by above grade signs and pavement striping.



Barrier-Free Parking Space Layout

Parking Pattern (degrees)	Maneuvering Lane Width	Space Width	Space Length	Width of Maneuvering Lane Plus:	
				One Row	Two Rows
0° (parallel)	12 feet	9 feet	23 feet	20 feet (one way) 32 feet (two way)	28 feet (one way) 40 feet (two way)
30° to 53°	12 feet	9 feet	20 feet	32 feet	54 feet
54° to 74°	15 feet	9 feet	18 feet	36 feet	58 feet
75° to 90°	20 feet	9 feet	18 feet	40 feet	60 feet

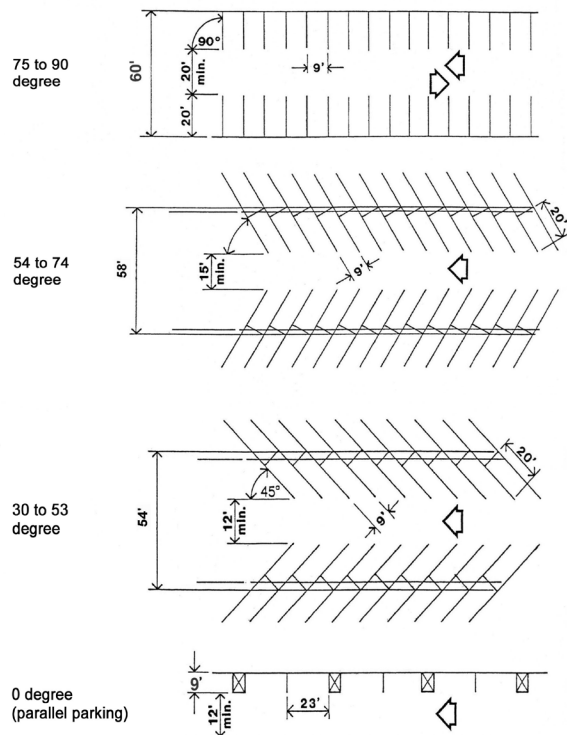
ARTICLE 7: GENERAL PROVISIONS

SECTION 7.1.11 • LANDSCAPING AND LIGHTING

Landscaping shall be provided as required by Article 7, Chapter 2 and lighting shall be provided as required Article 7, Chapter 3.

SECTION 7.1.12 • PARKING LAYOUT

The layout of off-street parking facilities shall be in accordance with the following minimum requirements:



Parking Layouts

- A.** The depth and width of parking spaces and the width of maneuvering lanes shall be measured from the back of the curb, or when no curb is proposed, parking spaces and maneuvering lanes shall be measured from the edge of pavement. If any fixed objects, including, but not limited to, bollards, posts, building edges, bumper posts and light poles, are located within the pavement area of a parking space or maneuvering lane, the depth and width of the parking space and the width of the maneuvering lane shall be measured from the edge of the fixed object.
- B.** All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree and parallel pattern may permit two-way movement.
- C.** Parking aisles shall not exceed 300 feet without a break in circulation.
- D.** Parking structures may be built to satisfy off street parking

regulations when located in other than residential districts subject to the area, height, bulk and placement regulations of such district in which it is located.

- E.** When a wall extends to an alley which is a means of ingress and egress to and from an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
- F.** Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 20 feet from any adjacent property located in any single-family residential district.

SECTION 7.1.13 • OFF-STREET LOADING

There shall be provided and maintained on the same premises with every structure, use or part thereof involving the receipt or distribution of vehicles, equipment, materials or merchandise adequate space for standing, loading, and unloading to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- A. Spaces Required – C-1 and C-2, Districts.** At least one (1) off-street loading space shall be provided in the rear yard. Alternatively, off-street loading may be provided in the side yard upon Planning Commission review and approval of a plan depicting the method of screening or obscuring the loading area. All loading spaces in these districts shall have a minimum width of 10 feet and a minimum length of 40 feet.
- B. Spaces Required – I-1 District.** Loading spaces shall be laid out in the dimension of at least 10 by 50 feet with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent durable and dustless surface. All spaces shall be provided in the following ratio of spaces to usable floor area:
 - 1. Buildings up to and including 2,000 square feet of floor area shall not be required to provide a dedicated loading space.
 - 2. Buildings with more than 2,000 square feet in floor area, but less than 20,000 square feet of gross floor area shall provide at least one (1) space.
 - 3. Buildings with more than 20,000 square feet in floor area, but less than 100,000 square feet shall provide a minimum of one (1) space plus one space for each 20,000 square feet in excess of 20,001 square feet.
 - 4. Buildings 100,001 square feet and greater in floor area shall provide five (5) spaces plus one (1) space for each additional 40,000 square feet or fraction thereof.
- C. Location of Loading Spaces.** The location and arrangement of loading spaces shall be subject to the following:
 - 1. Off-street loading space may be completely enclosed within

a building, or may occupy a portion of the site outside of the building. Where any portion of a loading space is open to public view, screening shall be provided in accordance with Article 7, Chapter 3.

- 2. All loading and unloading in an industrial district shall be provided off-street in the rear yard. Loading and unloading spaces may be permitted in an interior side yard provided a setback of fifty feet (50') is maintained. Loading and unloading facilities shall be prohibited in the front yard.
- 3. Off-street loading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.
- 4. Off-street loading facilities shall be located so as to not interfere with pedestrian access.

- D. Loading Restrictions.** Delivery vehicles and trailers shall load or unload or park only in designated loading/unloading zones as indicated on the approved site plan. Delivery vehicles and trailers shall not park or load or unload elsewhere on the premises. Under no circumstances shall a delivery vehicle or trailer park or be allowed to park in a designated loading/unloading zone for longer than 48 hours.
- E. Modification of Loading Space Requirements.** The Planning Commission may modify or waive the requirement for off-street loading areas, upon determining that adequate loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide.

SECTION 7.1.14 • PAVEMENT STRIPING

All spaces shall be outlined with three (3) inch stripes of paint, the color of which contrasts with the parking lot surface.

SECTION 7.1.15 • STACKING SPACES

Where required by this article, stacking spaces shall be 9 feet wide by 18 feet long. Stacking spaces shall not intrude into any street right-of-way or interior maneuvering lane.

SECTION 7.1.16 • GRADING AND DRAINAGE

Driveways and parking areas shall be graded and provided with adequate drainage to dispose of surface waters in accordance with applicable construction and design standards established by the Village. Surface water shall not drain on to adjoining lots, towards buildings or across a public street, except in accordance with an approved drainage plan.

SECTION 7.1.17 • CONSTRUCTION

The entire parking area, including parking spaces and maneuvering lanes required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Village. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the Village.

SECTION 7.1.18 • MAINTENANCE

All parking and loading areas shall be maintained in accordance with the provisions of this Article, an approved site plan and the following:

- A.** Alterations to an approved parking or loading facility that are not in accordance with an approved site plan shall be considered a violation of this Ordinance.
- B.** All parking areas, perimeter landscaped areas, and required screening shall be kept free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related improvements shall be kept in good repair.
- C.** Parking and loading areas shall be kept entirely free of snow. Snow may be stored in a parking area provided adequate on-site parking is provided in an amount equal to that required for the use or uses of the parcel.
- D.** Parking lots shall be maintained in a clean and debris free manner.

SECTION 7.1.19 • ADDITIONAL REQUIREMENTS

In addition to the above requirements, parking areas shall comply with additional requirements or conditions which may be deemed as necessary by the Planning Commission for the protections of abutting properties in a residential district.

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Chapter 2: Landscaping

SECTION 7.2.1 • PURPOSE

Screening and land use buffers are necessary for the protection and enhancement of the Village and to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening elements enhance the visual environment; preserve natural features; protect property values; alleviate the impact of noise, traffic, and more intensive land uses; and minimize visual impacts of parking lots, loading areas and storage areas. Screening and buffering also contribute to a healthy development pattern and increase the level of privacy for residential uses in the Village.

The purposes of this Chapter is to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials; to establish reasonable standards for the screening of uses of a significantly different scale or character; and buffering of parking lots, storage areas, and similar activities from street rights-of-way and adjacent lots. It is the intent of this Chapter that required screening and buffering elements shall be immediately effective in achieving the purpose of this Chapter, and shall maintain that effectiveness as the plant materials mature.

SECTION 7.2.2 • SCOPE

The standards of this Chapter shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of this Ordinance that are subject site plan approval or planned unit development approval. Uses and activities exempt from site plan approval shall be exempt from the requirements of this Chapter.

The standards of this Chapter shall be considered the minimum necessary to achieve the purposes of this Chapter and Ordinance. No provision of this Chapter shall preclude a developer and the Village from agreeing to more extensive landscaping or screening. Where existing sites have been developed without adequate screening or buffering, the purposes of this Chapter shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other site improvements.

SECTION 7.2.3 • GENERAL STANDARDS

The following standards shall apply to all landscaping and screening elements required by provisions of this Ordinance or determined necessary by the Planning Commission as part of site plan approval:

A. Design Standards.

1. **Visibility.** Landscaping and screening materials and layout shall conform to the requirements of Section 6.1.11, and shall not conflict with visibility for motorists or pedestrian access.
2. **Plantings near utility lines and fire hydrants.** Required plant materials and screening shall be arranged to avoid conflicts with underground and overhead utility lines and access to or visibility of fire hydrants. The anticipated height at maturity of trees planted near overhead utility lines shall not exceed the line height above grade.

3. **Protection.** Where pavement and landscape areas interface, concrete curbing or similar measures shall be provided to protect plants from vehicle encroachment.
4. **Irrigation.** To assist in maintaining plant materials in a healthy condition, all landscaped areas shall be provided with an automatic, underground, or drip irrigation system, subject to the following:
 - a.) The Planning Commission may approve an alternative form of irrigation for a particular site, or may waive this requirement upon determining that underground irrigation is not necessary for the type of proposed plant materials.
 - b.) All automatic irrigation systems shall be designed to minimize water usage, and shall be manually shut off during water emergencies or water rationing periods.

B. Plant Material Standards.

1. **General.** The following shall apply to all plant materials:
 - a.) All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc. (ANSI 260.1, 1996).
 - b.) All plant material shall be true to name in conformance to the current edition of Standardized Plant Names established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the Village.
 - c.) All plant material shall be nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack.
 - d.) Artificial plant material shall be prohibited within required screening areas.
2. **Groundcovers.** The following shall apply to all groundcover materials:
 - a.) Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or hydro-seeded, provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease. Sod shall be provided for all lawn areas located within the road right-of-way.
 - b.) The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass shall

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be planted to present a finished appearance after one (1) complete growing season.

- c.) Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.

3. **Mulch.** Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep, and shall be pulled one (1) inch away from tree trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.
4. **Topsoil.** A minimum four (4) inches of topsoil shall be provided for all lawn areas, ground covers, and planting beds.

- C. **Standards for Size and Variety of Plant Materials.** To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than thirty percent (30%) of any single plant species, and shall comply with the following schedule for minimum sizes at planting:

Screening Materials	Minimum Size at Installation
Street Trees	4.0 caliper-inches diameter
Deciduous Shade Trees	3.5 caliper-inches diameter
Evergreen Trees	6.0 feet overall height
Deciduous Ornamental Trees	2.0 caliper-inches diameter or 6 feet overall height
Shrubs	36 inches in height or 30 inches in spread

- D. **Existing Plant Materials.** Healthy existing trees and other plant materials on a site may be used to satisfy specific screening standards of this Chapter, subject to Planning Commission approval and the following:

1. The location, size, and species of individual trees and other plant materials to be preserved shall be identified on the site plan.
2. The Planning Commission may require Village inspection of existing plant materials prior to or as a condition of site plan approval to determine the health and desirability of such materials. Such inspections shall be performed by qualified Village staff or by a certified arborist or similar qualified consultant.
3. Where plant materials are to be saved, prior approval shall be obtained by the property owner from the Building Official or their designee prior to any delimbing, root pruning, or similar work.
4. Protective fencing shall be placed at the drip-line of existing

trees, and around the perimeter of other preserved plant materials, with details of protective measures noted on the site plan. No vehicle or other construction equipment shall be parked or stored within protected areas.

5. In the event that trees or other plant materials identified to be preserved on an approved site plan are destroyed or damaged, as determined by the Building Official or their designee, the owner, developer or contractor shall replace the plant material with a comparable size, amount, and species.

SECTION 7.2.4 • METHODS OF SCREENING

For those zoning districts listed below, and as required elsewhere in this ordinance, there shall be provided and maintained on those sides abutting or adjacent to any residential district a decorative obscuring wall as required below. A greenbelt buffer, berm, or evergreen screen may be utilized in place of a wall, subject to the review and approval of the Planning Commission.

Zoning District	Requirements
P-1 Vehicular Parking District	4'-6" high wall
Off-street Parking Lot (Other than P-1 Districts)	4'-6" high wall
C-1 and C-2 Districts	4'-6" high wall
I-1 Districts, open storage areas (when permitted), loading or unloading areas, service areas.	6'-0" to 8'-0" high wall

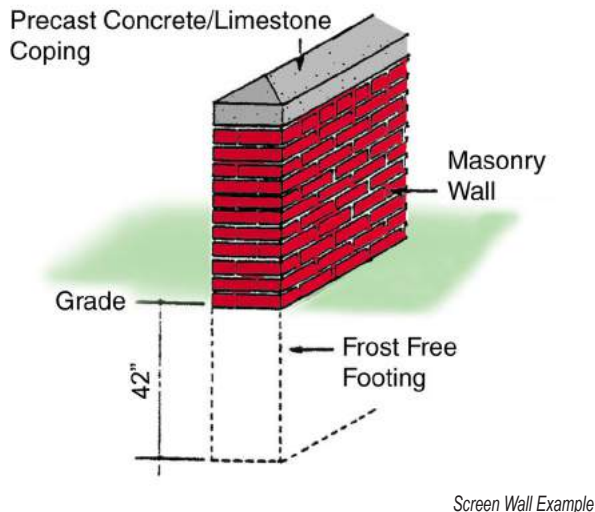
- A. **Screening Wall.** The purpose of this method is to create a solid, year-round barrier and obscuring screen to effectively block noise, light, and other impacts between land uses of differing intensities. Such walls shall be subject to the following (see illustration):

1. Walls shall have a minimum height of four and one half (4½) feet, and shall not exceed six (6) feet in height above grade unless a higher wall height is determined by the Planning Commission to be necessary to provide adequate screening. The wall shall have a minimum height of six (6) feet, and shall not exceed eight (8) feet in height above grade for the I-1 District, open storage areas, and loading/unloading and service areas.
2. The height of the wall may be reduced to three (3) feet in height when located within 20 feet of a street right-of-way line, to allow for adequate visibility for entering and exiting vehicular and pedestrian traffic.
3. Required walls shall be located on the lot line except where underground utilities interfere with such location or where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall. Required walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable

ARTICLE 7: GENERAL PROVISIONS

to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Planning Commission in reviewing such request.

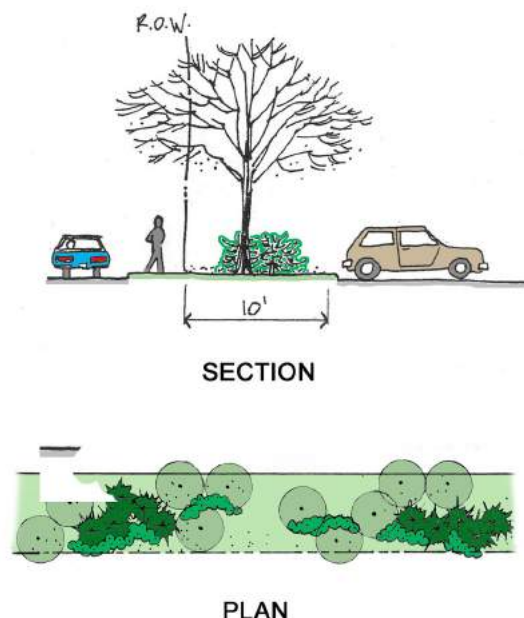
4. In the P-1 District, the Planning Commission may require bumper block to protect walls from accidental collisions by vehicles.
5. Wall materials shall be subject to approval by the Planning Commission. The Planning Commission shall determine whether or not the proposed materials are appropriate based on the following criteria:
 - a.) The material is aesthetically compatible with the surroundings, especially the principal structure on the site.
 - b.) The material is suitably durable for the proposed location.
 - c.) The material provides adequate separation for nearby residents, and will prevent excess noise, dust, debris, and light from negatively impacting residential property.
 - d.) The material provides an adequate safety barrier from trespass, vehicle crashes, and other dangers.
 - e.) If necessary, Landscaping has been provided to soften the appearance of the wall or to increase the effectiveness of the screening/buffering that the wall provides.



- B. Greenbelt Buffer.** The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent street rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses (including uses that are adjacent across a street right-of-way) are less intense than the use of the subject site. Greenbelt

buffers shall consist of the following:

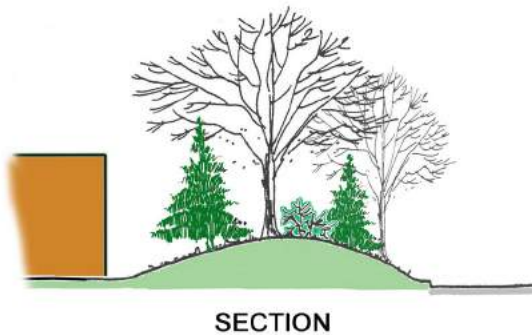
1. Greenbelts shall have a minimum width of ten (10) feet and may be interrupted only to provide for pedestrian or vehicular access.
2. Greenbelts shall be sodded, hydro-seeded, or planted with appropriate groundcovers.
3. A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and three (3) shrubs per 15 linear feet of greenbelt length along a property line or street frontage.
 - a.) Such required plant materials may be placed at uniform intervals, at random or in groupings.
 - b.) The greenbelt length shall be measured along the centerline of the greenbelt for its entire length, inclusive of all driveways.



- C. Berm.** The purpose of this method is to effectively screen visual and noise impacts using natural-appearing landforms. This method is intended to provide an obscuring screen to block noise and light from adjacent uses or street rights-of-way, or to create a buffer between developed and undeveloped areas of a site. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards:
1. Berms shall have side slopes no steeper than four (4) feet horizontal to one (1) foot vertical (4:1 ratio).
 2. Berms shall have a minimum height of three (3) feet above

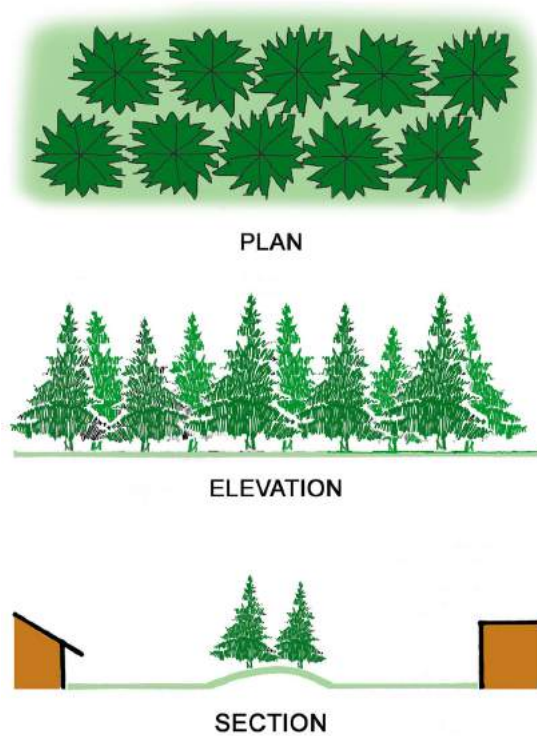
the grade elevation. Overall berm height shall be adequate for the intended screening function. Grade elevation shall be the ground elevation at the nearest lot line adjacent to the proposed berm.

3. The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace or similar means acceptable to the Planning Commission.
4. The berm shall be designed and graded to blend with existing topography and sodded, hydro-seeded or planted with appropriate groundcovers.
5. The Planning Commission may require greenbelt plantings on the berm, per Section 7.2.4B. For the purpose of determining any required plant materials, the length of any required berm shall be measured from one toe of the berm (the farthest point at one end of the berm's long dimension where the berm height equals the surrounding grade level) along the berm's centerline to the toe at the opposite end of the berm.



Berm

- D. **Evergreen Screen.** The purpose of this method is to create a dense obscuring screen that meets the objectives of this Chapter. This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.
- E. This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of 15 feet apart in at least two (2) staggered rows.



Evergreen Screen

SECTION 7.2.5 • STANDARDS FOR SPECIFIC AREAS

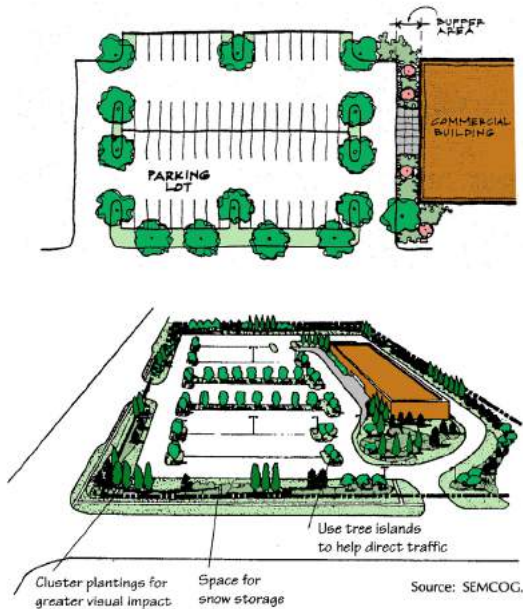
The following standards are intended to address the specific screening and buffering needs of particular areas or portions of a site, in accordance with the purpose and objectives of this Chapter:

- A. **Parking Lot Landscaping and Perimeter Screening.** Parking lot landscaping and perimeter screening shall be arranged to improve the safety of pedestrian and motorists; guide traffic movement; define egress/ingress points, interior circulation system, and fire lanes; and improve the appearance of the parking area. Parking lot landscaping and perimeter screening shall be subject to the following:
 1. **Perimeter Screening.** Parking lots shall be screened from all abutting Residential Uses, residential districts, and street rights-of-way per Section 7.2.4. The Planning Commission may permit decorative wrought iron type fencing with brick piers in lieu of a solid wall along street rights-of-way. Such fencing shall have a minimum height of three (3) feet and a maximum height of four (4) feet.
 2. **Snow Storage Area.** Adequate snow storage area shall be provided within the site or taken off-site. Plant materials in snow storage areas shall be hardy, salt-tolerant species characterized by low maintenance requirements.

ARTICLE 7: GENERAL PROVISIONS

3. **Landscaping Within Parking Lots.** The Planning Commission may require installation of planting islands within parking lots that exceed 20 parking spaces or 6,000 square feet of paved surface area. Such planting islands shall be subject to the following:

- a.) Planting islands shall have a minimum width of ten (10) feet, and a minimum area of 160 square feet.
- b.) A minimum of one (1) deciduous shade tree shall be provided for each planting island. Shrubs and live groundcover plantings shall be used to cover all unplanted areas of the island.
- c.) Planting islands shall be located at the ends of each parking row, unless otherwise approved by the Planning Commission.
- d.) All landscaping and perimeter screening, except designated snow storage areas, shall be protected from vehicle encroachment with concrete curbing or similar permanent means.



Landscaping within Parking Lots

- B. Loading, Storage, and Service Area Screening.** Loading, storage, and service areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers, generators, and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from street rights-of-way and adjacent uses in accordance with Section 7.2.4.

- C. Outdoor Trash Storage Area Screening.** Outdoor trash storage areas shall be screened and secured in accordance with the following:

1. Outdoor trash storage areas shall be screened by a six (6) foot high masonry wall enclosing three (3) sides of the storage area, subject to the standards of Section 7.2.4A.
 - a.) The enclosure shall be secured by steel-reinforced and lockable gates designed to obscure visibility into the enclosure.
2. Concrete-filled bollards or similar protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the walls.
3. A concrete pad that conforms to State Construction Code standards shall be provided under the trash storage area, and extending out a minimum of ten (10) feet in front of the enclosure's gates.
4. Such storage area shall be located and arranged as to minimize visibility from adjacent street rights-of-way and residential uses. In no instance shall any trash storage area be located in a front yard.
5. Outdoor trash storage shall be limited to normal refuse collected on a regular basis and maintained in a neat, orderly and sanitary condition. In no instance shall any refuse be visible above required screening.

- D. Detention and Retention Basin Screening.** Where a detention or retention basin, or similar stormwater management facility is required, such facilities shall comply with the following:

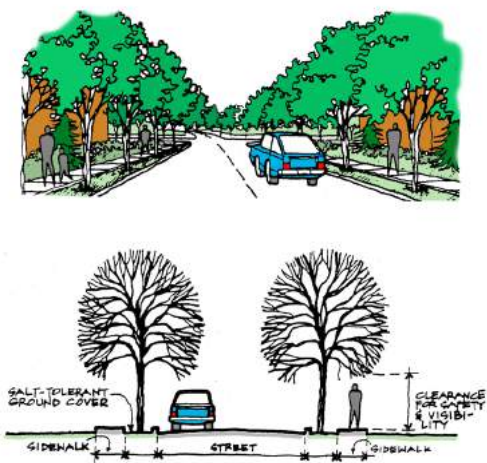
1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
2. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be subject to Planning Commission approval.
3. Basins shall be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.
4. A perimeter greenbelt buffer shall be provided in accordance with Section 7.2.4B and the following:
 - a.) Plantings shall be clustered around the basin to achieve a variety of plant materials and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
 - b.) Trees shall be planted above the freeboard line of the

basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

E. Rights-of-Way and Other Adjacent Public Open-Space Areas.

Public rights-of-way and other public open-space areas adjacent to required landscaped areas and development sites shall be landscaped in a manner that enhances the visual character of Village streets and minimizes adverse impacts of vehicular traffic on adjacent uses. Right-of-way landscaping shall be subject to the following:

1. **Street Trees.** Street tree plantings shall be required for all development projects along the margins of street rights-of-way in the Village, subject to the following:
 - a.) Street trees shall consist of deciduous shade trees planted at a minimum concentration of one (1) street tree per 40 linear feet of right-of-way. Required trees may be planted at regular intervals or in groupings.



Street Trees

- b.) Existing trees near or within street rights-of-way shall be preserved where feasible.
 - c.) Permits may be required by the Village, or county or state road authorities for installation of street trees within rights-of-way under their jurisdiction. Where such plantings are not permitted within a street right-of-way, required street trees shall be planted within the front yard setback area, or at an alternative location approved by the Planning Commission.
2. **Groundcover Plantings Within Street Rights-Of-Way.** Street rights-of-way shall be planted with grass or other suitable ground cover.

3. **Maintenance of Right-Of-Way Landscaping.** Right-of-way landscaping shall be maintained by the owner of the abutting lot(s).

SECTION 7.2.6 • PROHIBITED PLANT MATERIALS

The following trees are not considered desirable plant materials because of various problems, except where removal of existing trees would result in a loss of screening or buffering, or where noted below:

Genus/Species	Common Name
Acer negundo	Box Elder
Ulmus x	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
Aesculus x	Horse Chestnut; except for use in greenbelts and transition zones between developed and undeveloped areas of a site
Populus x	Poplar varieties
Genus/Species	Common Name
Prunus serotina	Black cherry
Ligustrum Vulgare	Common privet
Elaeagnus x	Olive varieties
Salix x	Willow varieties; except in appropriate wetland ecosystems
Catalpa x	Catalpa varieties
Ailanthus altissima	Tree of Heaven
Ginkgo biloba	Ginkgo (female); male trees are acceptable
Robinia pseudoacacia	Black locust
Morus alba	Mulberry (white)
Acer saccharinum	Silver Maple
Fraxinus x	Ash varieties

SECTION 7.2.7 • INSTALLATION

All screening shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved site plan, and the following:

- A. Deadline for installation.** Installation of required screening elements and plant materials shall be completed prior to certification of occupancy.
- B. Extension.** The Building Official or their designee may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.
- C. Performance Guarantee.** The Building Official or their designee may require submittal of a performance guarantee, per Article 9, Chapter 4, to cover the cost of installing required screening elements and plant materials. After installation has been completed, the Building Official or Code Enforcement Officer shall conduct an inspection of the plant materials before the

ARTICLE 7: GENERAL PROVISIONS

guarantee may be released.

SECTION 7.2.8 • MAINTENANCE

All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:

- A. Maintenance procedures and frequencies to be followed shall be specified on the site plan, along with the manner in which the effectiveness, health, and intended functions of the screening elements and plant materials on the site will be ensured.
- B. Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris, and refuse. Tree stakes, guy wires, and tree wrap shall be removed after one (1) year.
- C. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.
- D. All required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.
- E. The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.
- F. Adequate provisions shall be made to supply water to all required plant materials as necessary to ensure proper growth and development.

SECTION 7.2.9 • EXCEPTIONS

The Planning Commission may reduce or waive the specific standards of this Chapter, upon determination that the screening requirements and purposes of this Chapter have been satisfied by existing topography, vegetation or other means acceptable to the Planning Commission.

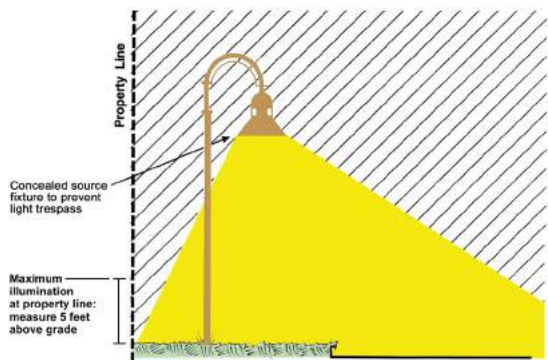
Chapter 3: Lighting

SECTION 7.3.1 • PURPOSE

The purpose of this chapter is to preserve, protect, and enhance the lawful nighttime use and enjoyment of all properties in the Village through the use of appropriate lighting practices and systems. Exterior lighting shall be designed, installed and maintained to control glare and light trespass, minimize obtrusive light, conserve energy and resources, maintain safety, security and productivity, and prevent the degradation of the nighttime visual environment. It is the further intent of this chapter to encourage the use of innovative lighting designs and decorative light fixtures that enhance the character of the community while preserving the nighttime visual environment.

SECTION 7.3.2 • GENERAL PROVISIONS

The design and illumination standards of this chapter shall apply to all exterior lighting sources and other light sources visible from the public right-of-way, road easement, or adjacent parcels, except where specifically exempted herein.



Light Fixture Orientation and Shielding

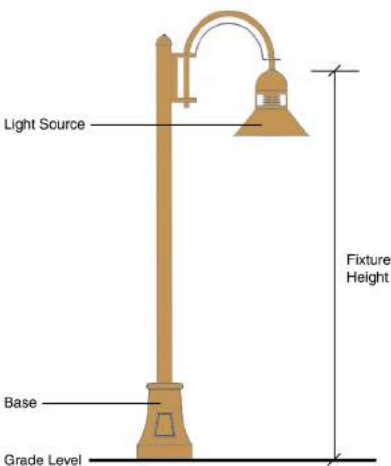
- A. **Shielding.** Exterior lighting shall be fully shielded and directed downward at a 90 degree angle. Oblique lenses (such as on many wall-pack fixtures) are prohibited. All fixtures shall incorporate full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution. Only flat lenses are permitted on light fixtures; sag or protruding lenses are prohibited.
- B. **Intensity.** The following light intensity requirements shall apply on all sites within the Village.
1. The intensity of light within a site shall not exceed 10 footcandles. Exception: the maximum intensity permitted in areas of intensive vehicular use, such as the area underneath gas station pump canopies or outdoor sales areas shall be 20 foot candles.

2. The maximum light intensity permitted at a street right-of-way line shall be one (1) footcandle.
3. The maximum light intensity permitted at any property line other than a street right-of-way shall be 0.5 foot candles.

- C. **Glare and Light Trespass.** Exterior lighting sources shall be designed, constructed, located and maintained in a manner that does not cause off-site glare on neighboring properties or street rights-of-way. In general, the hot spot, or light emitting element of any light fixture shall not be directly visible from a neighboring property, as this is the primary cause of glare.
- D. **Lamps.** Lamps with a maximum wattage of 250 watts per fixture are permitted for use in the Village to maintain a unified lighting standard and to minimize light pollution. The Planning Commission may permit the use of lamps with wattages up to 400 watts if the applicant can demonstrate that the higher wattage fixture is necessary to provide adequate lighting on the site and that the light fixture is in compliance with all other requirements of this chapter. The exemption for higher wattage lamps shall not be granted if the same lighting effect can be reasonably accomplished on the site by incorporating additional 250 watt fixtures into the site design.
- E. **Animated Lighting.** Permanent exterior lighting shall not be of a flashing, moving, animated, or intermittent type.
- F. **Measurement.** Light intensity shall be measured in footcandles on the horizontal plane at grade level within the site, and on the vertical plane at the property or street-right-of-way boundaries of the site at a height of five feet (5') above grade level.

SECTION 7.3.3 • STANDARDS BY TYPE OF FIXTURE

- A. **Freestanding Pole and Building Mounted Lighting.** The maximum height of such fixtures is 25 feet. Where a pole or building mounted fixture is located within 50 feet of a residentially zoned or used property, the maximum pole height shall be 15 feet.



Light Fixture Height

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ARTICLE 7: GENERAL PROVISIONS

- B. Decorative Light Fixtures.** The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures, provided that such fixtures would enhance the aesthetics of the site and would not cause off-site glare or light pollution. Such fixtures may utilize incandescent, tungsten-halogen, metal halide or high-pressure sodium lamps with a maximum wattage of one-hundred watts (100w) per fixture.

SECTION 7.3.4 • EXEMPT LIGHTING

The following exterior lighting types are exempt from the requirements of this Chapter, except that the Building official may take steps to minimize glare, light trespass or light pollution impacts where determined to be necessary to protect the health, safety and welfare of the public:

- A.** Holiday decorations.
- B.** Pedestrian walkway lighting.
- C.** Single Family residential lighting.
- D.** Instances where federal or state laws, rules or regulations take precedence over the provisions of this chapter.
- E.** Temporary emergency lighting.

SECTION 7.3.5 • EXCEPTIONS

It is recognized by the Village that there are certain uses or circumstances not otherwise addressed in this chapter, such as sports stadiums, street lighting, or lighting for monuments and flags, that may have special exterior lighting requirements. The Planning Commission or the Building Official may waive or modify specific provisions of this chapter for a particular use or circumstance upon determining that all of the following conditions have been satisfied. The Planning Commission shall be the deciding body in all cases where site plan or special use approval is required, while the Building Official shall decide in all other cases.

- A.** The waiver or modification is necessary because of safety or design factors unique to the use, circumstance or site.
- B.** The minimum possible light intensity is used that would be adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation, and to minimizing light pollution, off-site glare and light trespass on to neighboring properties or street rights-of-way.
- C.** For lighting related to streets or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs or other passive means.
- D.** Additional conditions or limitations may be imposed by the review authority to protect the public health, safety or welfare, or to fulfill the purpose of this chapter.

Chapter 4: Signs

SECTION 7.4.1 • PURPOSE AND INTENT

It is hereby determined that regulation of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic safety, to safeguard public health and welfare, and to facilitate police and fire protection.

These regulations are designed to permit maximum legibility and effectiveness of signs and to prevent their over-concentration, improper placement, and excessive height, bulk, and area.

In addition, it is the intent of this Ordinance to assure the attractiveness of the scenic, historical, aesthetic, and economic values of the Village, as well as preserve the first amendment right to Freedom of Speech, through the adoption of zoning regulations.

SECTION 7.4.2 • DEFINITIONS

The following words and phrases shall have the meanings set forth in this section when they are used in this Article:

Accessory Sign: A sign which is incidental to the use of a lot.

Awning: A roof-like cover intended to shade a window or door opening or provide protection from the weather and which is constructed of canvas or other opaque material stretched over a supporting frame attached directly to a building and which may or may not be constructed so as to be raised or retracted to a position against the building when not in use. For purposes of this Ordinance, “canopies” shall be defined in the same way as “awnings.”

Balloon: A bag made of thin rubber or other light material inflated with air or with a lighter-than air gas.

Banner Sign: A sign made of flexible materials temporarily attached to a structure or sign.

Billboard: See Article II.

Building Frontage: The length of the portion of a building facing a street abutting to the lot on which a business is located or, if the building does not abut a street, the side facing the street from which the building gets its address.

Commercial Sign: A sign whose message advertises a business, product, or commercial transaction of any type.

Construction Sign: A sign located on a construction site.

Electronic Display Sign: A sign that uses changing lights or video screen(s) to form a sign message or messages in text or graphic or video display form wherein the sequence of messages and the rate of change can be modified by electronic process.

Flag: A piece of non-rigid cloth.

Freestanding Sign: A sign supported by a base placed in or upon the ground and not attached to any building or other structure.

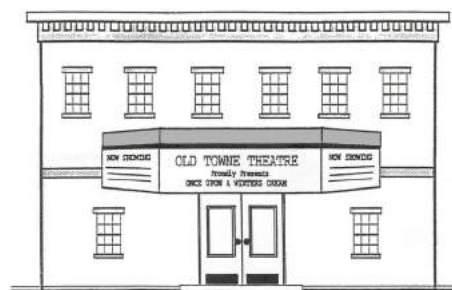
Illuminated Sign: A sign which has characters, letters, figures, or designs which are lit up either internally or with external shielded

lights. LED and neon signs shall be considered internally illuminated for purposes of this ordinance.

Interior Sign: See “window sign.”

Marquee: A tall projection on the front of a building.

Marquee Sign: A sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building.



Marquee Sign

Message Board: A portable sign mounted on wheels or other conveyance mechanism. The advertising message is temporary with movable, replaceable letters or characters.

Moving Sign: A sign that has motion either constantly or at intervals or that gives the impression of movement through intermittent, flashing, twinkling, or varying intensities of illumination.

Mural: A picture or photograph painted on or directly attached to a wall, intended to serve as a cosmetic adornment for the building, rather than to convey a message.

Non-Commercial Sign: A sign whose message does not advertise a business, product, or commercial transaction of any type.

Pennant: A long, tapering piece of non-rigid cloth.

Permanent Sign: Any sign constructed and intended to be displayed for an indefinite, long-term period of time. Any sign, regardless of construction and intention, that is in place for more than one year shall be considered a permanent sign.

Portable Sidewalk Sign: A temporary sign which may include “A” Frame, “T” Frame or other temporary styles, which are not permanently affixed to the ground.

Projecting Sign: A sign constructed as to be attached, at one end, to a building, and extending therefrom.

Roof Sign: A sign which is constructed and maintained on or above the roof of a building or any portion thereof.

Sign: See Article II.

Sign Height: The distance from grade or sidewalk to the highest edge of the sign surface or its projecting structure.

Temporary Sign: A sign constructed and intended to be displayed for

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ARTICLE 7: GENERAL PROVISIONS

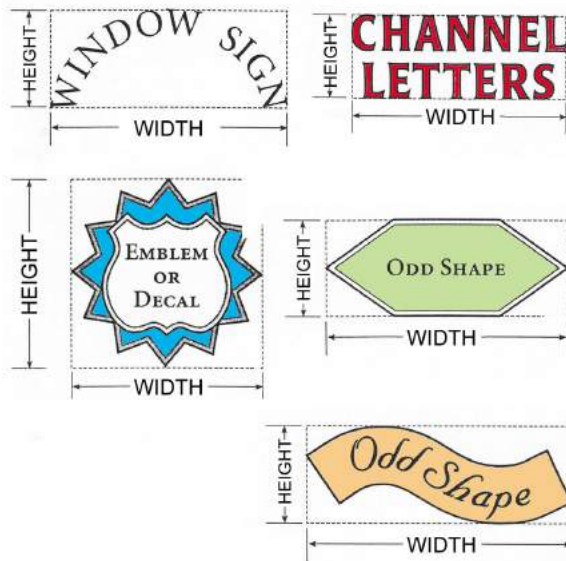
a limited time. Any sign, regardless of construction and intention, that is in place for more than one year shall be considered a permanent sign.

Wall Sign: A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building.

Window Sign: A sign, located within a building or affixed upon a window, which is intended to be visible from any public street, sidewalk, alley, park or public property.

SECTION 7.4.3 • GENERAL STANDARDS

A. Sign Area. The entire area within a rectangle or square enclosing the extreme limits of the sign structure, regardless of the shape of the structure; excluding the necessary supports or uprights on which such sign is placed.



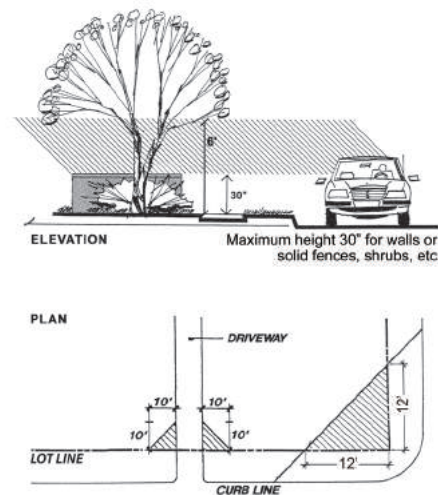
Computation of Sign Area

- Where a sign has two or more faces, the area of all faces shall be included in determining the sign area, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as either:
 - the area of one face, if the two faces are of equal area, or
 - the area of the larger face, if the two faces are of unequal area.
- For ground signs, the area shall include the entire area of the sign upon which copy, lettering, drawings or photographs could be placed, excluding necessary uprights or supports.

B.

C. Traffic Interference. Traffic Interference. No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.

D. Clear Corner Vision. No sign at an intersection above a height of thirty (30) inches shall block the view through a triangle formed by tow points, one on each cross street, each 25 feet from the intersection, and the straight line connecting them, unless visual under-clearance can be assured on the plans.



Clear Vision Area

- E. Fire Escapes.** No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape or escape routes.
- F. Wall Sign Location.** No wall sign extend outside the limits of the wall it is attached to and shall not project above or beyond the highest point of the roof or parapet. Wall signs shall not cover or otherwise obscure windowsills, lintels, or other projecting architectural details.



Wall Sign Location

- G. **Liability Insurance.** If the vertical distance of a sign above the street is greater than the horizontal distance from the sign to the street right-of-way line and is so located as to be able to fall or be pushed onto or impacts public property in any manner, then the owner of such sign shall keep in force a public liability insurance policy in the amount of one hundred thousand (\$100,000.00) dollars for injury to one (1) person and three hundred thousand (\$300,000.00) dollars for injury to more than one (1) person and property damage insurance in the amount of twenty five thousand (\$25,000.00) dollars for damage to property. In lieu of an insurance policy as required herein, an owner may present satisfactory proof to the Village Attorney that said owner is financially capable of self-insurance in the above amounts.
- H. **LED Tubes.** LED tubes may be permitted along the roof line of a building, provided that the color of the tubes does not change and that there is no motion or flashing of the light.

SECTION 7.4.4 • PERMIT REQUIRED FOR SIGNS

- A. **Sign Erection Permit.** It shall be unlawful for any person to construct, erect, re-erect, move, alter, enlarge, or illuminate, any sign unless a permit shall have been first obtained from the Building Official, except as provided in Section 7.4.7 (Signs Exempt from Permit Requirements). Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size. Signs erected without a permit will be removed by the Code Enforcement Officer.
- B. **Sign Erector Requirements.** Permits for the erection of signs shall only be issued to persons qualified to carry on such work under the provisions of Section 7.4.5, Sign Erector Requirements.
- C. **Permit Applications.** Applications for non-temporary sign permits shall be made upon forms provided by the Building Official for this purpose and shall contain the following information:
 - 1. Name, address and phone number of applicant.
 - 2. Location of the building, structure, or lot on which the sign is to be attached or erected.
 - 3. Calculation of total allowable sign area and description of the allocation of signage among tenants.
 - 4. Evidence of permission from the property owner to erect the sign.
 - 5. Location of the sign on the building, structure or lot on which the sign is to be attached or erected.
 - 6. Location of the sign in relation to nearby buildings, structures, signs, property lines, and rights of way, existing or proposed.
 - 7. Zoning district in which the sign is to be located.
 - 8. Specifications for method of construction and attachment to the building or in the ground. All pertinent data must

- be included, including highest point, low point clearance, face outline and total face area with method of calculation. When public safety so requires the specifications shall include the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
 - 9. Name and address of the sign erector.
 - 10. Insurance policy and/or performance bond as required in this ordinance.
 - 11. Such other information as the Building Official may require to show full compliance with this and all other applicable laws of the Village and the State of Michigan.
- D. **Sign Erection Permit Expiration.** A sign permit shall become null and void if the work for which the permit was issued is not completed within 90 days of the date of issue.
 - E. **Temporary Sign Permits.** Applications for temporary signs, as permitted in Section 7.4.8.B, shall submit the information listed in numbers 1,4,5,6, and 11 above.

SECTION 7.4.5 • DETERMINATION OF COMPLIANCE

- A. **Administrative Approval.** All signs shall be inspected at original installation and if found to be in full compliance with the provisions of this Article, shall be approved by the Building Official. The Building Official shall cause existing signs to be inspected if deemed necessary to determine continuation of compliance with the provisions of this ordinance.
- B. **Responsibility of Compliance.** The owner of any property on which a sign is placed and the person maintaining said sign are declared to be equally responsible for the erection, safety and condition of the sign and the area in the vicinity thereof subject to provisions of Section 7.4.10 (Construction and Maintenance Requirements).

SECTION 7.4.6 • SIGNS EXEMPT FROM PERMIT REQUIREMENTS

- No sign permit is required for signs listed below. Such exemptions, however, shall not be construed to relieve the owner for proper location, erection, and maintenance of the sign. The signs in this section shall not count against the total permitted signage on a lot. All signs not listed in this section shall require a permit.
- A. **Government Signs.** Signs erected by or on behalf of or pursuant to the authorization of a government body.
 - B. **Flags.** Up to three flags per lot. Additional flags shall be considered temporary commercial signage and shall be subject to the relevant provisions of this Ordinance.
 - C. **All signs under three square feet in area, unless they are illuminated.** Illuminated signs under three square feet shall require a permit and shall be subject to all relevant standards of this Ordinance.
 - D. **All signs required to be erected by law.**
 - E. **Architectural Features/Artwork.** Integral decorative or

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architectural features of buildings or works of art, including murals, so long as such features or works do not contain an explicit message, moving parts, or illumination. Murals must be painted with the permission of the property owner.

F. Temporary Non-Commercial Signs. Temporary non-commercial signs shall not require a permit in any zoning district provided that the following standards are met:

1. All signs must be freestanding signs or window signs. Window signs are only permitted in zoning districts where permanent window signs are permitted.
2. Illumination is prohibited.
3. The total area of temporary non-commercial signs on a single lot shall not exceed thirty-six (6) square feet.
4. The maximum sign height of each freestanding temporary non-commercial sign shall be four (4) feet.
5. Temporary non-commercial signs shall be located solely on private property outside of any street right-of-way or corner clearance area.
6. Any temporary non-commercial sign in place for more than a year shall be considered a permanent sign and shall be subject to all relevant provisions of this Ordinance.

G. Temporary Commercial Signs in Residential Districts.

Temporary commercial signs shall not require a permit in the R-1 and RM districts provided that the following standards are met:

1. Illumination is prohibited.
2. In the R-1 district, one (1) freestanding temporary commercial sign is permitted up to a maximum of six (6) square feet per sign and a maximum height of four (4) feet.
3. In the RM district, one (1) temporary commercial sign is permitted per street frontage of the lot up to a maximum of six (6) feet per sign and a maximum height of four (4) feet. The sign may be a wall sign or freestanding sign.
4. Any temporary commercial sign in place for more than a year shall be considered a permanent sign and shall be subject to all relevant provisions of this Ordinance.

H. Temporary Commercial Signs on Non-Residential Property for Sale or Lease. In the C-1 Core, C-1 Transition, ~~C-O~~, and C-2 zoning districts, a sign may be erected on a lot that contains land or space for sale lease. The sign shall not count against the total permitted signage on the lot, and shall not require a permit, provided that the following standards are met,

1. Only one sign is permitted per lot, except for buildings with storefronts, which may have one sign per vacant storefront.
2. The sign shall not exceed sixteen (16) square feet in area and a maximum height of four (4) feet.
3. The sign may be a wall sign on any lot.

4. The sign may be a window sign in zoning districts where window signs are permitted.
 5. The sign may be a freestanding sign only if the lot in question is permitted to have a freestanding sign but does not currently have a freestanding sign. Only one freestanding temporary commercial sign is permitted on any lot, regardless of the number of vacant storefronts on the lot.
 6. Any temporary commercial sign in place for more than a year shall be considered a permanent sign and shall be subject to all relevant provisions of this Ordinance.
- I. Sign Maintenance or Change of Message.** No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign.

SECTION 7.4.7 • SIGNS PROHIBITED THROUGHOUT THE VILLAGE

The following signs are prohibited throughout the Village, notwithstanding anything to the contrary in this Article:

- A.** Signs which incorporate in any manner or are illuminated by any flashing or moving lights, or where any illumination can shine directly into the eyes of any occupant of any vehicle traveling upon any highway, driveway or parking area, or into any window of any residence within 200 feet, or where the illumination interferes with the visibility or readability of any traffic sign or device.



Prohibited Flags and Pennants

ARTICLE 7: GENERAL PROVISIONS

- B.** Exterior pennants, pennant strings, feather flags, spinners, and streamers.
- C.** Exterior string lights used in connection with a commercial lot, other than holiday decorations used from the day after Thanksgiving through the following January 15th. String lights are also permitted in the vicinity of outdoor dining as approved by the Planning Commission.
- D.** Any sign or object which has any visible motion, moving or animated parts or image, whether movement is caused by machinery, wind, or otherwise, except for electronic message signs. GRAPHIC 7
- E.** Any sign which is structurally or electrically unsafe, or which obstructs any fire escape.
- F.** Any sign erected on a tree or utility pole.
- G.** Any sign structure or frame that no longer contains a sign.
- H.** Any sign on a motor vehicle or trailer which is parked in front of a business on a public street for the sole purpose of advertising that business.
- I.** Any vehicle bearing advertising signage parked in a space in a publicly-owned lot that not designated for employee parking for the sole purpose of advertising.
- J.** Roof signs or any sign which projects above the roof line.
- K.** Any sign or sign part, cable or support, except those established for emergency services purposes and maintained a public entity, located in, projecting into, or overhanging a public right-of-way or dedicated public easement, except on the Polly Ann Trail Bridge (see Section 7.4.8.B.2). The Village Manager is authorized to cause the removal of any signs posted or placed in any public right-of-way, provided any such sign shall be kept for a period of sixty (60) days for pick up by any person who might claim it, and thereafter may be destroyed by the Village.
- L.** Any sign erected on any property, public or private, without the consent of the owner and occupant thereof.
- M.** Any sign which simulates or imitates in size, color, lettering, or design, any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse the drivers or motorized vehicles.
- N.** Any sign which incorporates any open spark or flame.
- O.** Backlit awnings or canopies.



Prohibited

- P.** Message board signs and other signs with manually changeable letters.



Prohibited

- Q.** Pylon or pole-mounted signs.
- R.** Signs and murals shall not depict the “Specified Anatomical Areas” as described in Section 4.1.4B.7, nor the “Specified Sexual Activities” described in Section 4.1.4B.8, nor “Sexual Intercourse” as described in Section 4.1.4B.9, nor “Sodomy” as described in Section 4.1.4B.10.
- S.** Billboards as defined in Article II and other off-site advertising.
- T.** Any additional signage for a business that has a non-conforming sign.
- U.** Electronic Message Signs
- V.** Banners on the Polly Ann Trail Bridge

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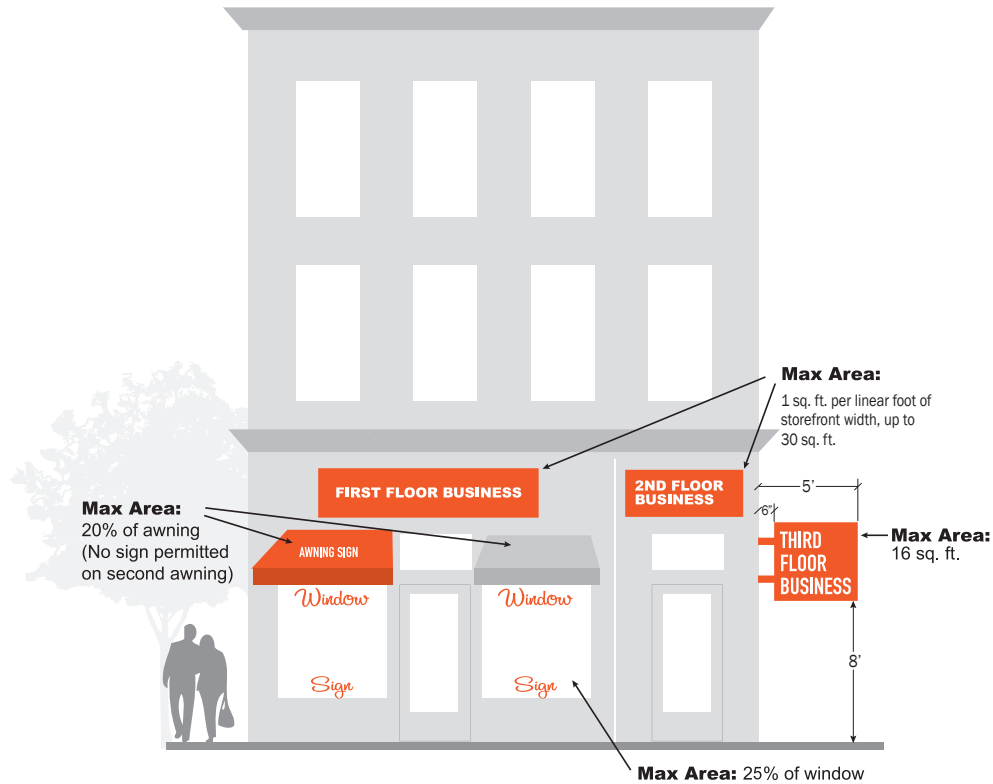
SECTION 7.4.8 • DISTRICT REGULATIONS

- A.** The standards of Section 7.4.3 shall apply to all Zoning Districts.
- B. Temporary Commercial Signs and Banners.** Temporary commercial signs and banners shall be permitted in the C-O, C-1 Core, C-1 Transition, C-2, and I-1 Districts, subject to the following:
1. A permit shall be required as described in Section 7.4.4.
 2. Such signs and banners shall not be displayed for more than a total of thirty consecutive days.
 3. Temporary signs and banners shall be limited to a total of thirty (30) square feet.
 4. Temporary interior or window signs shall comply with the requirements of Section 7.4.9.E.6 (Interior and Window Signs).
- C. Signs Permitted in R-1 (Single Family) Districts.**
1. One (1) sign may be permitted on private property at the entrance to a neighborhood, subject to the following standards:
 - a.) The sign must be proposed by a developer, homeowners association, or other neighborhood group.
 - b.) The sign shall not exceed twenty (20) square feet in area or a height of four (4) feet above grade.
 - c.) The sign must be at least 6 feet from all property lines.
 2. Non-Residential Uses, other than Home Occupations, in Residential Districts shall be subject to the standards of the C-2 district, except that illumination of signage shall be prohibited.
 3. Home Occupations in residential districts shall be permitted one freestanding sign, not to exceed 6 square feet in area and 4 feet in height OR one wall sign, not to exceed 6 square feet in area and to be placed on the first floor of the building. Home occupations in non-residential districts shall be subject to the standards of the district that they are located within.
- D. Signs Permitted in RM (Multiple Family) Districts.**
1. All signs permitted in the R1 district.
 2. Multiple-family residential buildings or complexes, and the permitted accessory uses associated with them, shall be permitted:
 - a.) One freestanding sign per road frontage, not to exceed 24 square feet in area and six feet in height, and located at least 6 feet from all property lines.
 - b.) One wall sign per road frontage, not to exceed 30 square feet.
 - c.) Internal road networks shall count as road frontages for purposes of this Ordinance.
- E. RESERVED.**

F. Signs Permitted in C-1 Core and C-1 Transition, and C-2 Districts.

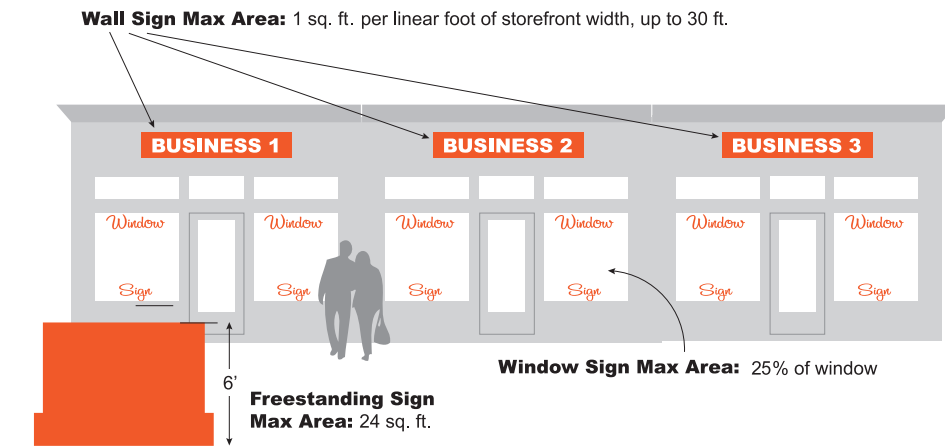
Example Building: C-1 District

NOTE: Graphic does not show all permitted options.



Example Building: C-2 District

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ARTICLE 7: GENERAL PROVISIONS

1. Wall Signs.

- a.) Square footage of wall signage permitted:
 - i. Each first-floor tenant in a commercial building in the C-1 or C-2 districts shall be permitted one (1) square foot of wall signage per linear foot of their storefront or business frontage, up to a maximum of 30 square feet.
 - ii. Five square feet of signage is permitted above the entranceway to upper floor businesses. If two or more upper-floor businesses share an entrance, the permitted square footage shall be shared equally between them.
 - iii. Where a business has frontage along two or more streets, the permitted wall signage for both frontages shall be calculated independently and both frontages shall be permitted one (1) square foot of wall signage per linear foot of frontage, up to 30 square feet.
 - iv. Where a business has a rear entrance, the same calculation shall be used to determine the total square footage of wall signage permitted (i.e. one (1) square foot per linear foot of the business frontage).
 - v. Multi-Story Office Buildings. In the ~~C-0~~, C-1 Core, C-1 Transition, and C-2 districts, office buildings without storefronts which are designed for multiple tenants shall be permitted one square foot of wall signage per linear foot of lot frontage. However, the signage for any one tenant shall not exceed 30 square feet. Signage on such buildings must be proposed by the owner, but must have the permission of all tenants before being approved for a permit.

- b.) In the C-1 Core and C-1 Transition District internally illuminated signs may be permitted subject to design approval by the Planning Commission.

In the C-2 District, internally illuminated signs are permitted and are not subject to design approval by the Planning Commission.

Signs may also be externally illuminated with external light fixtures attached to the building or ground, or may be backlit (i.e. halo effect) when the sign lettering is entirely opaque. Such lighting shall be located and directed toward the building or sign in such a manner that glare is not visible by pedestrians or vehicles. Externally illuminated signs are permitted in the C-1 Core, C-1 Transition, and C-2 districts and do not require design approval by the Planning Commission.

- c.) Wall signs shall be placed on an architecturally continuous wall surface uninterrupted by doors, windows, and architectural detail. Signs shall not obscure windows, grillwork, piers, pilasters, and other ornamental features.

2. Projecting Signs:



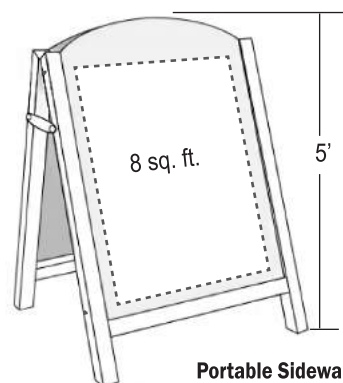
- a.) One (1) projecting sign shall be permitted per business. In the case of multiple upper-floor businesses sharing a single entry way, only one projecting sign may be permitted. However, the projecting sign may be designed in such a way as to give each business separate advertising space.
- b.) The opposite faces of a projecting sign shall not be separated by more than six (6) inches.

Each projecting sign shall have a maximum surface display area of sixteen (16) square feet, subject to the following:

- i. Ornamental, decorative border elements shall not be considered part of the sign for the purposes of calculating the square footage.
- c.) A projecting sign shall be attached to the building so that no part of the sign or sign support structure is less than eight (8) feet from the surface of the established grade under the sign. Projecting signs may not be mounted above the first story on a multi-story building.
- d.) Sign overhang into public right-of-way. A projecting sign may protrude into the air space over a public sidewalk by not more than five (5) feet.
- e.) Lighting. Projecting signs shall not be internally illuminated.

ARTICLE 7: GENERAL PROVISIONS

3. **Freestanding Signs.** One freestanding sign may be permitted per lot, except as described below. Such freestanding sign shall be subject to the following requirements:
 - a.) The sign shall not exceed six (6) feet in height and twenty-four (24) square feet in area.
 - b.) The sign must be set back at least three (3) feet from all lot lines and public sidewalks, and must meet the clear corner vision standards in section 7.4.3.c.
4. **Awning and canopy signs.** Signage is permitted on one awning per business.
 - a.) Sign lettering and/or logo shall comprise no more than 20 percent of the total exterior surface of an awning or canopy.
 - b.) Awnings and canopies must be permanently attached to buildings.
 - c.) The minimum height of awnings/canopies shall be eight feet from the lowest point of the awning/canopy to the sidewalk. Awning and canopy signs may be located over a public right of way, however such signs shall not project over a roadway.
 - d.) Awnings with back-lit graphics or other kinds of interior illumination are prohibited.
5. **Marquee Signs.** Existing marquee signs are permitted to remain and are not considered non-conforming. New marquee signs are only permitted by Special Use as described in Section 7.4.10.
6. **Interior and Window signs.** Window signs not to exceed twenty-five (25) percent of the area of any window shall be permitted, provided no one sign shall exceed twenty (20) square feet in area. Window signs may not be installed in windows that are less than six square feet.
7. **Portable Sidewalk Signs.** Portable sidewalk signs are permitted in all commercial districts, and may be placed at the public entrances to businesses, on either private property or the public sidewalk. All portable sidewalk signs shall require a permit and shall comply with the following specifications:



Portable Sidewalk Sign

- a.) Signs shall not exceed eight (8) square feet in area or five (5) feet in height. No sign shall be placed within a distance of ten (10) feet from any fire hydrant, or twenty-five (25) feet from any intersection.
- b.) For businesses with front and rear customer entrances, or frontages on two streets, one additional portable sidewalk sign may be permitted at the second entrance.
- c.) Each sign shall be placed outside only during the hours when the business is open to the general public, and shall be stored indoors at all other times.
- d.) The sign must be placed at least five feet from the curb. A clear path of five (5) feet of sidewalk must be maintained at all times.
- e.) Portable sidewalk signs shall not have more than two (2) sign faces.
- f.) The following design requirements shall apply to all sidewalk signs:
 - i. Portable sidewalk signs shall be made of durable materials and shall be architecturally compatible with the style, composition, materials, and details of the building.
 - ii. Portable signs on wheels shall be prohibited.
 - iii. The sign shall be kept in good repair at all times.
- g.) As of the effective date of this ordinance and any amendments thereto, all non-conforming portable, temporary, sidewalk signs shall be prohibited within the Village and must be removed as required in Section 7.4.4.

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- G. Signs Permitted in I-1 (Industrial) Districts.** Signage permitted in the I-1 district shall be the same as the signage permitted in the C-2 district.
- H. Signs Permitted in P-1 (Parking) District.** No signs shall be permitted in the P-1 district, except by Special Use approval as described in Section 7.4.10.

SECTION 7.4.9 • NONCONFORMING SIGNS

- A. Intent.** It is the intent of this Chapter to encourage eventual elimination of signs that as a result of the adoption of this Chapter become nonconforming, to administer this Article to realize the removal of illegal nonconforming signs, and to avoid any unreasonable invasion of established private property rights.
- B. Lawful Existing Signs.** Any sign lawfully existing at the time of this Chapter which does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as hereafter provided.
- C. Continuance.** A non conforming sign shall not:
1. Be expanded or changed to another nonconforming sign;
 2. Be relocated;
 3. Be structurally reconstructed so as to prolong the life of the sign; or so as to change the shape, size, type, placement, or design of the sign's structural parts; or so as to add illumination;
 4. Be repaired or re-erected after being damaged if the repair or re-erection of the sign, within any twelve (12) month period, would cost more than fifty (50) percent of the cost of an identical new sign. If deemed necessary by the Building Official, the cost of an identical new sign shall be determined as the average of no less than three (3) cost estimates obtained from three (3) contractors.
 5. Be altered unless the alteration or reconstruction be in compliance with the provisions of this Chapter. For the purpose of this Chapter only, the term "altered" or "reconstructed" shall not include normal maintenance; changing of surface sign space to a lesser or equal area; landscaping below the base line; or changing electrical wiring or devices, backgrounds, letters, figures, or characters.
- D. Termination of Business.** Nonconforming signs and sign structures shall be removed or made to conform within ninety (90) days of the termination of the business or use to which they are accessory.
- E. Change of Property.** If the owner of a sign or the lot on which a sign is located changes the location of a building so that any

sign on the lot is rendered nonconforming, such sign must be removed or made to conform to this Chapter.

SECTION 7.4.10 • SPECIAL USE SIGNS

When a sign is proposed to be constructed in the Village and the proposed sign does not meet the specific requirements of these regulations, the following review procedures shall apply to that sign. The Zoning Board of Appeals shall not have the authority to vary the standards of this Chapter of the Zoning Ordinance.

A. Village Administration Response to Sign Permit Application.

The Village Building Official or other administrative representative designated by the Village shall deny the application. The Village representative shall advise the applicant that the proposed sign may be considered by the Planning Commission as a special use, subject to the application procedures for special uses as described in Article 9, Chapter 3 of this Ordinance.

B. Planning Commission. Consideration of Special Use Sign Application. The Planning Commission shall consider the following criteria for an application for a proposed Special Use Sign in addition to other applicable criteria established in Article 9.

1. The sign shall not endanger the public health, safety and welfare by obscuring the vision of drivers on adjacent roads and streets.
2. The sign shall be constructed of materials that are consistent with the materials used for construction on other lots in the Village within three-hundred (300) feet of the proposed sign location.
3. No part of the sign shall extend to a height greater than the height of any other structure within three-hundred (300) feet of the sign location.
4. The sign shall not be located so as to block the view of other signs on adjacent or nearby sites, thereby adversely affecting the ability of an existing commercial enterprise to continue to do business in the Village.
5. The sign shall not be constructed or located so as to be a visual nuisance to nearby residential uses.
6. The sign shall be generally compatible with the overall community character and shall not create a disruptive visual appearance that will adversely affect property value in the Village.
7. The Planning Commission may seek the advice and recommendation of the Oxford Downtown Development Authority or other experts regarding the proposed special use sign.

Article 8: Nonconformities

SECTION 8.1 • INTENT

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such nonconformities are declared by this Ordinance to be incompatible with the current or intended use of land in the district in which they are located.

It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continuation. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

SECTION 8.2 • NONCONFORMING USES OF LAND

A nonconforming use of land occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located.

Where, on the effective date of this ordinance, or the effective date of an amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. Expansion of Use.** No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. Moving.** No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

- C. Discontinuation of Use.** If such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located. In applying this Section to seasonal uses, the time during the off-season shall not be counted, provided that the off-season time for such uses is reported to the Village.

SECTION 8.3 • NONCONFORMING STRUCTURE

A nonconforming structure exists when the height, size, minimum floor area, or lot coverage of a structure or the relationship between an existing building and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Expansion of Structure.** No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase nonconformity.
- B. Damage to Structure.** Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its fair market value (as determined by the Assessor), it shall be reconstructed only in conformity with the provisions of this Ordinance.
- C. Moving.** Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is relocated after it is moved.

SECTION 8.4 • NONCONFORMING USES OF STRUCTURES AND LAND

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Expansion of Structure.** No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Expansion of Use.** Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such

ARTICLE 8: NONCONFORMITIES

use shall be extended to occupy any land outside such building.

- C. Change to Another Nonconforming Use.** If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Board of Appeals, either by general rule or by making findings in the specific case shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.

In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance.

Where a nonconforming use of a structure, or structure and land, is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

- D. Change to Permitted Use.** Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. Discontinuation of Uses.** If a nonconforming use of a structure, or structure and land in combination, ceases for any reason for a period of six (6) months, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. In applying this Section to seasonal uses, the time off-season shall not be counted, provided that the off-season time for such uses are reported to the Village.
- F. Moving.** No building in which a nonconforming use exists shall be moved to any other part of the lot or parcel upon which same was located at the effective date of the adoption or amendment of this Ordinance.
- G. Removal of Structure.** Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 8.5 • NONCONFORMING LOTS

A nonconforming lot is a lot of record or a lot described in a deed or land contract existing at the effective date of this Ordinance that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located. The following regulations shall apply to any nonconforming lot:

- A. Use of Nonconforming Lot.** Any nonconforming lot shall be used only for a use permitted in the district in which it is located.
- B. Single Family Dwellings.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment thereto. This provision shall apply even though such single-family lot fails to meet the requirements for area or width, or both, that

are generally applicable in the district, provided that:

1. The lot width, area and open space are not less than seventy-five percent (75%) of the requirements established for the district in which the lot is located.
2. The lot is in conformance with all other applicable yard and lot requirements for the district in which it is located.
3. The lot cannot be reasonably developed for the use proposed without such deviations.
4. The lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health and safety.

- C. Variation from Area or Bulk Requirements.** If the use of a nonconforming lot requires a variation from the area or bulk requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.
- D. Contiguous Lots in Same Ownership.** When two (2) or more contiguous nonconforming lots or parts of nonconforming lots are in a single ownership at the time of, or subsequent to the adoption or amendment of this Ordinance, said lots shall be considered to be a single lot for the purposes of this Ordinance, and no portion of said lot shall be used, occupied, divided, or sold in any manner which would diminish compliance with minimum lot width and area requirements of this Ordinance.

SECTION 8.6 • ALTERATIONS, REPAIRS AND MAINTENANCE

- A. Repairs and Maintenance.** On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the market value of the building as determined by the Assessor, provided that the volume in cubic feet of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.
- B. Alterations that Decrease Nonconformity.** Any nonconforming structure or any structure or portion thereof containing a nonconforming use may be altered if such alterations serves to decrease the nonconforming nature of the structure or use. The Zoning Board of Appeals shall determine if a proposed alteration will decrease the nonconforming nature of the structure or use.
- C. Protecting Public Safety.** Repairs or maintenance deemed necessary by the Building Official to keep a nonconforming building structurally safe and sound are permitted. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Building Official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which is located.

SECTION 8.7 • DAMAGE BY FIRE OR OTHER CATASTROPHE

Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood, or other means in excess of fifty (50) percent of the structure's pre-catastrophe fair market value (as determined by the Assessor) shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this Ordinance.

SECTION 8.8 • VILLAGE REMOVAL OF NONCONFORMING USES AND STRUCTURES

In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the Village, pursuant to Public Act 110 of 2006, as amended, may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of the nonconformity.

SECTION 8.9 • CHANGE IN TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this Ordinance.

SECTION 8.10 • ENCUMBERING LAND REQUIRED TO SATISFY REGULATIONS

No portion of a lot necessary for compliance with the provisions of this Ordinance in regard to area, height, bulk, and placement regulations in connection with an existing or proposed building, structure, or use, shall through sale or otherwise again be used as a part of the lot required in connection with any other building or structure or use.

SECTION 8.11 • UNLAWFUL NONCONFORMITIES

No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.

SECTION 8.12 • RECORDING OF NONCONFORMING USES AND STRUCTURES

The Village shall be responsible for maintaining records of nonconforming uses and structures as accurate as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the Village with necessary information to determine legal nonconforming status may result in denial of a required or requested permits.

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Article 9: Administration and Enforcement

Chapter 1: Site Plan Review

SECTION 9.1.1 • PURPOSE AND INTENT

The purposes of site plan review are to determine the following:

- A. Compliance with this Zoning Ordinance;
- B. To promote the orderly development and redevelopment of the Village through an open and predictable review process;
- C. To promote the stability of land values and investments and the general welfare;
- D. To help prevent the impairment or depreciation of land values and development/redevelopment by the erection of structures or additions thereto without proper attention to siting and appearance;
- E. To require the gradual upgrade of existing sites that do not conform with current standards of this Zoning Ordinance; and
- F. To ensure that the arrangement, location, design and materials within a site are consistent with the character of the Village and the goals and objectives of the Master Plan.

SECTION 9.1.2 • SITE PLAN REQUIREMENT

- A. Submission of a site plan shall be required prior to the erection of any building or structure in any zoning district for any principal permitted use in the Village, any land use requiring special land use approval, or Planned Unit Development approval, other than one single-family residence and accessory buildings and structures thereto, subject to the procedures set forth in this section unless otherwise provided in Section 9.1.3B, below.
- B. A sketch plan, rather than a complete site plan package, may be submitted for minor modifications to a legally existing and conforming use and building which is permitted in the zoning district including alterations to a building or site that do not result in expansion or substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public infrastructure or services, significant environmental impacts or increased potential for hazards, as set forth in Section 9.1.3, sub-section B.2. Sketch plans are further subject to the following restrictions:
 - 1. Submittal of a sketch plan shall be limited to proposals eligible for Building Official review and approval.
 - 2. Uses requiring special land use approval, conditional rezoning, and Planned Unit Developments are not eligible for sketch plan review.
- C. Construction, moving, relocating structurally altering a single or

two-family home including any customarily incidental accessory structure shall not require a site plan.

SECTION 9.1.3 • AUTHORITY TO APPROVE SITE PLANS

- A. **Planning Commission Approval.** Planning Commission approval of a site plan is required prior to establishment, construction, expansion, or structural alteration of any structure or use, as follows:

1. All special land uses and Planned Unit Development requests, subject to the provisions of this Ordinance.
2. All residential subdivision and condominium developments, single and multiple family, subject to the provisions of this Ordinance, except that Planning Commission approval of a site plan is not required for the construction, moving, relocating or structurally altering of a single or two-family home, including any customarily incidental accessory structure.
3. All office, commercial, and industrial developments, subject to the provisions of this Ordinance.
4. All other uses, not specifically mentioned in sub-section B, below, subject to the provisions of this Ordinance.
5. Any construction, expansion or alteration greater than 500 square feet to an existing building or use.
6. Construction, expansion or alteration of a manufactured housing park, as defined in Article 2 (Definitions), shall be subject to the requirements of Section 4.1.20.
7. Construction, expansion or alteration of a condominium, as defined in Article 2 (Definitions).
8. Construction, expansion or alteration of a Planned Unit Development (PUD) project shall be subject to development plan approval in accordance with the procedures and standards of Article 5 (Planned Unit Development).
9. Essential services and public utilities and facilities, subject to the provisions of this Ordinance.
10. Development of a non-single family residential use in a single family district, subject to the provisions of this Ordinance.
11. Any excavation, filling, soil removal, mining or creation of ponds related to a residential, office, commercial or industrial development project, subject to the provisions of this Ordinance.
12. Any development that proposes a new means of ingress

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and egress onto a public or private road, subject to the provisions of this Ordinance.

13. Vacation of a road or road easement.
14. Any proposal that involves a variance or non-conforming use and/or structure, subject to the provisions of this Ordinance.
15. Modifications to an approved site plan for a special land use and/or Planned Unit Development.
16. Modifications to an approved site plan deemed not minor, in accordance with Section 9.1.9I.

- B. Administrative Review.** Projects eligible for administrative approval include development projects, uses, and activities, which have been determined to be appropriate for an administrative site plan review and approval of the Building Official.
- C.** In the case of reuse or expansion of an existing building or structure, an approved site plan must be on file at the Village to be eligible for administrative review. The following provisions shall apply to administrative reviews:

1. **Review by the Building Official.** Building Official approval of a site plan or sketch plan shall be required prior to the establishment, construction, expansion, or structural alteration of any structure or change of use, as follows:
 - a.) Construction, moving, relocating, or structurally altering a single or two-family home, including any customarily incidental accessory structure.
 - b.) Construction of an addition to an existing and conforming building or expansion of an existing, conforming use, subject to the following:
 - i. No variances to the requirements of this Ordinance are required.
 - ii. The proposed addition or expansion shall not increase the total square footage of the building or area occupied by the use by more than 500 square feet, provided further that no other expansion has occurred within the past three (3) years.
 - c.) Re-use or re-occupancy of an existing and conforming non-residential structure or building, subject to the following:
 - i. The proposed use shall not require substantial modifications and improvements to the existing site or building.
 - ii. The proposed use shall not require special land use approval, as set forth in this Ordinance.
 - iii. No variances to the requirements of this

Ordinance shall be required.

- d.) Minor changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved site plan, which do not change the intent of the approved site plan.
- e.) Minor building modifications that do not alter the façade beyond normal repairs, height or floor area of a multiple-family or non-residential building.
- f.) For a multiple-family or non-residential uses, construction of accessory structures or fences or construction of a wall around a waste receptacle, or installation of a fence around a mechanical unit or other similar equipment, subject to the provisions of this Ordinance.
- g.) Changes to a site required by the Building Official to comply with State Construction Code requirements.
- h.) Modifications to an approved site deemed minor, in accordance with Section 9.1.8H.
- i.) Sidewalk or pedestrian pathway construction or relocation, or barrier-free access improvements.
- j.) Accessory structures and uses.
- k.) Modifications to an approved site plan for a special land use or Planned Unit Development project are not eligible for review by the Building Official.
- l.) The Building Official or applicant shall have the option to request Planning Commission review of a project that would otherwise be eligible for approval by the Building Official, with all costs associated with such review borne by the applicant.

SECTION 9.1.4 • APPLICATION PROCEDURE; REQUIRED INFORMATION

- A. Application Procedure, Contents.** The following information shall accompany all site plans and sketch plans submitted for all reviews:

1. An application for site plan review by the Planning Commission, supplied by the Village, shall be submitted to the Village, along with the required application fee and fifteen (15) copies of the site plan at the following scales:
 - a.) A scale of not less than one inch equals twenty feet for property less than one acre;
 - b.) One inch equals thirty feet for property larger than one acre but less than three acres; and
 - c.) One inch equals fifty feet for property larger than three acres.

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2. A completed site plan application and site plan materials must be submitted at least 20 days prior to the Planning Commission meeting at which the review is requested. Upon confirmation from the Village Planning Consultant, and other Village consultants, and all other appropriate Village officials, including but not limited to police, fire, and public works, that the site plan substantially meets the requirements of this ordinance, the application shall be placed on the next available Planning Commission agenda. The Commission may prepare forms and require the use of such forms in site plan preparation. A separate escrow deposit may be required for administrative charges to review the site plan submittal.
3. Current proof of ownership of the land to be utilized or evidence of a contractual arrangement to acquire such land, such as an option or purchase agreement, and a title search or other evidence of any applicable easements or deed restrictions.
4. An application for sketch plan approval shall be submitted to the Village on forms supplied by the Village along with any required fees and two copies of the sketch plan. The sketch plan shall contain the information required in Section 9.1.6.

B. Distribution of Plans.

1. **Planning Commission Review.** Upon submission of all required application materials, the site plan proposal shall be distributed, to the Village Planning Consultant and all appropriate Village officials, including, but not limited to police, fire, and public works, and other Village consultants, as applicable, for review. Determination of compliance with Village ordinances and regulation shall be made within 15 days of receiving an application for site plan review. Site plans determined to be in substantial compliance proceed to Site Plan Review (9.1.7B). For site plans determined not to be in substantial compliance, the applicant may be required to complete revisions and re-submit the plans for further review prior to final action. Upon receipt of the revised site plans, determination of compliance shall be made within 15 days.
2. **Building Official Review.** If the Building Official or applicant requests a review by the Planning Commission, in accordance with Section 9.1.3, sub-section B.1.I above, the site plan proposal shall be distributed in accordance with Section 9.1.4 sub-section B.1, above.
3. **DDA Review.** The exterior appearance and placement on the site of any building located within the DDA District has an effect on the desirability of the immediate area and of neighboring areas for business and other purposes. Maintenance of an attractive, compatible and pleasing exterior appearance of such buildings will prevent impairment of the stability of the value of other real property assets in the area, permit the most appropriate development of the DDA District and prevent attendant

deterioration of conditions affecting the general welfare of the property owners of the Village of Oxford. For developments proposed within the geographic boundaries of the DDA District, the Planning Commission shall request comments from the DDA Director regarding the proposed site plan prior to taking action on the request for site plan approval. All review comments from the DDA Director shall be transmitted to the Village offices not less than five (5) days prior to the Planning Commission meeting where the site plan will be considered for approval.

SECTION 9.1.5 • REQUIRED SITE PLAN INFORMATION

Each site plan submitted for review shall have a sheet size of at least twenty four (24) inches by thirty six (36) inches and shall include the following information:

A. Descriptive and Identification Data.

1. Applicant's name and address, and telephone number.
2. Title block indicating the name of the development.
3. Scale.
4. Northpoint.
5. Dates of submission and revisions (month, day, and year).
6. Location map drawn to scale with northpoint.
7. Legal and common description of property.
8. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.
9. A schedule for completing the project, including the phasing or timing of all proposed developments.
10. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan.
11. Written description of proposed land use.
12. Zoning classification of applicant's parcel and all abutting parcels.
13. Proximity to driveways serving adjacent parcels.
14. Proximity to section corner and major thoroughfares.
15. Notation of any variances which have or must be secured.
16. Net acreage (minus rights-of-way) and total acreage, to the nearest 1/10 acre.

B. Site Data.

1. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.
2. Front, side, and rear setback dimensions.

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3. Topography on the site and within 100 feet of the site at two foot contour intervals, referenced to a U.S.G.S. benchmark.
4. Proposed site plan features, including buildings, roadway widths and names, and parking areas.
5. Dimensions and centerlines of existing and proposed roads and road rights-of-way.
6. Acceleration, deceleration, and passing lanes, where required.
7. Proposed location of driveway entrances and on-site driveways.
8. Typical cross-section of proposed roads and driveways.
9. Location of existing drainage courses, floodplains, lakes and streams, with elevations.
10. Location and dimensions of wetland areas. If deemed necessary because of site or soil conditions or because of the scope of the project, a detailed hydrology study may be required.
11. Location of sidewalks within the site and within the right-of-way.
12. Exterior lighting locations and method of shielding lights from shining off the site.
13. Trash receptacle locations and method of screening, if applicable.
14. Transformer pad location and method of screening, if applicable.
15. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.
16. Information needed to calculate required parking in accordance with Zoning Ordinance standards.
17. The location of lawns and landscaped areas, including required landscaped greenbelts.
18. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material, and method of irrigation.
19. Location, sizes, and types of existing trees five (5) inches or greater in diameter, measured at one (1) foot off the ground, before and after proposed development.
20. Cross-section of proposed berms.
21. Location and description of all easements for public right-of-way, utilities, access, shared access, and drainage.
22. Designation of fire lanes.
23. Loading/unloading area.
24. The location of any outdoor storage of materials and the

manner by which it will be screened.

C. Building and Structure Details.

1. Location, height, and outside dimensions of all proposed buildings or structures.
2. Indication of the number of stores and number of commercial or office units contained in the building.
3. Building floor plans.
4. Total floor area.
5. Location, size, height, and lighting of all proposed signs.
6. Proposed fences and walls, including typical cross-section and height above the ground on both sides.
7. Building facade elevations, drawn to a scale of one (1) inch equals four (4) feet, or another scale approved by the Building Official and adequate to determine compliance with the requirements of this Ordinance. Elevations of proposed buildings shall indicate type of building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory building, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers, including the method of screening such equipment. Such equipment shall be screened from view of adjacent properties and public rights of way. Such screening shall be designed to be perceived as an integral part of the building design.

D. Information Concerning Utilities, Drainage, and Related Issues.

1. Schematic layout of existing and proposed sanitary sewers and septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to service the site; and, the location of gas, electric, and telephone lines.
2. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes should be specified on the site plan.
3. Indication of site grading and drainage patterns.
4. The following information shall be submitted as part of an application for permission to commence any type of development within a flood hazard area:
 - a.) The elevation in relation to mean sea level of the floor, including basement, of all structures.
 - b.) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

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- c.) Proof of development permission from appropriate local, state, and federal agencies as required by this Zoning Ordinance, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under authority of Act 245 of the Public Acts of 1929, as amended by Act 167 of the Public Acts of 1968, the Flood Plain Regulatory Authority.

- d.) Base flood elevation data where the proposed development is subject to Act 288 of the Public Acts of 1967, the Subdivision Control Act, or greater than five (5) acres in size.

5. Additional information which may be reasonably necessary to determine compliance with the provisions of this Zoning Ordinance.
6. Soil erosion and sedimentation control measures.
7. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.
8. Listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site at the facility in quantities greater than 25 gallons per month.
9. Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior area.
10. Underground storage tanks locations.
11. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.

E. Information Concerning Residential Development.

1. The number, type and location of each type of residential unit (one bedroom units, two bedroom units, etc.).
2. Density calculations by type of residential unit (dwelling units per acre).
3. Lot coverage calculations.
4. Floor plans of typical buildings with square feet of floor area.
5. Garage and carport locations and details, if proposed.
6. Pedestrian circulation system.
7. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads. The plan should indicate whether proposed roads are intended to be private or dedicated to the public.
8. Community building location, dimensions, floor plans, and

facade elevations, if applicable.

9. Swimming pool fencing detail, including height and type of fence, if applicable.
10. Location and size of recreation open areas.
11. Indication of type of recreation facilities proposed for recreation area.

F. Information Applicable to Mobile Home Parks.

1. Location and number of pads for mobile homes.
2. Distance between mobile homes.
3. Proposed placement of mobile home on each lot.
4. Average and range of size of mobile home lots.
5. Density calculations (dwelling units per acre).
6. Lot coverage calculations.
7. Garage and carport locations and details, if proposed.
8. Pedestrian circulation system.
9. Location and names of roads and internal drives.
10. Community building location, dimensions, floor plans, and facade elevations, if applicable.
11. Swimming pool fencing detail, including height and type of fence, if applicable.
12. Location and size of recreation open areas.
13. Indication of type of recreation facilities proposed for recreation area.

G. Additional Information. Information Related to Condominium Development. The following information shall be provided with all site plans including condominium development:

1. Condominium documents, including the proposed Master Deed, restrictive covenants, and condominium bylaws.
2. Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.

H. Items Not Applicable. If any of the items listed are not applicable to a particular site, the following information should be provided on the site plan:

1. A list of each item considered not applicable.
2. The reason(s) why each listed item is not considered applicable.

I. Other Data Which May Be Required. Other data may be required if deemed necessary by the Village administrative

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request an optional pre-application site plan meeting with the Village Planning Consultant and Building Official, and the Village Engineering Consultant, as may be applicable. The applicant need not present drawings or site plans at a pre-application conference, but even if drawings or site plans are presented, no formal action shall be taken on a site plan at a pre-application conference. The Village Planning Consultant's and Village Engineering Consultant's fees for any such pre-application conference shall be paid by the applicant. Optional Pre-application meeting request shall be handled as follows:

1. A request for a pre-application meeting shall be made in writing to the Building Department, and any required fees deposited with the Village.
2. The Village shall distribute a copy of the written request to the Planning Consultant and the Engineering Consultant, in the event the Engineering Consultant's attendance is required.
3. The Village shall coordinate the scheduling of the meeting.

B. Site Plan Review. Upon determination that the site plans substantially complies with Village ordinances and regulations, the site plans shall be placed on the next available Planning Commission agenda. All required revisions must be completed prior to the site plan being placed on the Planning Commission agenda for review.

C. Public Hearings. A public hearing conducted by the Planning Commission is required for all zoning amendments, and for all site plans involving uses that are subject to Special Land Use Approval, applications for rezoning and planned unit developments, subject to the provisions of Chapter 3 of this Article. After payment of appropriate fees, the Building Official, or his designee shall set the date of the public hearing.

D. Authorization. The Planning Commission, or when applicable, the Building Official shall review the site plan proposal together with any public hearing findings and any requested reports and recommendations from the Building Official, Village Planning Consultant, and/or other Village staff and reviewing agencies, as applicable.

1. The Planning Commission or Building Official (as per Section 9.1.3) is authorized to take the following action on the plan, subject to guidelines in the Zoning Ordinance: approval, approval with conditions, denial, or table the site plan, as follows:
 - a.) **Approval.** Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted.
 - b.) **Approval Subject to Conditions.** Upon determination that a site plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The conditions

may include the need to obtain variances or obtain approvals from other agencies. If a plan is approved subject to conditions, the applicant shall submit four copies of a revised plan with a revision date, indicating compliance with the conditions of approval, to the Building Department. Upon subsequent review and approval of the Building Official or Village Planning Consultant, the plans shall be recorded, as provided in sub-section below.

- c.) **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Article or elsewhere in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, site plan approval shall be denied.
- d.) **Tabling.** Upon determination that a site plan is not ready for approval or rejection, or upon a request by the applicant, the Planning Commission may table consideration of a site plan until a future meeting.

E. Recording of Site Plan Review Action. Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission, as appropriate. The grounds for action taken upon each site plan shall also be recorded in the minutes.

1. After the Planning Commission has taken final action on a site plan and all steps have been completed, three copies of the application and approved plans shall be stamped "APPROVED" and signed by the Building Official. One marked copy will be kept on file with the Village, and the other two copies will be returned to the applicant, where one stamped APPROVED plan will be submitted with the application for building permit.
2. The Building Official shall be responsible for final stamp approval for administrative reviews conducted per Section 9.1.3.B.2.
3. If the Planning Commission grants conditional approval of the site plan, the applicant shall submit two copies of the revised plans, indicating compliance with the conditions of approval, to the Building Official.

Upon subsequent review and verification that all conditions of approval have been met, the Building Official shall stamp all four copies of the plans "APPROVED," and the plans shall be distributed in accordance with Section 9.1.7.F.1 (Recording of Site Plan Action).

4. Once the site plan has been stamped "Approved," it shall be documented and provided as correspondence at the next Planning Commission meeting.

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SECTION 9.1.8 • PROCEDURE AFTER SITE PLAN APPROVAL

- A. Application for Building Permit.** Following final approval of the site plan, the applicant may apply for a building permit, consistent with Section 9.6.1. It shall be the responsibility of the applicant to obtain all other applicable Village, County, or State permits prior to issuance of a building permit.

A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recorded Master Deed has been provided to the Village. However, the Building Official may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction of roads, prior to recording the Master Deed. No permit issued or work undertaken prior to recording of the Master Deed pursuant to this Section shall grant any rights or any expectancy interest in the approval of the Master Deed.

- B. Performance Guarantee.** Performance guarantees shall be required subject to the standards in Chapter 4 of this Article.
- C. Expiration of Site Plan Approval.** If construction has not commenced within twelve (12) months of final approval of the site plan, or if construction has not been completed within twelve (12) months after it was commenced or if substantial or continual progress in construction has not been made, the site plan approval becomes null and void and a new application for site plan review shall be required. Upon written request from the applicant, the Planning Commission may grant an extension of up to twelve (12) months, upon a finding that the approved site plan adequately represents current conditions on and surrounding the site and provided that the site plan conforms to the current Zoning Ordinance standards, and further provided that construction has not commenced or if substantial or continual progress in construction has not been made.
- D. Application for Certificate of Occupancy.** Following completion of site work and building construction, the applicant may apply for a Certificate of Occupancy or a Temporary Certificate of Occupancy from the Building Official, consistent with Section 9.6.2. It shall be the applicant's responsibility to obtain these required certificates prior to any occupancy of the property.
- E. Property Maintenance after Approval.** It shall be the responsibility of the owner of a 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. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

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. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

- F. Recorded and As-Built Condominium Documents Submittal Requirements.**

1. Prior to the issuance of a building permit for a condominium project involving new construction, the condominium project developer or proprietor shall record all condominium documents and exhibits with the Oakland County Register of Deeds office in a manner and format acceptable to the County and furnish the Village with one copy of the recorded Condominium Master Deed, Bylaws, and all restrictive covenants as approved by the Village Attorney.
2. Upon completion of the project, the condominium project developer or proprietor shall furnish the Village with the following:
 - a.) Two copies of an "as built survey", sealed by a licensed professional engineer, landscape architect or similar certified professional, in a format acceptable to the Village; and
 - b.) One copy of the site plan on a mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one half by fourteen (10 ½ x 14) inches.
3. The as-built survey shall be reviewed by the Village's Engineering Consultant for compliance with Village Ordinances. Fees for this review shall be established by the Village Council.
4. The Building Official may withhold building permit approval for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Building Official to do so.

- G. Revocation.** Approval of a site plan may be revoked by the Planning Commission if construction is not in conformance with the approved plans. In such a case, the Building Official shall place the site plan on the agenda of the Planning Commission for consideration, and give written notice to the applicant at least five (5) days prior to the meeting. The applicant shall be given the opportunity to present information to the Planning Commission and answer questions. The Planning Commission may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.

- H. Modification to Approved Plan.** A site plan approved in accordance with the provisions in this Section may be subsequently modified, subject to the following requirements:

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1. **Review of Minor Modifications.** Minor modifications to an approved site plan may be reviewed by the Building Official or his designee.
 - a.) **Minor Modification Defined.** Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards.
 - b.) **Examples of minor modifications include:**
 - i. An addition to an existing commercial or industrial building that does not increase the floor space by more than 500 square feet.
 - ii. Re-occupancy of a vacant building that has been unoccupied for less than twelve (12) months.
 - iii. Changes to building height that do not add an additional floor.
 - iv. Reduction in the square footage of an existing or proposed building.
 - v. Additions or alterations to the landscape plan or landscape materials that do not result in the waiver of landscaping requirements.
 - vi. Relocation or screening of the trash receptacle.
 - vii. Alterations to the internal parking layout of an off-street lot.
 - viii. The construction of a new building or structure or the addition of curb cuts onto a public road are examples of modifications, which are not considered minor.
 - ix. Modifications to an approved site plan for a special land use or Planned Development project or which require a variance, shall not be considered a minor modification.
 - c.) **Determination of Minor Modification.** The Building Official or his designee shall determine if the proposed modifications are minor in accordance with the guidelines in this section.
2. **Modifications Not Deemed "Minor".** If the modifications are not deemed minor by the Building Official or his designee, then review and approval of the Planning Commission shall be required, as determined by the Building Official or his designee. A review by the Planning Commission shall be required for all site plans that involve a request for a variance, a Special Land Use, and Planned Unit Development proposals that involves a discretionary decision, or a proposal that involves a nonconforming use or structure.

- I. **Recording of Action.** Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file in the office of the Village. The Planning Commission shall be advised of all minor site plan modifications approved by the Building Official and such modifications shall be noted on the site plan.
- J. **Fees.** Fees for the review of site plans and inspections as required by this article shall be established and may be amended by resolution by the Village Council.

SECTION 9.1.9 • STANDARDS FOR SITE/SKETCH PLAN APPROVAL

All elements of the site plan shall be designed to take into account the site's topography, 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 Ordinance.

In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to ensure that no undesirable health, safety, noise and traffic conditions will result from the development shall conform to all requirements of this Zoning Ordinance, (including those of the applicable zoning district(s)). The following criteria shall be used as a basis upon which site plans will be reviewed and approved, where applicable:

- A. **Adequacy of Information.** The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- B. **Site Design Characteristics.** All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.
- C. **Appearance.** Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
- D. **Compliance with District Requirements.** The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in Article 5, Schedule of Regulations, except as provided elsewhere in this Ordinance. New and conversion condominium projects shall conform to the provisions of this Ordinance, as applicable, and with Section 8.10, Condominium Regulations.
- E. **Preservation of Significant Natural Features.** Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural, historical, and architectural features as defined in this Zoning Code, in particular flood hazard areas and wetlands designated/regulated by the Michigan

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Department of Environmental Quality, and, to a lesser extent, flood hazard areas and wetlands which are not regulated by the Department.

- F. Emergency Access.** All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- G. Pedestrian access and circulation.** Existing and proposed sidewalks or pedestrian pathways connect to existing public sidewalks and pathways in the area, are insulated as completely as possible from the vehicular circulation system, and comply with applicable regulations regarding barrier-free access.
- H. Vehicular access and circulation.** Drives, streets, parking, site access, and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site.
- I. Building Design and Architecture.** Building design and architecture relate to and are harmonious with the surrounding neighborhood with regard to scale, mass, proportion, and materials. In addition to following design guidelines adopted in specific district or sub-area plans, where applicable.
- J. Parking and loading.** Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.
- K. Exterior Lighting.** Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along streets.
- L. Screening.** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas, and storage areas from adjacent residential areas and public rights-of-way.
- M. Public Services.** Adequate services, including police and fire protection, and utilities, including water, sewage disposal, sanitary sewer, and stormwater controls services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.
- N. Soil Erosion and Sedimentation 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 and Building Official.
- O. 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.

- P. Privacy.** The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users.
- Q. Danger from Hazards.** The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the Village to respond to such hazardous incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Village shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and material, and emergency response plans and capabilities of the Village.
- R. Health and Safety Concerns.** Any use in any zoning district shall comply with Federal, state, county and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; and, toxic and hazardous materials.
- S. Sequence of Development.** All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
- T. Coordination with Adjacent Sites.** All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, and common facilities, and open space shall be coordinated with adjacent properties.
- U. Other Agency Reviews.** The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Transportation, Oakland County Drain Commission, Oakland County Health Department, and other federal state, and county agencies, as applicable.

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Chapter 2: Special Land Use Review

SECTION 9.2.1 • STATEMENT OF INTENT

The procedures and standards in this Section are intended to provide a consistent and uniform method for review of proposed plans for special land uses.

In hearing and deciding upon special approvals, the Planning Commission shall base its actions on the theory that the development and execution of a comprehensive zoning ordinance is founded upon the division of the Village into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

SECTION 9.2.2 • APPLICATION

The application for Special Land Use review shall be made on the forms and according to the guidelines provided by the Village. Each application shall be accompanied by the following:

- A. The section of this Ordinance under which the Special Use is sought.
- B. A detailed site plan which shall include all the information required by Section 9.1.5, except in the following cases. In the situations listed below, the site plan need only include the information deemed necessary by the Planning Commission to thoroughly review the proposal against the standards of this Ordinance:
 1. Home Occupations Requiring Special Land Use Approval.
 2. Special Use Signs.
 3. Special Uses that are proposed to occupy an existing building and are not proposing to, nor required to, make any exterior changes to the building or lot.
- C. A description of the proposed use of the property.

Other information which the Planning Commission may reasonably deem necessary for review.

The application shall be submitted by the owner of an interest in the land for which special land use approval is sought, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled due to lack of representation.

SECTION 9.2.3 • NOTICE OF PUBLIC HEARING

The Village shall schedule a public hearing in accordance with Chapter of 3 of this Article.

SECTION 9.2.4 • PLANNING COMMISSION DETERMINATION

Following the public hearing, the Planning Commission shall review the application for the special land use proposal, together with the public hearing findings and reports and recommendations of the Village Planner, Building Official, the Police and Fire Department, the Village Engineer, and other reviewing agencies. The Planning Commission is authorized to deny, approve, or approve with conditions, requests for special land use approval. Such decision shall include the standards relied upon, finding of fact, conclusions, approval or denial, and conditions, if any, attached to approval.

Performance guarantees may be required by the Planning Commission, in accordance with Chapter 4 of this Article, to insure compliance with special approval conditions.

SECTION 9.2.5 • STANDARDS FOR GRANTING SPECIAL USE APPROVAL

Approval of a special land use proposal shall be based on the determination that the proposed use will comply with all requirements of this ordinance, including the site plan review criteria set forth in Section 9.1.9 and applicable use standards set forth for the specific use in Article 4. In addition, the following standards shall be met:

- A. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land.
- B. The proposed use shall promote the use of land in a socially and economically desirable manner. The proposed use shall not adversely impact the social and economic well-being of those who will use the proposed land use or activity; residents, businesses, and landowners immediately adjacent; or the Village as a whole.
- C. The proposed special land use shall be compatible with and in accordance with the general principles and future land use configuration of the Village Master Plan and shall promote the intent and purpose of this Ordinance.
- D. The Planning Commission shall find that a need for the proposed use exists in the community at the time the special land use application is considered.
- E. The proposed use shall be designed, constructed, operated and maintained so as to assure long-term compatibility with surrounding land uses. Consideration shall be given to:
 1. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
 2. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 3. The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping.
 4. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in

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relation to surrounding development.

5. The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
6. The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. Consideration shall be given to the following:
 - a.) Proximity and access to major thoroughfares.
 - b.) Estimated traffic generated by the proposed use.
 - c.) Proximity and relation to intersections.
 - d.) Location of and access to off-street parking.
 - e.) Required vehicular turning movements.
 - f.) Provision for pedestrian traffic.
7. The proposed special land use shall be consistent with existing and future capabilities of public services and facilities affected by the proposed use.
8. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, glare or flashing lights.
9. The location of the proposed special land use shall not result in a small residential area being substantially surrounded by non-residential development, nor shall the location of the proposed special land use result in a small non-residential area being substantially surrounded by incompatible uses.
10. The proposed use shall be compatible with the natural environment and conserve natural resources and energy.

SECTION 9.2.6 • RECORDING OF PLANNING COMMISSION ACTION

Each action taken with reference to a special land use proposal shall be duly recorded in the minutes of the Planning Commission. The minutes shall record the findings of fact relative to each special land use proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public.

SECTION 9.2.7 • EFFECTIVE DURATION OF SPECIAL USE APPROVAL

Special use approvals shall run with the land and shall not be issued for specified periods, unless the use is clearly temporary or time-related in nature.

SECTION 9.2.8 • AMENDMENTS TO SPECIAL LAND USES

When an application is received to expand or change the use, traffic pattern, or other elements of a special land use, the application shall be subject to the same procedures followed for an original special approval of land use.

SECTION 9.2.9 • REVOCATION OF SPECIAL LAND USE APPROVAL

Approval of a special land use proposal and site plan may be revoked by the Planning Commission if construction is not in conformance with the approved plans. In such a case, the Building Official shall place the special land use on the agenda of the Planning Commission for consideration, and give written notice to the applicant at least five (5) days prior to the meeting. The applicant shall be given the opportunity to present information to the Planning Commission and answer questions. The Planning Commission may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.

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Chapter 3: Public Hearing Process

This Chapter shall present the basic provisions which shall apply to the following applications that require a public hearing: Amendments (including Rezoning), Variances, Special Land Uses, Planned Unit Development.

SECTION 9.3.1 • PUBLIC NOTICE

The following public notice procedure shall apply for any public hearing:

- A. Notice Contents.** The notice shall contain the following information, where applicable:
1. A description of the nature of the application and the purpose of the public hearing;
 2. A statement indicating the applicable sections of the Zoning Ordinance;
 3. A legal description and, when known, the address of the property;
 4. A statement of when and where the public hearing will be held;
 5. A statement of when and where written comments can be sent concerning the application.
- B. Newspaper Publication and Written Notification.** The general requirements for newspaper publication and written notification shall be as indicated in the following chart:

Action Requested	Newspaper Publication Requirements	Written Notification Requirements
Adoption of a New Ordinance (i, viii)	iii	vii
Ordinance Amendment (i, viii)	iii	vii
Rezoning (i, viii)	iii (see also v)	v
Special Land Use (i)	iii	iv
Planned Unit Development	See Article 5	
Variance (ii)	iii	vi

Footnotes:

- i. The Planning Commission must hold at least one public hearing.
- ii. The Zoning Board of Appeals must hold a public hearing.
- iii. Notices of public hearings must be published in a newspaper of general circulation within the Village not less than 15 days prior to the date of the hearing.
- iv. Notices must be mailed to owners and occupants of all properties and structures within 300 feet of the subject site, including those outside of the Village, if applicable. Notices must be postmarked not less than 15 days prior to the date of the hearing.
- v. If 10 or fewer adjacent properties are involved, notice must be sent by mail to the owners and occupants of all property and structures within 300 feet of the subject site, including those outside of the Village, if applicable. If 11 or more adjacent properties are involved, no additional notification is necessary and addresses may be omitted from the notice published in the newspaper. Notices must be postmarked not less than 15 days prior to the date of the hearing.
- vi. Notification of a dimensional variance request must be sent by mail to the owners and occupants of all property and structures within 300 feet of the subject site, including outside of the Village if applicable. Notification of an ordinance interpretation or decision appeal need not be sent by mail to surrounding property owners and occupants unless the interpretation or decision appeal involves a specific parcel, in which case notification must be sent by mail to the owners and occupants of all property within 300 feet of the subject site. Notices must be postmarked not less than 15 days prior to the date of the hearing.
- vii. Notice must be mailed to each electric, gas and pipeline utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and each airport manager, that has registered its name and mailing address with the Clerk to receive such notice. Notices must be postmarked not less than 15 days prior to the date of the hearing.
- viii. A property owner may request by certified mail, addressed to the Clerk, that the Village Council hold a public hearing to hear comments on a proposed ordinance provision (adoption of a new ordinance, ordinance amendment, rezoning or planned development). Newspaper publication and written notification requirements shall be made as set forth in this Section for the corresponding type of proposed ordinance provision. It shall be the responsibility of the property owner requesting the public hearing to pay for the costs incurred by the Village for notification of the public hearing.

Chapter 4: Performance Guarantees

SECTION 9.4.1 • PURPOSE

To insure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or Zoning Board of Appeals may require that a performance guarantee be deposited with the Village to insure the faithful completion of improvements, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Improvements for which the Village may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, surfacing of drives, parking, and acceleration/deceleration lanes, traffic control devices, sewer or water line expansion, storm water retention areas and land reclamation activities.

SECTION 9.4.2 • SCOPE OF REQUIREMENT

The performance guarantee can apply only to those specific features and actions which the Planning Commission or Zoning Board of Appeals considers necessary to protect natural resources or the health, safety, or welfare of residents, project users, or the general public. A performance guarantee may not be required for the entire project. The guarantee is limited to those project components specifically designated by the Planning Commission or Zoning Board of Appeals.

SECTION 9.4.3 • GENERAL REQUIREMENTS

A performance guarantee shall be required by the Planning Commission on the applicable portion(s) of a site plan under any of the following circumstances:

- A. To meet the costs of improvements required to be made by the applicant to public facilities owned by the Village as a condition of site plan approval.
- B. To ensure the completion of the common elements of site plan affecting two or more parties.
- C. To ensure the completion of those portions of a site plan which will not be completed by the applicant prior to a request for occupancy.
- D. The Planning Commission or Zoning Board of Appeals may require a performance guarantee on any other specific improvement when determined by resolution that the guarantee is necessary to protect the natural resources of the Village or the health, safety, or welfare of residents, project users, or the general public.

SECTION 9.4.4 • GENERAL CONDITIONS

- A. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. No building permit or related Village permit shall be issued unless the Building Official is satisfied that the guarantee is in full compliance with this Article.

- B. The performance guarantee shall be in the form of:
 1. A cash deposit or deposit by certified check drawn on a bank authorized to do business in the State of Michigan, or
 2. An irrevocable letter of credit issued on behalf of the Village by a bank authorized to do business in the State of Michigan, or
 3. A surety bond in a form and manner acceptable to the Village Attorney. The costs of the review of a surety bond by the Village Attorney shall be paid by the applicant as part of the issuance of a permit.
- C. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements associated with a project for which site plan approval or zoning variance has been obtained. Accordingly, the applicant shall provide an itemized listing of estimated costs and a proposed time schedule to complete all of the improvements determined to require a performance guarantee. The Building Official shall review the submitted costs for reasonableness and shall determine an accurate amount for the performance guarantee. In determining the amount, the Building Official may consider signed contracts or sub-contracts supplied by the applicant or the Building Official may secure or require that the applicant secure a sealed statement from a licensed architect or engineer verifying the estimates.
- D. Cash funds or a certified check made payable to the Village shall be deposited by the Village into an interest bearing account in a financial institution with which the Village regularly conducts business.
- E. In the case of a guarantee exceeding \$2000, and by request of the applicant, the guarantee may be released to the applicant in an amount proportional to the work completed on various elements, provided that a minimum of ten percent (10%) shall be retained on each element until the satisfactory completion of the entire project. The amount of work completed shall be based upon an inspection and determination by the Building Official.
- F. An amount not to exceed the actual cost of the installation of landscape materials may be retained by the Village for at least one (1) year following the installation of said materials to insure proper maintenance and, if necessary, replacement. This amount shall be released to the applicant upon certification by the Building Official that all landscape materials are being maintained in good condition.
- G. Prior to the acceptance of a public improvement by the Village and upon the recommendation of the Village Engineer, the Building Official shall require a maintenance bond for the public improvement in an amount not to exceed thirty-five (35) percent of the total cost of the improvement and to remain in effect for a period not to exceed three (3) years.

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- H. The unexpended balance of a performance guarantee, including interest accrued, shall be returned to the applicant following inspections by the appropriate Village officials and a positive determination by the Building Official that the required improvements have been satisfactorily completed and that all other requirements of this Article are met.

SECTION 9.4.5 • UNSATISFACTORY COMPLETION OF IMPROVEMENTS

When required improvements are not installed or maintained within the time stipulated or are not completed in accordance with the standards set forth within this Ordinance or as agreed upon between the applicant and the Planning Commission or Zoning Board of Appeals, the Building Official may order the improvements completed by the Village or by an independent contractor, or may order that the site be returned to its original condition.

The Building Official shall order the completion of the improvements and so notify the applicant by certified mail at least fourteen (14) calendar days prior to the undertaking of completion. During this time period, the applicant may seek an order from a court of competent jurisdiction to prevent the action by the Village.

All costs incurred by the Village for the completion of the improvements or the restoration of the site, including direct administrative costs, shall be assessed against the performance guarantee including any interest accrued on any funds deposited in escrow.

SECTION 9.4.6 • SUBDIVISION IMPROVEMENTS

This Chapter shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited with the Village by the applicant pursuant to the Subdivision Control Act (P.A. 288 of 1967, as amended).

Chapter 5: Zoning Administration

SECTION 9.5.1 • RESPONSIBILITIES

The Village Manager, or his duly authorized representative as specified in this Chapter, is hereby charged with the duty of enforcing the provisions of this Ordinance. Furthermore, administrative responsibilities are vested in the following Village entities:

- A. Village Council
- B. Planning Commission
- C. Zoning Board of Appeals
- D. Zoning Enforcement Officials, which shall include the Village Manager and his duly authorized assistants or representatives.

The purpose of this article is to set forth the scope of authority of these entities.

SECTION 9.5.2 • VILLAGE COUNCIL

The Village Council shall have the following responsibilities and authority pursuant to this Ordinance.

- A. **Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purposes expressed in the Preamble to this Ordinance, and pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended, the Village Council shall have the authority to adopt this Ordinance, any amendments to this Ordinance which have been previously considered by the Planning Commission or at a hearing, or as decreed by a court of competent jurisdiction.
- B. **Review and Approval of Plans.** Village Council review and approval shall be required for all Planned Unit Developments, in accordance with Article 5.
- C. **Setting of Fees.** The Village Council shall, by resolution, have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Village Council to set a fee for a specific permit or application, the Village Manager shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- D. **Approval of Planning Commission Members.** In accordance with Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Village President with the approval of the Village Council.

SECTION 9.5.3 • VILLAGE PLANNING COMMISSION

- A. **Creation.** The Village Planning Commission is created pursuant to Michigan Public Act 33 of 2008, as amended. The Planning Commission shall have all the powers and duties provided for zoning commissions created pursuant to Michigan Public Act 110 of 2006, as amended.
- B. **Jurisdiction.** The Planning Commission shall discharge the following duties pursuant to this Ordinance:

1. **Zoning Ordinance.** The Planning Commission is hereby designated as the commission specified in the Michigan Public Act 110 of 2006, as amended, and shall perform the zoning duties of said commission as provided in the statute Ordinance. The Planning Commission shall be responsible for formulation of the Zoning Ordinance; formulation, review, and recommendation of amendments to the Zoning Ordinance; holding hearings on a proposed Zoning Ordinance or amendments; and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to Village Council.
2. **Site Plan Approval.** The Planning Commission shall be responsible for reviewing site plans and making determinations to approve, approve subject to conditions or deny applications for site plan approval in accordance with this Ordinance.
3. **Special Use Approval.** The Planning Commission shall be responsible for holding hearings, reviewing, and making determinations to approve, approve subject to conditions or deny applications for special uses in accordance with this Ordinance.
4. **Planned Unit Development Review.** The Planning Commission shall be responsible for holding hearings and reviewing all applications for planned unit development approval in accordance with Article 5. The Planning Commission shall be responsible for making a recommendation to Village Council to grant approval, approval with conditions or denial of a proposed planned unit development.
5. **Master Plan.** The Planning Commission is hereby designated as the commission specified in Michigan Public Act 33 of 2008, as amended, and shall perform the planning duties of said commission as provided in the statute.
6. **Other Duties and Responsibilities.** The Planning Commission shall be responsible for review of plats and any other matters relating to land development referred to the Commission by Village Council. The Planning Commission shall recommend appropriate regulations and action on such matters.
7. **Publicity and Education.** The Planning Commission shall have the power to promote public interest in and understanding of the master plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education. The Planning Commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and with citizens with relation to the protecting or carrying out the plan.

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SECTION 9.5.4 • ZONING BOARD OF APPEALS

- A. Creation of Board.** A Zoning Board of Appeals is hereby created, which shall perform its duties and exercise its powers in accordance with Michigan Public Act 110 of 2006, as amended.
- B. Number of Members, Appointment.** The board shall consist of six (6) members, all appointed by the Village President with the consent of the Village Council. All members shall be residents of the Village. Appointments shall be as follows: One (1) member appointed for a period of one (1) year; two (2) members appointed for a period of two (2) years; and three (3) members appointed for a period of three (3) years respectively. Thereafter, each member to hold office for a full three (3) year term. Two (2) members shall be appointed, one each from the membership of the Village Council and the Village Planning Commission. The Council member of the Board of Appeals shall be a resident of the Village of Oxford for at least one year prior to the date of his/her appointment, and shall be a qualified and registered elector of the Village on such a day and throughout his/her tenure of office. An appointed member shall not be an employee or contractor of the Village, or be a member of the Downtown Development Authority. There shall not be any ex-officio members. Appointed members may be removed for cause by the Village Council only after consideration of written charges. Any appointive vacancies in the Board of Appeals shall be filled by the Village Council for the remainder of the unexpired term.
- C. Alternate Members.** The Village Council may also appoint, in accordance with Act 110 of 2006, as amended, not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. The alternate members may be called on a rotating basis to sit as regular members of the Board of Zoning Appeals in the absence of a regular member, if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in a case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- D. Election of Officers.** The Zoning Board of Appeals shall annually elect its own Chairman, Vice Chairman, and Secretary. The compensation of the appointed members of the Board of Appeals shall be fixed by the Village Council.
- E. Resignations.** When members propose to resign, if reasonably feasible, they shall give notice of their intent in writing to the chairman or secretary, and make the date of resignation effective, in such a manner as to allow time for appointment of replacements. Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, without the recorded consent of the chairman shall be construed as resignation from the board by absence. When a member dies or resigns (including resignation by absence), the secretary shall

promptly indicate to the Village Council that a vacancy exists.

- F. Meetings of Zoning Board of Appeals.** All meetings of the Board of Appeals shall be held at the call of the Chairman or upon written request of any two members of the Board. All hearings by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indication of such fact; and shall also keep records of its hearings and other official action.
- G. Jurisdiction.** The ZBA shall have the authority granted to it in Chapter 7 of this Article.

SECTION 9.5.5 • ZONING ENFORCEMENT OFFICIALS

- A. Establishment of Enforcement Officials.** As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Village Manager or his duly authorized assistants or representatives. In carrying out designated duties, enforcement officers shall administer the Ordinance precisely as it is written and shall not make changes or vary the terms of this Ordinance.
- B. Responsibilities of the Zoning Official.** The Zoning Official shall be appointed by the Village Manager and shall serve under the direction of the Village Manager. The Village Zoning Official may have the following responsibilities:
1. Provide citizens and public officials with information relative to this Ordinance and related matters.
 2. Assist applicants in determining the appropriate forms and procedures related to site plan review, zoning, and other zoning matters.
 3. Review all applications for site plan review, special land use review, planned development proposals, and take any action required under the guidelines in this Ordinance.
 4. Forward to the Planning Commission all applications for site plan review, special land use review, planned unit development proposals, petitions for amendments to this Ordinance, and other applications which must be reviewed by the Planning Commission.
 5. Forward to the Zoning Board of Appeals all materials related to applications for appeals, variances, of other matters on which the Zoning Board of Appeals is required to act.
 6. Forward to the Village Council all recommendations of the Planning Commission concerning matters on which the Village Council is required to take final action.
 7. Periodically report to the Planning Commission on the status of Village zoning and planning administration.
 8. Maintain up to date Zoning Map, Zoning Ordinance text, and office records by recording all amendments and filing all official minutes and other documents in an orderly fashion.

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9. Maintain a record of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance, and update this record as conditions affecting the nonconforming status of such uses or structures changes.
10. Perform other related duties, as specified by the Village Manager.

C. Responsibilities of the Building Official. As specified by the Village Manager, the Village Building Official may have the following responsibilities:

1. Enforce and administer the adopted Building Code.
2. Provide citizens and public officials with information relative to the Building Code, this Ordinance, and related matters.
3. Assist applicants in the completion of required application forms for permits and certificates.
4. Issue building or other appropriate permits when all provisions of this Ordinance and other applicable ordinances have been complied with.
5. Issue Certificates of Occupancy in accordance with this Ordinance when all provisions of this Ordinance and other applicable ordinances have been complied with.
6. Perform inspections of buildings, structures, and premises to insure that proposed land use changes or improvements are and will remain in compliance with this Ordinance.
7. Record all nonconforming uses, structures, and lots existing on the effective date of this Ordinance, and monitor and control such nonconformities.
8. Investigate alleged violations of this Ordinance and enforce appropriate corrective measures when required, including issuance of violation notices and tickets, issuance of orders to stop work, and revoking of permits.
9. Perform other related duties as specified by the Village Manager.

D. Conformance with this Ordinance. It shall be unlawful for the Zoning Official or Building Official to approve any plans or issue any building permits or certificates of occupancy until he has inspected such plans in detail and found them to conform with this Ordinance.

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Chapter 6: Enforcement

SECTION 9.6.1 • BUILDING PERMIT

- A. Permit Requirement.** No building or structure within the Village of Oxford shall hereafter be erected, moved, repaired, altered or razed, nor shall any work be started to erect, move, repair, or raze until a building permit shall have been obtained from the Building Official, nor shall any use be added to an existing use nor shall any change be made in the use of any building or land without a building permit having been obtained from the Building Official; except that no building permit shall be required for non structural alterations costing less than \$500. No such building permit shall be issued unless it is in conformity with the provisions of this Ordinance and all amendments hereto.
- B. Failure to Commence Construction.** Unless construction is started within twelve (12) months after the date of issuance of a building permit, the building permit shall automatically become void and fees forfeited. The Building Official may reinstate a building permit that has become void for failure to commence construction without payment of further fees at his discretion as long as site plan approval, if required, has not expired.
- C. Application.** The Building Official shall require that all applications for building permits be accompanied by the required fee and by the required copies of a site plan approved by the Planning Commission when required under Chapter 1 of this Article. If site plan approval is not required, two (2) copies of a plot plan shall be submitted containing the following information:
1. Legal description of the property.
 2. North point and scale of not less than 1" = 100'.
 3. Exact dimensions of the property including bearings and distances as described in the legal description.
 4. Property relationship of subject property with all abutting property lines.
 5. Two (2) foot contours or pegged grade elevations at 50 feet on center for the entire property and for a distance not less than 50 feet outside the entire perimeter of the property. This requirement may be waived by the Zoning Official or Village Manager if deemed unnecessary. The Zoning Official shall give written notice of all waivers to the Planning Commission.
 6. The location of the existing and/or proposed buildings on the property shall be clearly shown and shall include the dimensions to front, side, and rear property lines and distances from the proposed building to any building on the lot within 50 feet of the proposed building.
 7. The finish grade elevations of all existing and proposed buildings or structures on or within 50 feet of the lot. This requirement may be waived by the Zoning Official or Village

Manager if deemed unnecessary. The Zoning Official shall give written notice of all waivers to the Planning Commission.

8. The location of all existing and/or proposed drives and parking areas.
 9. The location of all existing or proposed overhead and underground utilities.
 10. The location and widths of all existing and/or proposed rights of way and/or easements and all abutting streets and alleys.
 11. The point, area, ditch, or enclosure to which storm water is to drain, including discharge of sump pumps.
 12. Such other information concerning the lot or abutting lots as may be essential for determining whether the provisions of the ordinance are being observed.
- D. Issuance of Permit.** Whenever the building, land and uses thereof as set forth in the application are in conformity with the provisions of this ordinance, it shall be the duty of the Building Official to issue within fifteen (15) working days after the receipt of said application a building permit, and when such permit is refused, to state such refusal in writing with the reasons therefore.
- One (1) copy of the site plan or plot plan shall be returned to the applicant by the Building Official, after the Building Official shall have marked such copy either as approved or disapproved. The remaining copy shall be retained in the office of the Building Official.
- E. Violations of Contracts.** The Building Official shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of private contracts, such as covenants or private agreements which may occur upon the granting of such permit.
- F. Footings.** Prior to pouring concrete for any footings, the builder shall demonstrate to the Building Official that the footing forms are properly located on the lot and that the footing grade is set to the proper elevation, both according to the dimensions and elevations as indicated on the site plan or plot plan.
- G. Completion of Work.** Upon the completion of the work authorized by a building permit, the holder thereof shall apply for a Certificate of Occupancy by notifying the Building Official who shall then make a final inspection promptly.

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SECTION 9.6.2 • CERTIFICATE OF OCCUPANCY

No land, building, structure, or part thereof shall be occupied by or for any use for which a building permit is required by this ordinance unless and until a Certificate of Occupancy shall have been issued for such new use. The following shall apply in the issuance of any certificate:

A. Application for Certificates. Application for Certificates of Occupancy shall be made in writing to the Building Official on forms furnished by the Village, and such application shall be reviewed for compliance to the stipulations, regulations and requirements of this Ordinance and the Building Code within ten (10) working days. If such certificate is refused for any cause, the applicant shall be notified in writing of reasons for such refusal.

B. Certificates Include Zoning. Certificates of Occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings, structures or lands shall also constitute Certificates of Occupancy as required by this ordinance.

No Certificate of Occupancy pursuant to the Building Code of the Village of Oxford shall be issued for any building, structure or part thereof, or for the use or change of use of any building or land, which is not in accordance with all the provisions of this Zoning Ordinance.

C. Certificates for Existing Buildings. Certificates of Occupancy will be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land is in conformity with the provisions of this Ordinance.

D. Grading Requirements. A Certificate of Occupancy shall not be issued until the following requirements are complied with and are approved by the Building Official:

1. Prior to the official issuance of a Certificate of Occupancy the Building Official shall inspect the site to determine if the grading is in accordance with the approved site plan or plot plan. If, in the judgment of the Building Official, there is doubt that such grading is in accordance with the plan, the Building Official shall request that a grading certificate be prepared, signed and sealed by a registered professional civil engineer, architect or land surveyor be submitted to the Building Official, in duplicate, attesting to the fact that the site has been constructed and graded in accordance with the plot plan, that permanent irons at each lot corner are in evidence, and that the drainage pattern is in accordance with the plan as approved at the time of issuance of the building permit.
2. In lieu of a grading survey, a surety bond, letter of credit, or cash deposit in an amount set by the Building Official may be required to insure grading and submission of such survey at a later date when a building, land or structure is otherwise suitable for occupancy, but it is that season of the year when weather conditions make completion of

grading unfeasible. In such case a temporary Certificate of Occupancy may be issued and the date for completion of grading, not to exceed six (6) months from date of issuance, shall be indicated on the temporary Certificate of Occupancy or its related documents.

E. Certificates for Buildings Accessory to Dwellings. Buildings accessory shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

F. Temporary Certificates. The Building Official may issue a temporary Certificate of Occupancy for a portion of building or structure in the process of erection or alteration. The Building Official shall require a performance guarantee before the issuance of a temporary Certificate of Occupancy to guarantee completion.

Temporary Certificates of Occupancy shall specify a date for compliance; on this date the certificate shall be deemed to have expired. No temporary Certificate of Occupancy shall be effective for a period in excess of six (6) months. Failure to meet the requirements of this Section shall result in the revoking of the temporary Certificate of Occupancy.

Failure to meet the requirements of this Section shall result in the revoking of the temporary Certificate of Occupancy.

G. Site Improvements. No Certificate of Occupancy shall be issued unless the landscaping and paving shown on the site plan have been completed, except that the owner may furnish a performance guarantee equal to the cost of completion.

H. Records of Certificates. A record of all certificates issued shall be kept on file in the office of the Building Official, and copies shall be furnished upon request to any person.

SECTION 9.6.3 • PLATS

In accordance to Village Subdivision Regulations (Village Ordinance 212), proposed plats of land hereafter to be platted into lots within the Village of Oxford shall be submitted to the Planning Commission for approval and subsequently to the Village Council for approval. Plats shall be in conformance to the design standards set forth in the Subdivision Regulations.

SECTION 9.6.4 • ADMINISTRATION FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Building Official at the time of application. The amount of such fees shall be established in accordance with this Ordinance and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

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SECTION 9.6.5 • VIOLATIONS AND PENALTIES

- A. Violation of this Ordinance.** Any person, firm or corporation failing to comply with any of the provisions of this Ordinance, including failure to comply with any of the conditions or safeguards established or imposed in connection with Site Plan Approval, Special Use Approval or the grant of a zoning variance, shall be deemed in violation of this Ordinance. Each day a violation occurs or continues shall constitute a separate violation of this Ordinance.
- B. Misdemeanor.** Any violation of this Ordinance shall constitute a misdemeanor. Any person who is convicted of violating this Ordinance shall be fined, in addition to the costs of prosecution, not more than five hundred (\$500.00) dollars for each offense, or shall be punished by imprisonment for not more than 90 days for each offense, or both, at the discretion of the Court. Each day a violation occurs or continues shall constitute a separate offense. Furthermore, the owner or tenant of any building, structure, premise or part thereof, and any architect, engineer, builder, contractor, agent or other person who commits, participates in, assists in, or maintains any violation of this Ordinance may each be found guilty of a separate offense and may be subject to the penalties herein provided.
- The imposition of any sentence shall not exempt the offense from compliance with the requirements of this Ordinance.
- C. Other Rights or Remedies are not Affected.** The rights and remedies provided in this Ordinance are cumulative and shall be deemed to be in addition to, and shall not adversely affect, any and all other rights and remedies provided by law.
- D. Rights and Remedies Preserved, No Waiver.** Any failure or omission to enforce the provisions of this Ordinance, and any failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver of nor prevent any further prosecution of violations of this Ordinance.

SECTION 9.6.6 • PUBLIC NUISANCE

Any building, structure, or use which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the effective date of this Ordinance and in violation of any of the provisions of this Ordinance is hereby declared to be a public nuisance. The Zoning Board of Appeals, any person designated by the Village Council, or any aggrieved person may institute a suit in a court of law to have a nuisance abated.

Chapter 7: Variances and Appeals

SECTION 9.7.1 • JURISDICTION, POWERS AND DUTIES

A. Powers and Duties. The Zoning Board of Appeals shall have the power and it shall be its duty to:

1. Hear and decide on all matters referred to it by the provisions of this Ordinance.
2. Hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the building, planning, or public services department in the enforcement of this ordinance. See Section 9.7.5 for additional considerations.
3. Interpret the text and map and all matters relating thereto whenever a question arises in the administration of this ordinance as to the meaning and intent of any provision or part of this ordinance. Any interpretations shall be in a manner as to carry out the intent and purpose of this ordinance and zoning map, and commonly accepted rules of construction for ordinances and laws in general. See Section 9.7.6 and Section 9.7.7 for additional considerations.
4. Where there are practical difficulties or unnecessary hardships, within the meaning of state law and this ordinance, in the way of carrying out the strict letter of this ordinance, the Zoning Board of Appeals shall have the power upon appeal in specific cases to authorize such variation or modification of the provisions of this ordinance so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done. See Section 9.7.8 and Section 9.7.9 for additional considerations.

B. Review Considerations. In consideration of all appeals and all proposed variances to this ordinance the Zoning Board of Appeals shall, before granting any variance to this ordinance in a specific case, first determine that the proposed variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Village.

C. Majority Vote Required. Except for use variances, the concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the building department, or to decide in favor of the applicant on any matter upon which it is authorized by this ordinance to render a decision.

D. Limitations of Authority.

1. Nothing contained in this section shall be construed to

give or grant to the Zoning Board of Appeals the power or authority to alter or change this ordinance or the zoning map or to rezone, such power and authority being reserved to the Village Council.

2. Nothing in this section shall be construed to authorize the Zoning Board of Appeals to hear, review or decide any appeal from a decision of the Village Council or Planning Commission to approve, approve with conditions, or deny a site plan or special use.

E. Conditions. In authorizing a variance or taking any other action within its jurisdiction, the Zoning Board of Appeals may attach such conditions as may be deemed necessary in the furtherance of the purposes of this ordinance, provided any conditions are in compliance with the standards for imposing conditions as contained in the Michigan Public Act 110 of 2006, as amended.

SECTION 9.7.2 • EXERCISING POWERS

In exercising the powers described in Section 9.7.1, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may take such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the building department from whom the appeal is taken.

SECTION 9.7.3 • NOTICE

The Zoning Board of Appeals shall make no recommendation except in a specific case and after a hearing conducted by such board. Notice such hearing shall be provided in the manner established in Michigan Public Act 110 of 2006, as amended. Refer to Chapter 3 of this Article for a summary of the noticing requirements and procedures.

SECTION 9.7.4 • EFFECT OF ACTIONS

A. Expiration of Approval.

1. No order of the zoning board of appeals permitting the erection or alteration of a building shall be valid for a period longer than one year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of the permit.
2. No order of the zoning board of appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; however, where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for the erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

B. Resubmittal. No request or appeal which the Zoning Board of Appeals has denied wholly or in part may be resubmitted to or reheard by the Zoning Board of Appeals for a period of three

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hundred sixty five (365) days, unless, as determined by the Zoning Official, one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the Zoning Board of Appeals' application of the relevant review standards to the request or appeal.
2. New or additional information is available that was not available at the time of the original review that might reasonably affect the Zoning Board of Appeals' application of the relevant review standards to the request or appeal.
3. The new request or appeal is materially different from the prior request or appeal.

- C. Appeal.** The decision of the zoning board of appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court for Oakland County, as provided in Public Act 110 of 2006. An appeal to the Circuit Court for Oakland County shall be filed within 30 days after the board certifies its decision in writing or approves the minutes of its decision. The court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of any circuit court to the court of appeals.

SECTION 9.7.5 • APPEALS OF ADMINISTRATIVE DECISIONS

- A. Authority.** An appeal may be taken to the zoning board of appeals by any person, business or corporation or by an officer, department, board or bureau affected by a decision of the Zoning Official. Such appeal shall be taken within such time as shall be prescribed by the zoning board of appeals by general rule, by filing with the Zoning Official and with the zoning board of appeals a notice of appeal, specifying the grounds of the appeal. The Building Official shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken.

In exercising the powers granted in this Chapter, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the building inspector from whom the appeal is taken.

- B. Stay of Proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certified to the zoning board of appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the zoning board of appeals or by a court of record on application, on notice to the Zoning Official and on due course shown.

- C. Public Hearing.** The board shall select a reasonable time and place for the hearing of the appeal and shall give due notice in accordance with the public hearing requirements of Michigan Public Act 110 of 2006, as amended, and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

- D. Required Findings.** The Zoning Board of Appeals may reverse an administrative action only if it finds that the order, requirement, decision or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.

SECTION 9.7.6 • INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where the actual lines of streets, alleys, or property boundaries vary from the portions indicated on the Zoning Map, or some ambiguity exists as to zoning district boundaries, the Zoning Board of Appeals shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of Zoning Ordinance and Master Plan.

SECTION 9.7.7 • INTERPRETATION OF ZONING ORDINANCE PROVISIONS

The Zoning Board of Appeals shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intents and purposes of the Zoning Ordinance and Master Plan.

SECTION 9.7.8 • DIMENSIONAL VARIANCE

- A. Authority.** The Zoning Board of Appeals may grant a dimensional (non-use) variance to provide relief from a specific standard in this Ordinance relating to an area, a dimension or a construction requirement or limitation, upon the concurring vote of a majority of the members of the Zoning Board of Appeals.

- B. Practical Difficulty.** A non-use variance shall not be granted unless the Zoning Board of Appeals finds that there is a practical difficulty in the way of carrying out the strict letter of this ordinance. In determining whether a practical difficulty exists, the Zoning Board of Appeals must find that:

1. Compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.
2. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.

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3. The plight of the applicant is due to the unique circumstances of the property.
4. The problem is not self-created.
5. The spirit of this Ordinance will be observed, public safety and welfare secured, and substantial justice done.
6. There is compliance with the standards set forth in Section 9.7.1A.4.
7. The ZBA shall consider all of the following when reviewing a variance to ensure that the proposed variance is the minimum necessary to meet the requirements of the applicant under the Ordinance and may impose condition upon any variance granted based upon its findings under this subsection:
 - a.) The granting of a lesser variance will not provide reasonable relief and substantial justice to the applicant.
 - b.) The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.
 - c.) The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.
 - d.) The granting of a variance will not alter the essential character of the neighborhood or surrounding properties.
 - e.) The granting of a variance will not impair the adequate supply of light and air to any adjacent property.

SECTION 9.7.9 • USE VARIANCE

- A. Authority.** The Zoning Board of Appeals may grant a use variance to authorize a land use which is not otherwise permitted by this Ordinance in the district where the property is located, upon the concurring vote of two-thirds (2/3) of the members of the Zoning Board of Appeals.
- B. Remedies Exhausted.** An application for a use variance shall not be submitted or considered unless the applicant has first received a written determination from the Zoning Official that the proposed land use is not permitted under this Ordinance in the district where the property is located, and, second has received a final decision from the Village Council denying a rezoning of the property to a zoning district where the proposed land use would be permitted under this Ordinance.
- C. Unnecessary Hardship.** A use variance shall not be granted unless the Zoning Board of Appeals finds, on the basis of substantial evidence presented by the applicant, that there is an unnecessary hardship in the way of carrying out the strict letter of this Ordinance. In determining that an unnecessary hardship exists, the Zoning Board of Appeals must find that:
 1. The property in question cannot be reasonably used or

cannot yield a reasonable return on a prudent investment if the property would be used only for a purpose allowed in the zoning district.

2. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
3. The use to be authorized by the variance will not alter the essential character of the area and locality.
4. The problem is not self-created.
5. The spirit of this Ordinance will be observed, public safety and welfare secured, and substantial justice done.
6. There is compliance with the standards set forth in Section 9.7.1B.
7. The ZBA shall consider all of the following when reviewing a variance to ensure that the proposed variance is the minimum necessary to meet the requirements of the applicant under the Ordinance and may impose condition upon any variance granted based upon its findings under this subsection:
 - a.) The granting of a lesser variance will not provide reasonable relief and substantial justice to the applicant.
 - b.) The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.
 - c.) The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.
 - d.) The granting of a variance will not alter the essential character of the neighborhood or surrounding properties.
 - e.) The granting of a variance will not impair the adequate supply of light and air to any adjacent property.

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ARTICLE 9: ADMINISTRATION AND ENFORCEMENT

Chapter 8: Amendments to the Zoning Ordinance

SECTION 9.8.1 • STATEMENT OF INTENT

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the Village, this Ordinance shall not be amended except to correct an error in the Ordinance or, because of changed or changing conditions in a particular area or in the Village generally, to rezone an area, to extend the boundary of an existing District or to change the regulations and restrictions thereof. Such amendment to this Ordinance may be initiated by any person, firm, or corporation by filing an application with the Zoning Official; by motion of the Village Council; or by the Planning Commission requesting the Zoning Official to initiate an amendment procedure.

SECTION 9.8.2 • INITIATION OF AMENDMENT

The Village Council may, from time to time, on recommendation from the Planning Commission or on its own motion or on petition, amend, supplement, modify or change this ordinance in accordance with the authority of Public Act 110 of 2006, as amended. Upon presentation to the Village of a petition for amendment of such ordinance by an owner of real estate to be affected, such petition shall be accompanied by any required fees. The amount of such fee shall be set by resolution of the Village Council and shall be used to defray the expense of publishing the required notices and the expense of such Planning Commission.

SECTION 9.8.3 • AMENDMENT REVIEW PROCEDURE

The amendment and application materials shall be prepared in accordance with the provisions of this Section, and shall be reviewed in accordance with the following procedure. Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission:

- A. Technical Review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Village staff and applicable outside agencies and designated Village consultants for review.
- B. Public Hearing.** A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in Michigan Public Act 110 of 2006, as amended, as outlined in Chapter 3 of this Article.
- C. Planning Commission Consideration of the Proposed Amendment.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section, and shall report its findings and recommendation to the Village Council.
- D. Village Council Action on the Proposed Amendment.** Upon

receipt of the report and recommendation from the Planning Commission, the Village Council shall consider the proposed amendment. If determined to be necessary, the Village Council may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official Zoning Map, the Village Council shall approve or deny the amendment, based upon its consideration of the criteria contained herein this Section.

SECTION 9.8.4 • RE-APPLICATION

Whenever an application for an amendment to this Ordinance has been denied by the Village Council, a new application for the same amendment shall not be accepted by the Planning Commission for consideration for a period of three hundred sixty five (365) days, unless, upon recommendation by the Zoning Official, the Planning Commission determines that one or more of the following conditions has been met:

- A.** There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application.
- B.** New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed.
- C.** The new application is materially different from the prior application.

SECTION 9.8.5 • CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP

In considering any petition for an amendment to the official zoning map, the Planning Commission and Village Council shall consider the following criteria in making its findings, recommendations, and decision:

- A.** Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.
- B.** Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
- C.** Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning.
- D.** Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- E.** The capacity of Village's utilities and services sufficient to accommodate the uses permitted in the requested district

ARTICLE 9: ADMINISTRATION AND ENFORCEMENT

without compromising the health, safety and welfare of the Village.

- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- G. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
- H. If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the Village's perspective than another zoning district.
- I. If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or conditional uses in the current zoning district to allow the use.
- J. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

SECTION 9.8.6 • PROTESTS

In case a protest is presented against a proposed amendment to the official zoning map, duly signed by the owners, or part owners, of 20 percent of the land proposed to be altered, or by the owners of at least 20 percent of the area of land included within the area extending outward 100 feet from any point on the boundary of the land included in the proposed change, such amendment shall not be passed except by the 3/4 vote of the Village Council.

If a parcel of land is owned by the entireties, by joint tenants, by tenants in common or by legal and equitable owners, any one of such owners may sign the protest for the parcel so owned. In determining the land area upon which percentages shall be calculated, there shall be included all the property in a common ownership as a single unit. For purposes of this subsection, publicly owned land shall be excluded in calculating the 20 percent land area requirement.

SECTION 9.8.7 • COMPREHENSIVE REVIEW OF ORDINANCE

The Planning Commission shall, from time to time at intervals of not more two (2) years, examine the provisions of this Ordinance and the location of district boundary lines and shall submit a report to Village Council recommending changes and amendments, if any, which are desirable in the interest of public health, safety, and general welfare.

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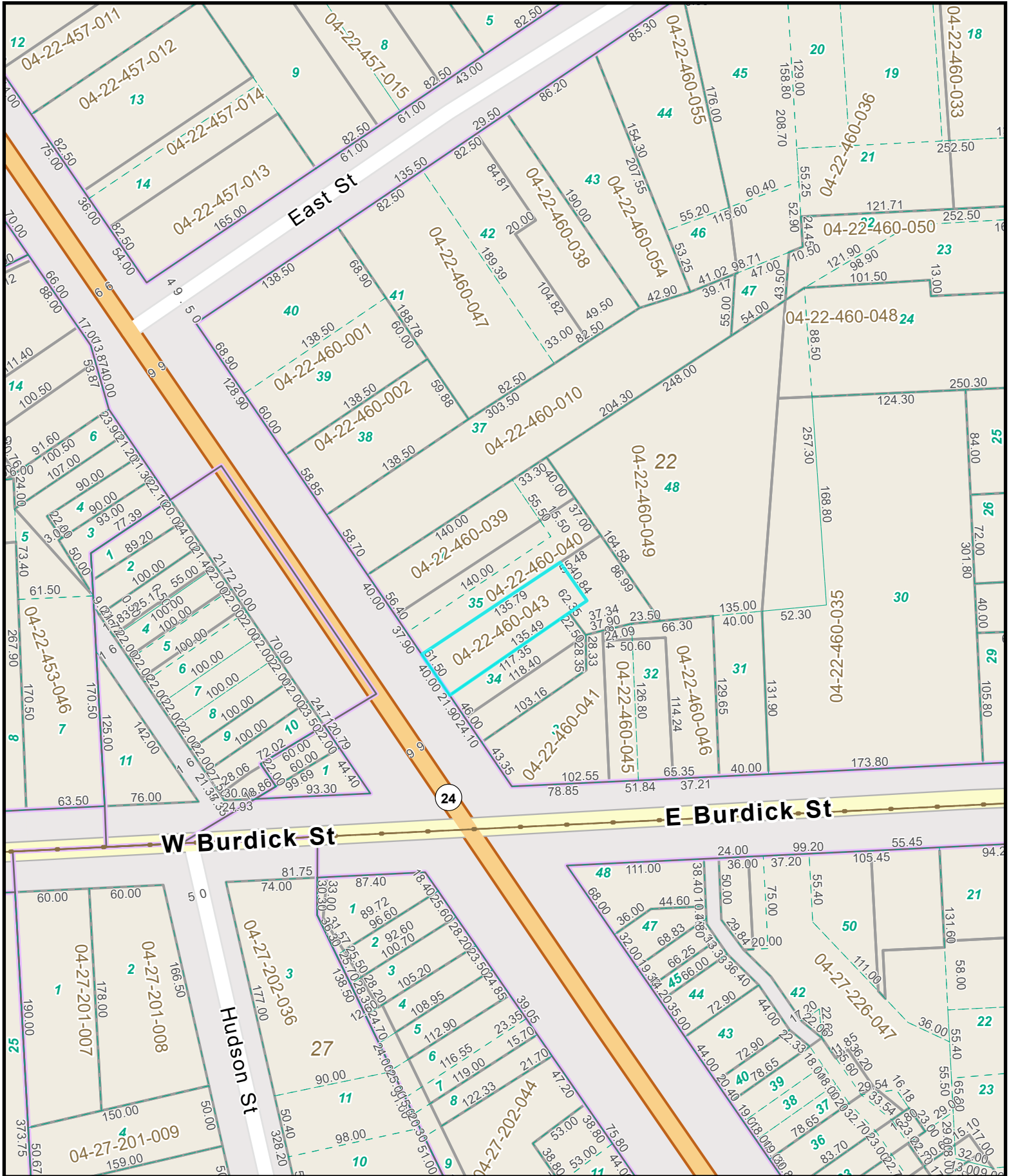
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V. Plat Map/ Floor Plans/ Building Pictures

The information contained in this Request For Proposals To Purchase Real Property is provided as an accommodation to the prospective purchasers. It is believed to be correct, but no representations or warranties as to its accuracy should be inferred or are made. Each party responding to this Request For Proposals should independently confirm the accuracy of the information contained herein.

10 N Washington



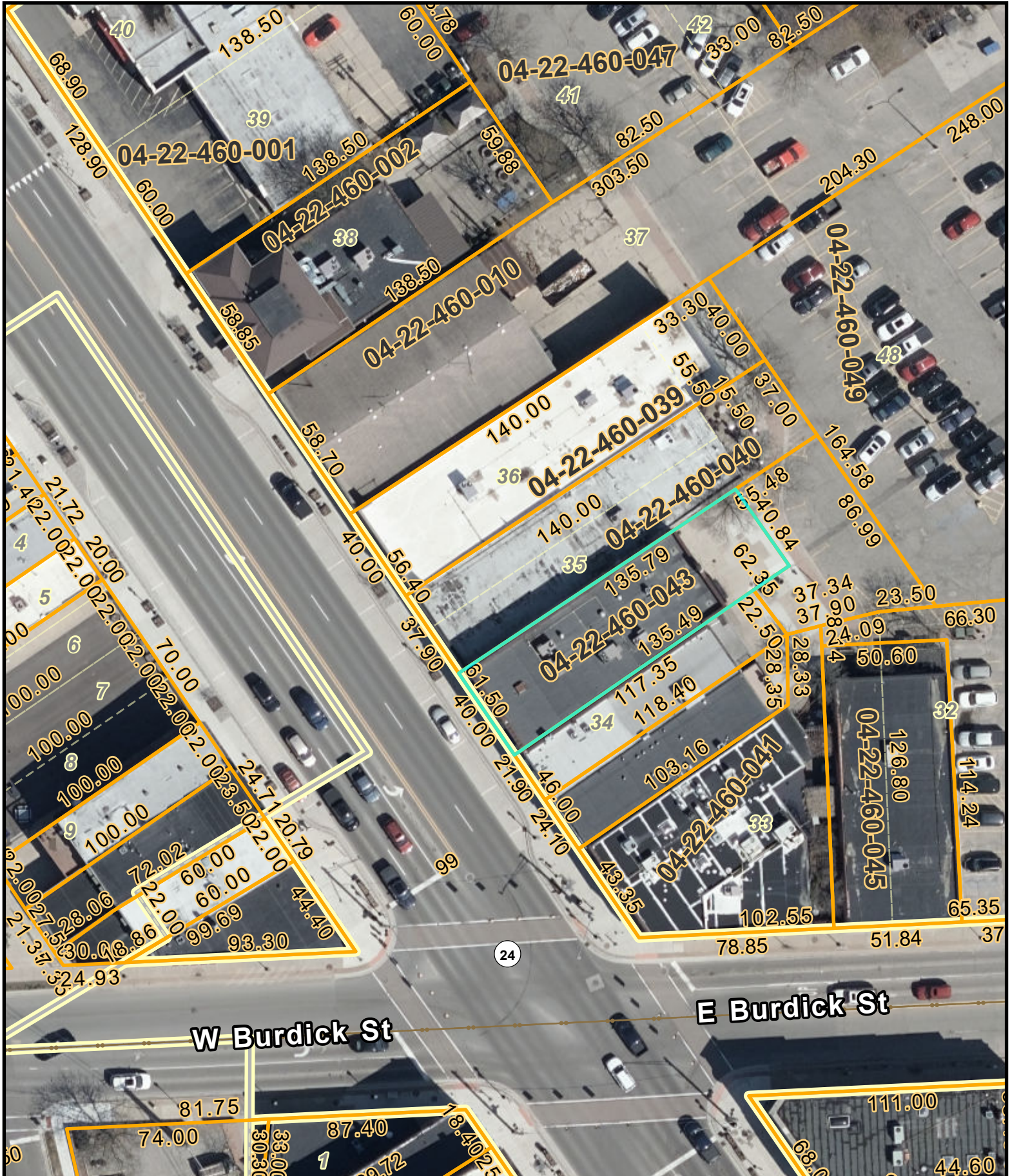
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- 5 Foot Contours
- FEMA Base Flood Elevations
- FEMA Cross Sections
- 100 yr - FEMA Floodplain
- 100 yr (detailed) - FEMA Floodplain
- 500 yr - FEMA Floodplain
- FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.

OAKLAND COUNTY
Economic Development & Community Affairs
David Coulter
Oakland County Executive

Date Created: 6/10/2025
NORTH
1 inch = 100 feet

10 n Washington Air Plat large



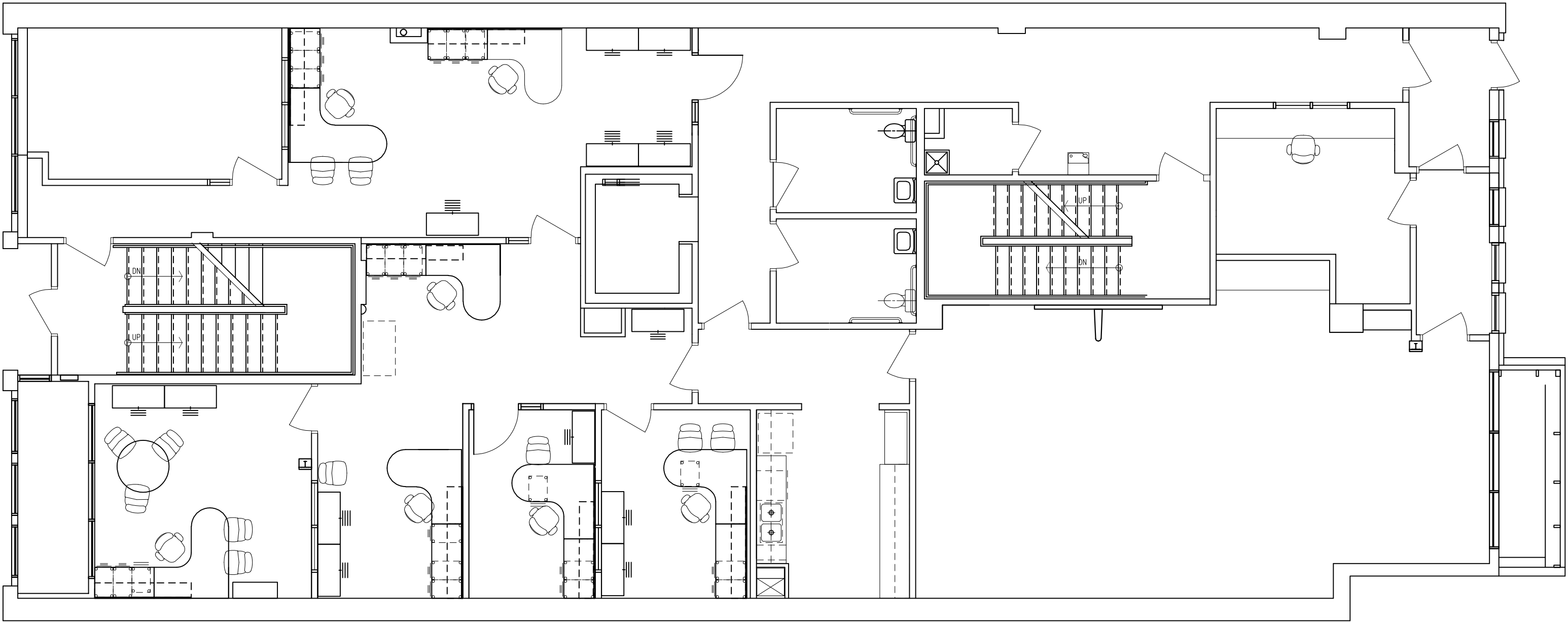
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- 5 Foot Contours
- FEMA Base Flood Elevations
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- 100 yr - FEMA Floodplain
- 100 yr (detailed) - FEMA Floodplain
- 500 yr - FEMA Floodplain
- FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.

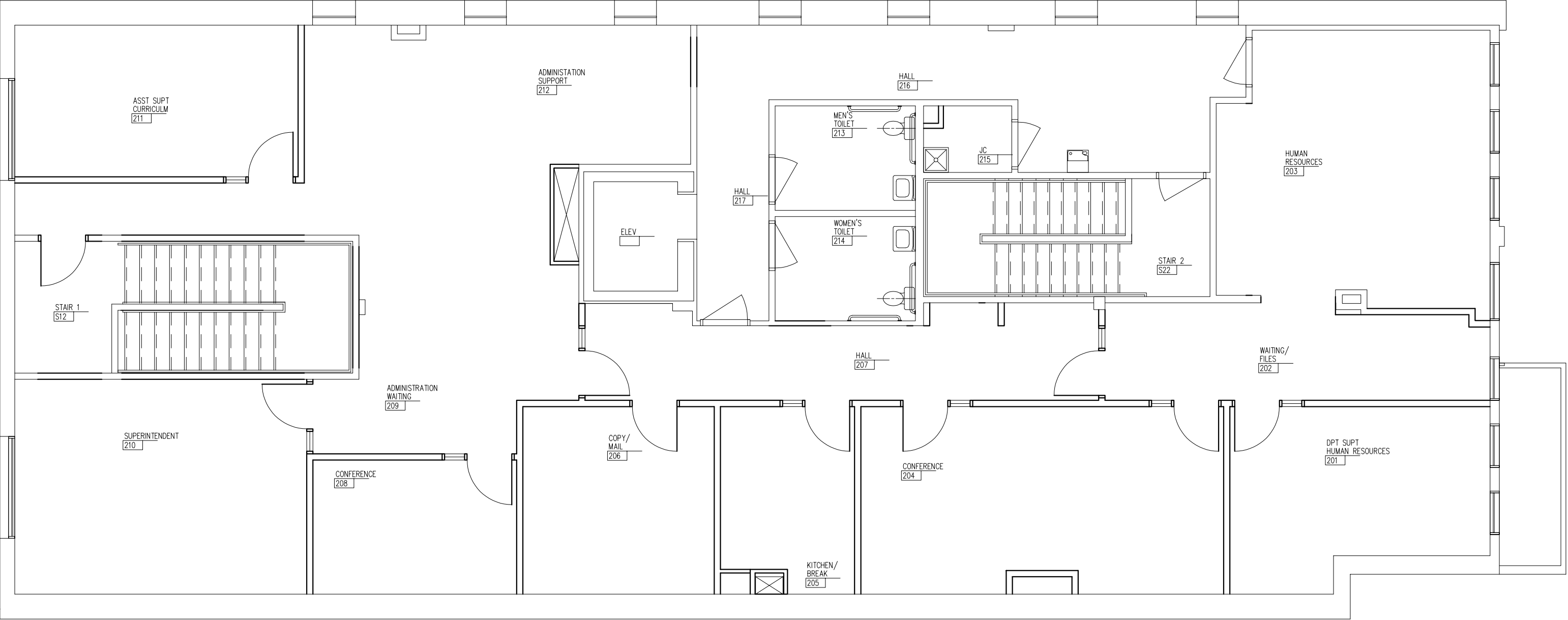
OAKLAND COUNTY MICHIGAN
Economic Development & Community Affairs
David Coulter
Oakland County Executive

Date Created: 6/10/2025
NORTH
1 inch = 50 feet

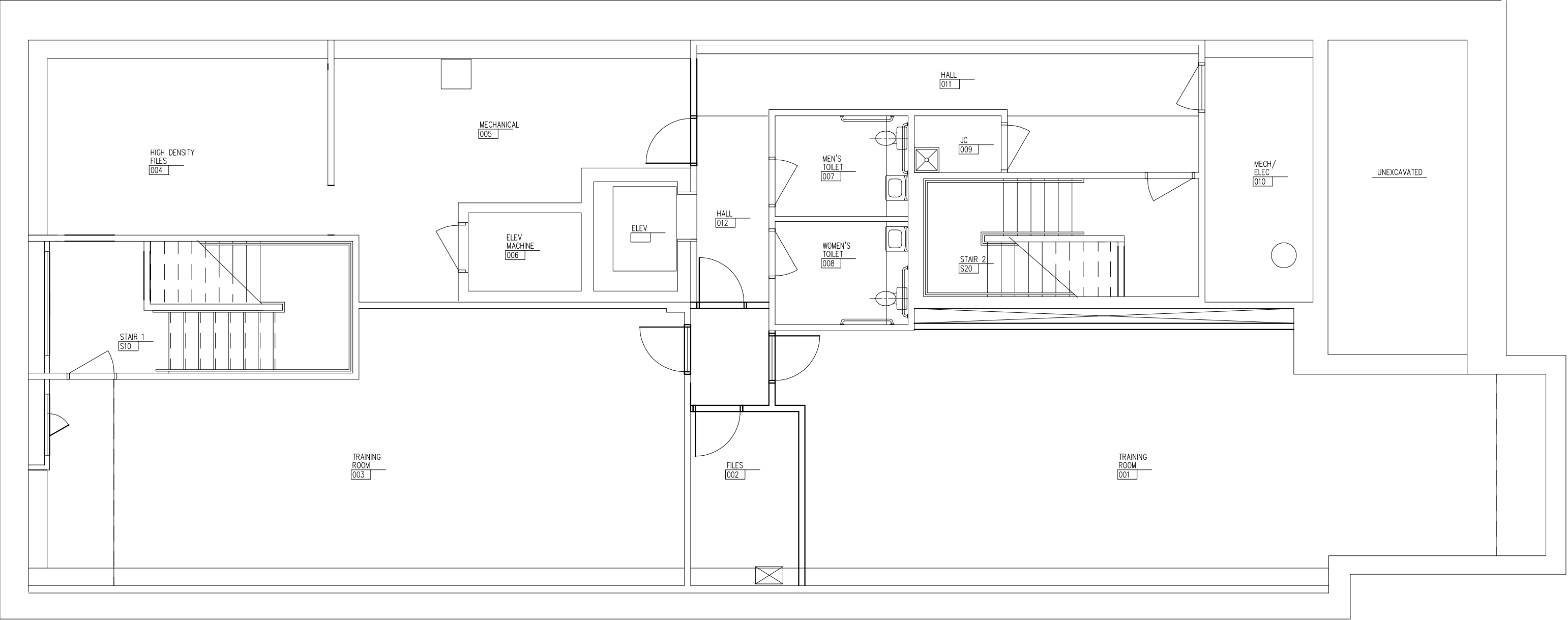
MAIN FLOOR PLAN

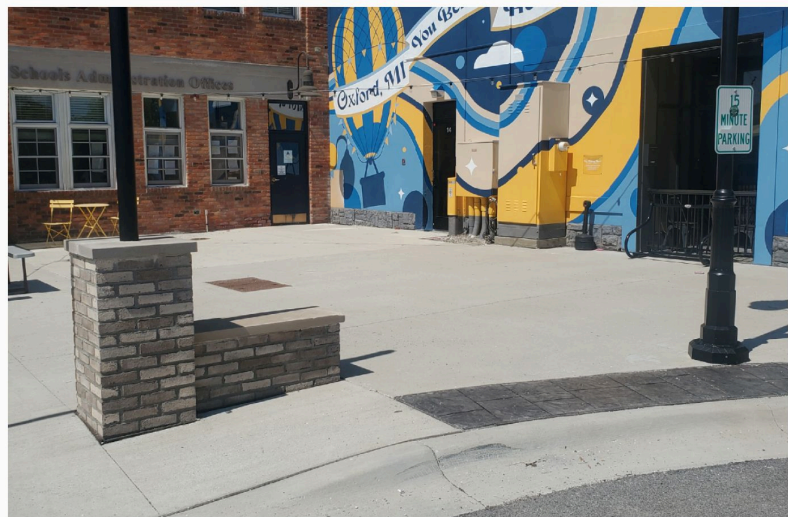


UPPER LEVEL FLOOR PLAN

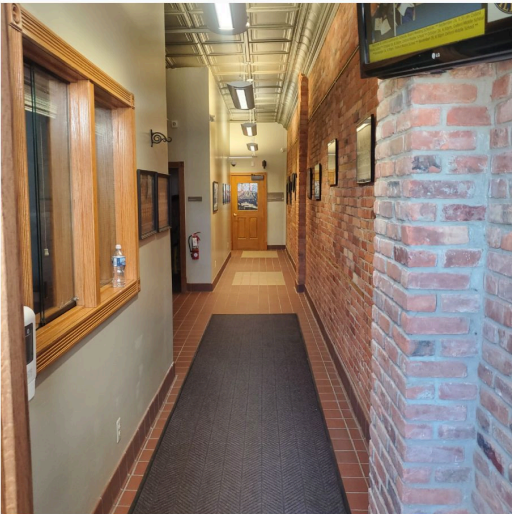
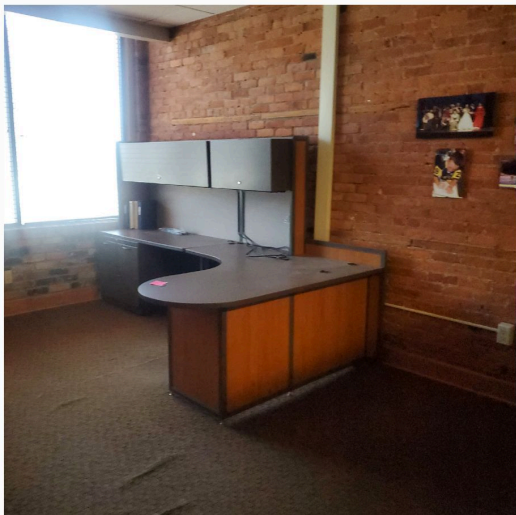
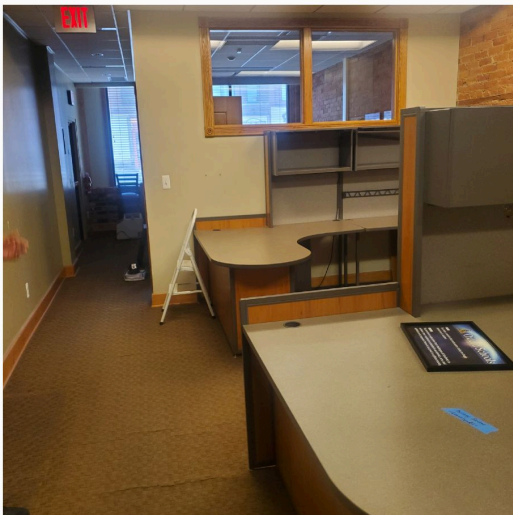
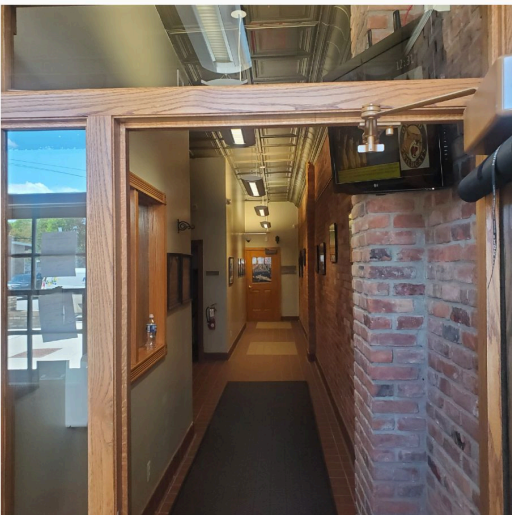


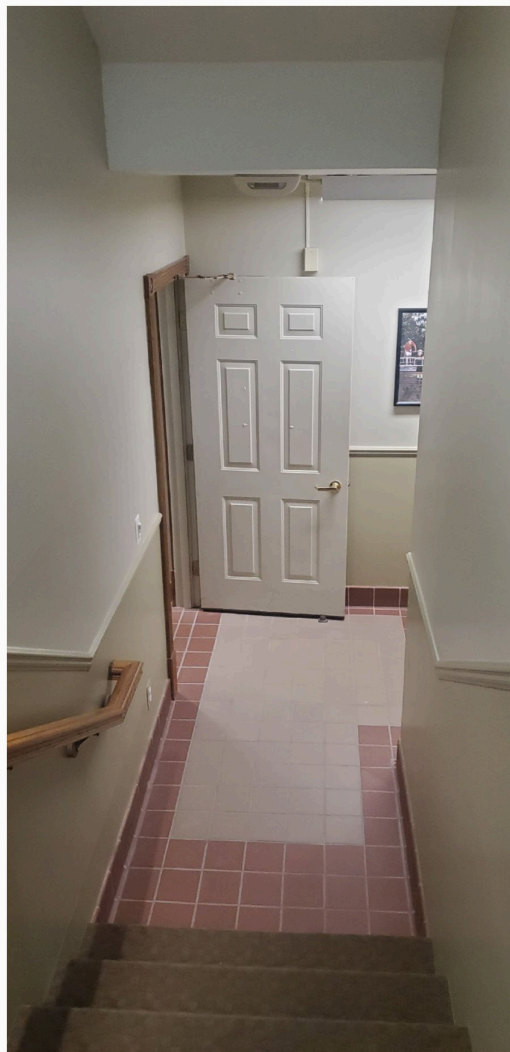
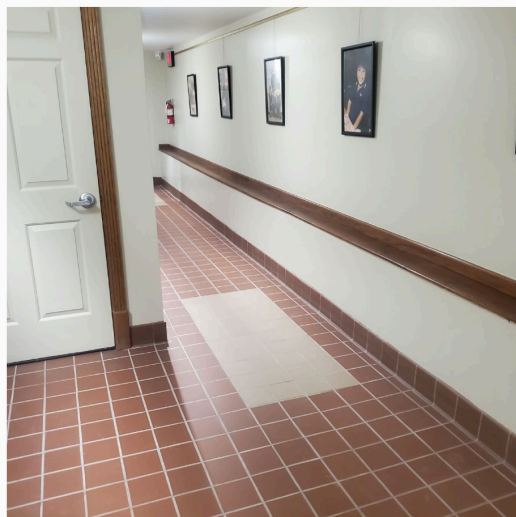
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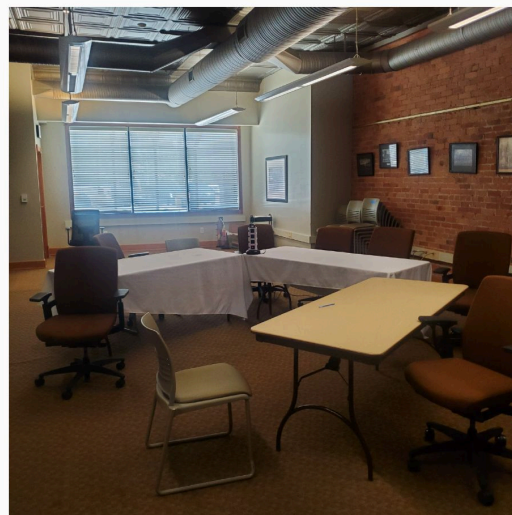
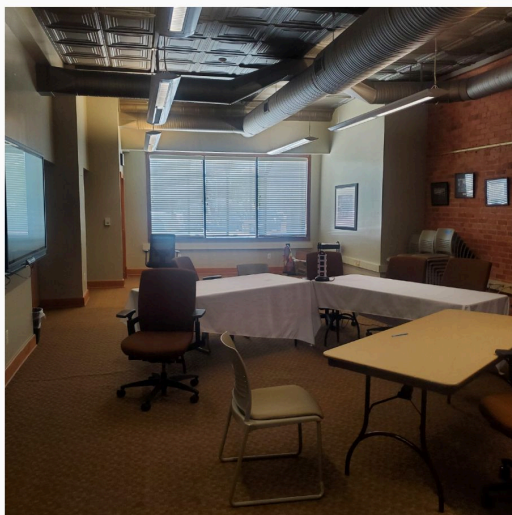
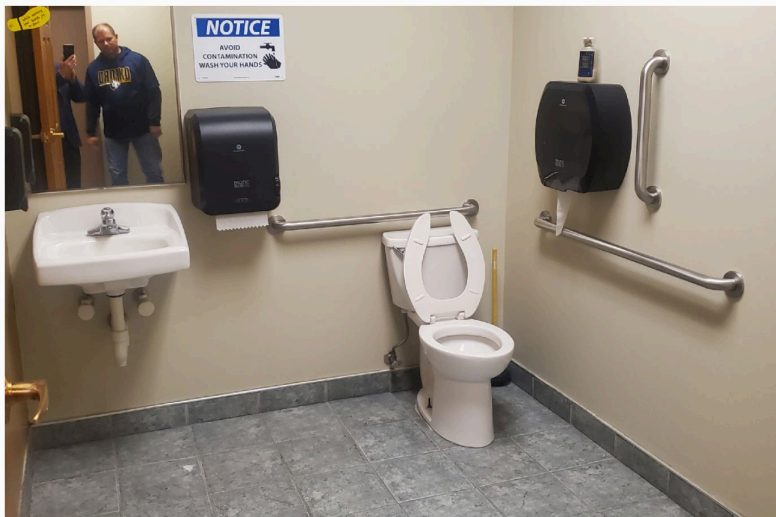


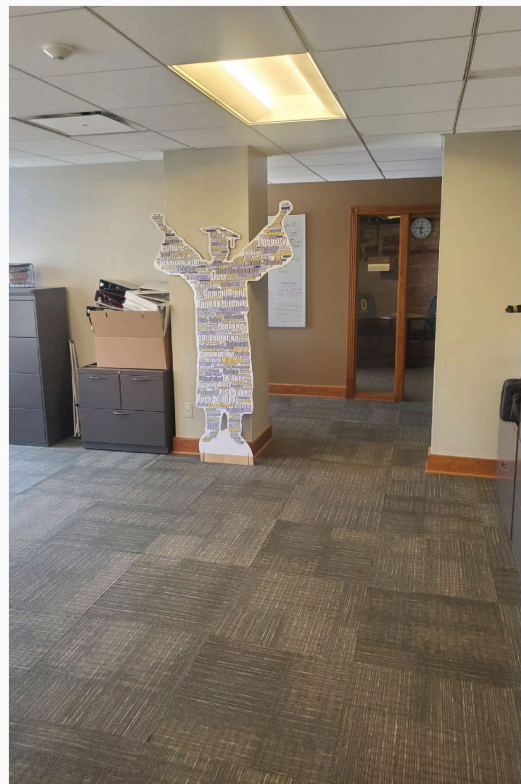
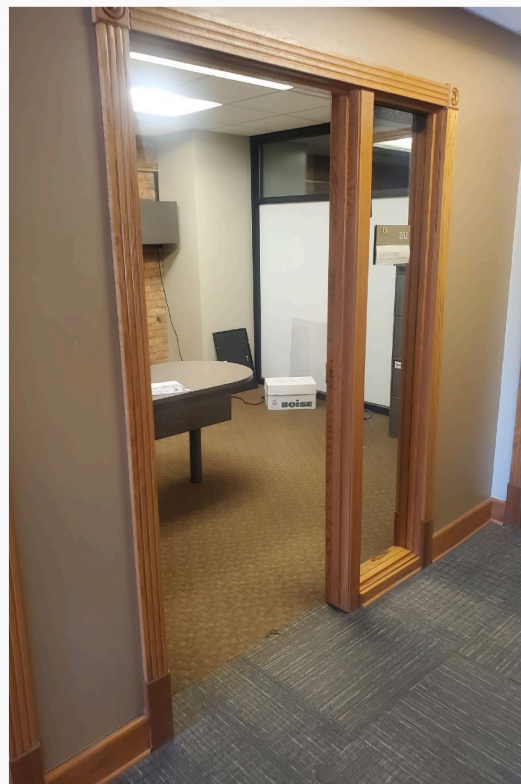


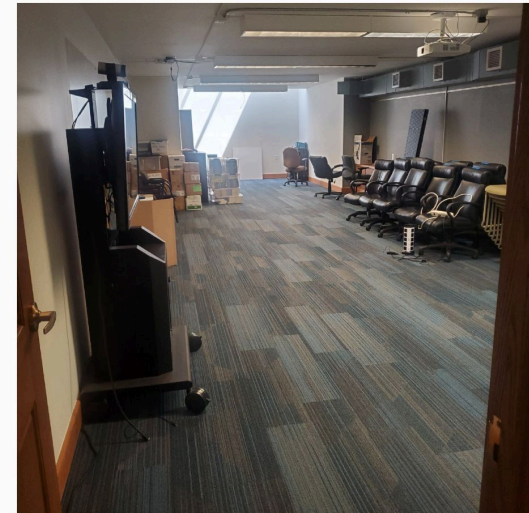


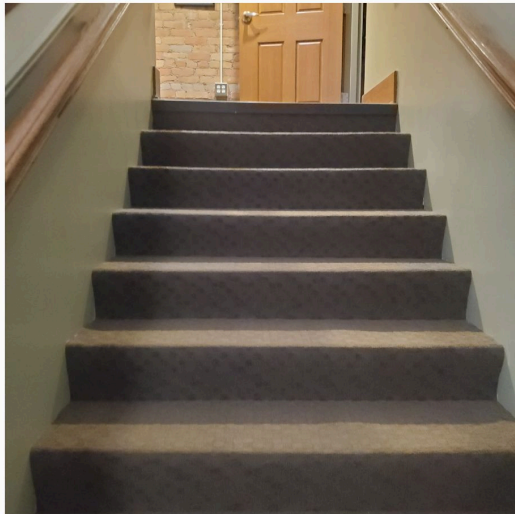












VI. Legal Documents

- Proposal Form
- Offer To Purchase
- Affidavit of Compliance- Iran Economic Sanctions Act

The information contained in this Request For Proposals To Purchase Real Property is provided as an accommodation to the prospective purchasers. It is believed to be correct, but no representations or warranties as to its accuracy should be inferred or are made. Each party responding to this Request For Proposals should independently confirm the accuracy of the information contained herein.

OXFORD COMMUNITY SCHOOLS
Request For Proposals To
Purchase Real Property
PROPOSAL FORM

Name of Prospective Purchaser: _____ Contact Person: _____

Address: _____ Phone: _____

E-Mail: _____

1. ***Earnest Money:*** Twenty-Five Thousand (\$25,000.00) Dollars to be submitted within three (3) days of the final execution of the Offer To Purchase Real Estate via certified check.
2. ***Purchase Price:*** \$ _____.
3. ***Exceptions or Special Conditions:*** The prospective purchaser acknowledges and agrees that it is submitting this Proposal with the understanding that unless the prospective purchaser sets forth specific exceptions to the terms and conditions of this RFP or the Offer To Purchase Real Estate, that the prospective purchaser will execute the Offer To Purchase Real Estate attached to the RFP with all of the terms and conditions as contained therein. Please set forth any exceptions or special considerations below.

(Attach Additional Sheets or mark-up copy of the Offer To Purchase with changes, if desired)

The undersigned represents and warrants to Oxford Community Schools that he/she/they is been duly authorized to execute this Proposal on behalf of the prospective purchaser and that if this Proposal is accepted by Oxford Community Schools that the same shall be binding upon and fully enforceable against the prospective purchaser. The prospective purchaser acknowledges that the School District may accept or reject any Proposal in whole or in part in its sole and absolute discretion.

Print Name of Prospective Purchaser

Print Name and Title of Authorized Agent

Signature of Authorized Agent

Dated: _____, 2025

AFFIDAVIT OF COMPLIANCE – IRAN ECONOMIC SANCTIONS ACT

Michigan Public Act No. 517 of 2012

The undersigned, the owner or authorized officer of the below-named prospective purchaser (the “Purchaser”), pursuant to the compliance certification requirement provided in the Oxford Community Schools’ (the “School District”) Request For Proposals To Purchase Real Property (the “RFP”), hereby certifies, represents and warrants that the Purchaser (including its officers, directors and employees) is not an “Iran linked business” within the meaning of the Iran Economic Sanctions Act, Michigan Public Act No. 517 of 2012 (the “Act”), and that in the event Purchaser is awarded a contract as a result of the aforementioned RFP, the Purchaser will not become an “Iran linked business” at any time during the course of performing any services under the contract.

The Purchaser further acknowledges that any person who is found to have submitted a false certification is responsible for a civil penalty of not more than \$250,000.00 or 2 times the amount of the contract or proposed contract for which the false certification was made, whichever is greater, the cost of the School District's investigation, and reasonable attorney fees, in addition to the fine. Moreover, any person who submitted a false certification shall be ineligible to bid on a request for proposal for three (3) years from the date it is determined that the person has submitted the false certification.

PURCHASER:

Name of Purchaser

By: _____

Its: _____

Date: _____

STATE OF _____)
)ss.
COUNTY OF _____)

This instrument was acknowledged before me on the _____ day of _____, 2025, by _____.

, Notary Public

County,

My Commission Expires:

Acting in the County of :

OFFER TO PURCHASE REAL ESTATE

1. THE UNDERSIGNED, _____, a Michigan _____ ("Purchaser"), hereby offers and agrees to purchase from Oxford Community Schools ("Seller") the following real property situated in the Village of Oxford, Oakland County, Michigan, described as follows:

0.127 +/- acres containing a 11,836 +/- square foot building located at 10 North Washington Street, Oxford, Michigan 48170, formerly known as Oxford Community School's Administration Building, Sidwell Number 04-22-460-043, more particularly described on **Exhibit A** attached hereto (the "Premises"),

together with all improvements and appurtenances, if any, now on the Premises, subject to existing building and use restrictions, easements, if any, and zoning ordinances upon the following conditions:

THE SALE TO BE CONSUMMATED BY CASH SALE: Delivery of the Warranty Deed attached hereto and marked as **Exhibit B** conveying marketable title at Closing to the Premises. The term "Premises" shall include all land, and the building, improvements and structures located thereon. The purchase price for the Premises shall be the sum of _____ and 00/100 (\$_____) Dollars (the "Purchase Price") payable by Purchaser at Closing in cash, certified check, or direct wire transfer at the option of Seller.

2. As evidence of title, Seller agrees to furnish Purchaser as soon as possible with a Commitment for Title Insurance with the standard exceptions (the "Commitment"), issued by First American Title Insurance Company (the "Title Company") in an amount not less than the Purchase Price bearing date later than the acceptance hereof with policy pursuant thereto to be issued insuring Purchaser. If Purchaser desires Seller to furnish Purchaser with a Commitment "without the standard survey exceptions," Purchaser shall be responsible to obtain an ALTA survey, at its sole cost and expense, which accurately describes and reflects the Premises ("Survey") within ninety (90) days of the Date of this Offer and, if desired, verify that said Survey is sufficient to allow the Title Company to issue a Commitment without said standard exceptions. Once said Survey is obtained by Purchaser and reviewed and accepted by Seller, the legal description in the Survey shall update **Exhibit A**. The Survey shall be certified to the Seller, the Purchaser and the Title Company. Upon Closing, Seller shall pay for and order a title insurance policy consistent with the Commitment which Seller shall have updated to the date of Closing.

3. In the event of default of the terms and conditions of this Offer by the Purchaser hereunder, the Seller may, at its option, elect to enforce the terms hereof by specific performance or declare a breach hereunder, terminate this Offer and retain the Earnest Money Deposit as liquidated damages.

4. In the event of default of the terms and conditions of this Offer by the Seller hereunder, the Purchaser may, at its option, elect to enforce the terms hereof by specific performance or demand, and be entitled to, an immediate refund of its entire Earnest Money Deposit in full termination of this Offer.

5. If written objection to the title is made within ten (10) days of delivery of the Commitment, that the title is not in the condition required for performance hereunder, the Seller shall have thirty (30) days from the date it receives notice in writing of the particular defects claimed either to: (1) remedy the title defects set forth in said written notice, although Seller shall have no obligation to cure or to obtain insurance over such defects; or (2) terminate the Offer and refund the Earnest Money Deposit in full termination of this Offer. Notwithstanding the above, Purchaser may, at any time during the thirty (30) day cure period, waive the conditions of this Paragraph 5 and accept the title in its "As Is" condition. If the Seller is able to remedy such defects within the time specified as evidenced by written notification, a revised Commitment or endorsement to the Commitment, the Purchaser agrees to complete the sale in accordance with the Closing date set forth in Paragraph 12.

6. All special assessments which have been levied and due and payable upon the Premises as of the Date of this Offer shall be paid by the Seller. All special assessments which are levied and due and payable after the Date of this Offer shall be paid by the Purchaser. All real property taxes on the Premises shall be prorated and adjusted as of the date of Closing in accordance with DUE DATE basis of the municipality or taxing unit in which the Premises is located, under the assumptions that taxes are paid in advance and that summer and winter taxes are due and payable July 1 and December 1 respectively. Water and other utility bills shall be prorated and adjusted as of the date of Closing. The Seller shall be responsible for the payment of any applicable transfer taxes associated with this transaction and the Purchaser shall be responsible for all applicable recording fees, including, but not limited to, the fees required for recording the Warranty Deed. All other Closing fees/costs will be split equally between Purchaser and Seller and reflected on the final Closing Statement.

7. It is understood that this Offer is irrevocable for forty-five (45) days from the date hereof. If this Offer is accepted by the Seller, the Purchaser agrees to complete the purchase of the Premises within the time indicated in Paragraph 12.

8. Within three (3) business days of the Date of this Offer, Purchaser shall deposit the sum of Twenty Five Thousand and 00/100 (\$25,000.00) Dollars (the "Earnest Money Deposit") to be held by the Seller and applied to the Purchase Price if the sale is consummated. The Seller shall not be responsible to the Purchaser for any interest associated with the subject Earnest Money Deposit.

9. The covenants herein shall bind and inure to the benefit of the executors, administrators, successors and assigns of the respective parties.

10. This Offer and all of Purchaser's obligations hereunder are contingent upon all of the following:

A. Purchaser's satisfaction with the Premises following Purchaser's testing, analysis, inspection and evaluation of the Premises ("Purchaser's Evaluations"). Purchaser shall have ninety (90) days after the Date of this Offer ("Inspection Period") in which to conduct such investigations, evaluations and testing of the Premises (both above ground and below ground) as Purchaser deems appropriate in order to determine if the Premises are satisfactory and suitable for Purchaser's intended use and enjoyment. Purchaser's Evaluations may include, but shall not be limited to: (i) a physical inspection of all aspects of the Premises; (ii) an environmental analysis and investigation of the Premises; (iii) an analysis of the availability of any federal, state or local tax abatements or property tax reductions for the Premises; (iv) a verification that there are no existing special assessments affecting the Premises; (v) investigating the availability and condition of utility and sewage services and systems including, but not limited to, gas, water, electricity, sanitary sewer, storm sewer and telephone services and systems; (vi) making soil tests, borings and other engineering, environmental and architectural tests and evaluations; (vii) reviewing and analyzing all applicable building and use restrictions, zoning ordinances, building codes and all other federal, state and local statutes, codes, ordinances, rules and regulations relating to the ownership, development or use of the Premises; and (viii) analyzing the results of any survey. Upon completion of Purchaser's Evaluations, Purchaser shall, at its sole cost and expense, restore the Premises to a condition as good as its condition prior to such Evaluations. During the term of the Inspection Period and at all times prior to Closing, Purchaser, its employees, agents, representatives, engineers, inspectors and surveyors (collectively "Representatives"), shall have the right of access to the Premises for the purposes of performing Purchaser's Evaluations provided Purchaser has executed the attached Release and marked as **Exhibit C** and obtained such a Release from its Representatives. In order to obtain access to the Premises to perform Purchaser's Evaluations, Purchaser shall contact the Sellers's Director of Facilities, Tim LaPlante, at (517) 404-1465, for access to the Premises. Purchaser shall indemnify, defend and hold Seller free and harmless from and against any liability arising therefrom except as caused by the acts or omissions of Seller or Seller's agents and employees.

B. In the event that Purchaser is dissatisfied with the results of Purchaser's Evaluations and Purchaser has notified Seller in writing prior to the expiration of said Inspection Period, Purchaser shall have the option to rescind and terminate this Offer and Seller shall return all of Purchaser's Earnest Money Deposit paid as of that time, provided that Purchaser delivers to the Seller, free of charge, a copy of, in both

electronic and hard copy formats, any and all documents, engineering plans, construction drawings, reports, assessments, surveys or site plans and any other work product prepared by, or on behalf of, Purchaser in accordance with this Paragraph 10 or for the development of the Premises (the "Documents") and shall represent and warrant to the Seller that upon delivery of the Documents that the Documents are assigned to Seller and/or the Seller has permission from any and all other preparers of the Documents, to use the same in connection with the Premises. All of Purchaser's Evaluations shall be performed at the Purchaser's sole cost and expense. At any time during the Inspection Period, Purchaser may elect to purchase the Premises for the Purchase Price, less the Earnest Money Deposit, by notifying the Seller in writing, and the Closing shall take place in accordance with Paragraph 12.

C. PURCHASER ACKNOWLEDGES THAT ONCE THE INSPECTION PERIOD EXPIRES PURCHASER HAS ACCEPTED THE PREMISES PURSUANT TO THIS PARAGRAPH AND PURCHASER TAKES THE PREMISES "AS IS". EXCEPT AS PROVIDED IN PARAGRAPH 11 BELOW, SELLER HAS NOT MADE ANY REPRESENTATIONS OR WARRANTIES AS TO ANY MATTER, INCLUDING BUT NOT LIMITED TO, EXTERIOR (E.G., SOIL, SURFACE WATER AND GROUNDWATER) CONDITIONS OF THE PREMISES, EASEMENTS, BUILDING AND USE RESTRICTIONS, AVAILABILITY OF UTILITIES, OR ANY OTHER MATTER CONTEMPLATED IN THIS PARAGRAPH 10, AND THAT PURCHASER ASSUMES ALL RESPONSIBILITY FOR ANY INJURIES, CONDITIONS OR DAMAGES CAUSED BY ANY SUCH MATTERS UPON TRANSFER OF TITLE. EXCEPT AS SPECIFICALLY PROVIDED IN THIS OFFER, UPON CLOSING, PURCHASER WAIVES AND RELEASES SELLER FROM ALL CLAIMS OR CAUSES OF ACTION THAT PURCHASER MAY NOW OR HEREAFTER HAVE, KNOWN OR UNKNOWN, AGAINST SELLER RELATING TO THE PREMISES, THIS OFFER OR ARISING UNDER ANY FEDERAL, STATE, OR LOCAL LAW, REGULATION, ORDINANCE, OR CODE THAT RELATES TO THE PHYSICAL OR ENVIRONMENTAL CONDITION OF THE PREMISES. THIS AS-IS WHEREAS PARAGRAPH SHALL SURVIVE CLOSING.

11. Seller represents and warrants that to the best of its present knowledge there are no judicial or administrative proceedings pending or threatened against the Premises and Seller is not aware of any facts which might result in any action, suit or other proceeding.

12. If this Offer is accepted by Seller and if Title can be conveyed in the condition required within this Offer, Purchaser agrees to complete the sale and close within ten (10) days of the later of the satisfaction of the conditions listed in Paragraph 10 of this Offer or delivery of the Commitment to Purchaser (the "Closing"). By the execution of this instrument the Purchaser acknowledges the receipt of a copy of this Offer. The Closing of this sale shall take place at the office of Clark Hill PLC, or as otherwise agreed to by the parties.
13. Purchaser shall indemnify, defend and hold Seller including its Board of Education (in their official and individual capacities), administrators, employees and agents, harmless from any claims, suits, damages, costs, injuries, losses and any expenses resulting and arising from and out of Purchaser's or its officers, directors, agents and/or employees' occupancy, possession, use, evaluations and ownership of the Premises herein during the time this Offer is in existence except for such matters arising from the acts or negligence of Seller or Seller's agents and employees.
14. Seller acknowledges that it has retained the services of Great Northern Consulting Group in negotiating the sale of the Premises and Seller acknowledges its responsibility to pay Great Northern Consulting Group any fees associated with Great Northern Consulting Group's participation in this transaction. Seller further represents and warrants that no other broker or real estate agency is involved in the negotiation or consummation of this transaction. Purchaser warrants and represents to Seller that it is not obligated to pay any fee or commission to any broker or real estate agency in the negotiation or consummation of this transaction. To the extent permitted by law, each party agrees to indemnify and defend the other and hold the other harmless from any expense, claim or cause of action arising out of the breach of the foregoing warranty.
15. From and after the Date of this Offer, Purchaser shall not initiate a zoning change or other proceeding affecting the Premises or do anything else which may tend to jeopardize or lessen Seller's interest in or the condition of the Premises without first obtaining prior written consent from Seller. If Seller approves of any such zoning change or proceeding affecting the Premises, Purchaser shall keep Seller informed of the progress of any such zoning change or proceeding and supply Seller with copies of any and all relevant approvals and documents applicable to such zoning change and/or proceeding.
16. For the purposes of the transaction contemplated by this Offer, the "Date of this Offer" is the date of acknowledgment of the signature of the last party to sign this Offer. Once the Seller accepts Purchaser's Offer, this Offer To Purchase Real Estate shall hereinafter be referred to as the "Offer."

17. Whenever in this Offer it is provided that notice must be given or an act performed or payment made on a certain date, and if such date falls on a Saturday, Sunday or holiday, the date of the notice of performance or payment shall be the next following business day.
18. No waiver of any of the provisions of this Offer shall be deemed or shall constitute a waiver of any other provisions, whether or not similar, nor shall any waiver be a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.
19. This Offer shall be governed by and construed in accordance with the laws of the State of Michigan regardless of whether any party may or hereafter become domiciled in another state. Venue shall be Oakland County, Michigan.
20. Purchaser shall not assign its rights or obligations under this Offer, without Seller's advance written consent, which consent is discretionary in Seller solely.
21. This Offer may be executed in one or more counterparts, all of which together will for all purposes constitute one agreement binding upon the parties.
22. This Offer along with all attachments constitutes the entire agreement of the parties regarding the subject matter herein and supersedes and terminates any and all prior or contemporaneous agreements, representations, understandings or dealings between the parties, either oral or written. This Offer may be amended only by a writing signed by the parties.
23. Notwithstanding anything contained herein to the contrary, Purchaser, at its sole cost and expense, shall be obligated to develop and use the Premises in accordance with the planned use and concept attached hereto and made a part hereof as **Exhibit D** (the "Concept Plan"). The Concept Plan, subject to municipal approval, is an indication of what Purchaser intends to develop and may be only altered based on municipal feedback and requirements as well as reasonable value engineering. To ensure Purchaser's development of the Premises in accordance with the Concept Plan, Purchaser shall provide Seller with copies of any and all documents that it plans to submit to Village of Oxford or any other governmental agency having jurisdiction over the Premises at least ten (10) days prior to such submission to allow Seller the opportunity to review such documents for compliance with this Paragraph and this Offer. These obligations of Purchaser shall survive the Closing. If the Concept Plan is modified substantially by the Purchaser, the Seller shall have a right to approve the modified concept plan or terminate this Offer and retain the Earnest Money Deposit.
24. The Seller's Request For Proposals For Purchase of Real Property dated _____, 2025 ("RFP") and the Purchaser's Proposal dated _____, 2025, are incorporated herein by this reference. The parties agree that where there is a

conflict between the terms of this Offer and the Purchaser's Proposal, this Agreement shall take precedence.

25. Seller acknowledges receipt from the Purchaser of the Earnest Money Deposit above mentioned which will be returned forthwith if the foregoing Offer is not accepted within the time above set forth.

PURCHASER:

By: _____

Its: _____

Date: _____

SELLER:

OXFORD COMMUNITY SCHOOLS

By: _____

Its: Superintendent

Date: _____

EXHIBIT A

LEGAL DESCRIPTION

Land situated in the Village of Oxford, Oakland County, Michigan, and described as follows:

Part of Lot 35, Assessor's Plat No. 1, according to the plat thereof recorded in Liber 41 of Plats, page 26, Oakland County Records and being more particularly described as follows: Beginning at the Southwest corner of said Lot 35; thence North 33 degrees 03 minutes 20 seconds West 40.00 feet; thence North 56 degrees 24 minutes 45 seconds East 135.79 feet; thence South 32 degrees 38 minutes 23 seconds East 40.84 feet; thence along South line of Lot 35 South 56 degrees 51 minutes 50 seconds West 135.49 feet to the Point of Beginning.

Sidwell Number: 04-22-460-043

EXHIBIT B

WARRANTY DEED

This Indenture, made the ____ day of _____, 20__ between OXFORD COMMUNITY SCHOOLS (hereinafter called the "Grantor"), whose address is 775 Drahner Road, Oxford, Michigan 48371, and _____, (hereinafter called Grantee"), whose address is _____. The Grantor hereby conveys and warrants to the Grantee the following described premises situated in Village of Oxford, Oakland County, Michigan, described as:

Part of Lot 35, Assessor's Plat No. 1, according to the plat thereof recorded in Liber 41 of Plats, page 26, Oakland County Records and being more particularly described as follows: Beginning at the Southwest corner of said Lot 35; thence North 33 degrees 03 minutes 20 seconds West 40.00 feet; thence North 56 degrees 24 minutes 45 seconds East 135.79 feet; thence South 32 degrees 38 minutes 23 seconds East 40.84 feet; thence along South line of Lot 35 South 56 degrees 51 minutes 50 seconds West 135.49 feet to the Point of Beginning.

Together with all tenements, hereditaments, appurtenances and improvements thereunto belonging or in any way appertaining for the sum of _____ and 00/100 (\$_____) Dollars paid to the Grantor.

Subject to:

1. Easements and building and use restrictions, if any;
2. Rights of the public, and any governmental authority in any part of the land taken, deeded, or used as a street, road or highway; and
3. Restrictions imposed by zoning ordinances or as part of a general plan.

Grantor grants to Grantee the right to make all applicable divisions under Section 108 of the Michigan Land Division Act, being Act No. 288 of the Public Acts of 1967, as amended.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand the day and year first above written.

GRANTOR:

OXFORD COMMUNITY SCHOOLS

By: _____

Its: _____

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

On ____ day of _____, 20__, before me, the undersigned notary public in and for said County, personally appeared _____ of Oxford Community Schools, to me known to be the same person who executed the within instrument on behalf of Oxford Community Schools, and who acknowledges the same to be the free act and deed of Oxford Community Schools.

_____, Notary Public
County, Michigan
Acting in _____ County
My commission expires: _____

This Instrument Drafted By:

Dana L. Abrahams, Esq.
CLARK HILL PLC
151 S. Old Woodward Ave., Suite 200
Birmingham, MI 48009

When Recorded Return to:

Grantee

Recording Fee: _____

Transfer Tax: *Exempt pursuant to MCLA 207.505(h)(i) and 207.526(h)(i)*

Sidwell Number: 04-22-460-043

EXHIBIT C

RELEASE AND HOLD HARMLESS

The undersigned, in consideration of the permission of OXFORD COMMUNITY SCHOOLS (“Owner”) to enter upon the Premises owned by the Owner for purposes of inspecting the subject Premises in the furtherance of the undersigned’s relationship with any prospective purchaser of real property of the Owner, does hereby release and hold the Owner harmless from any and all damages, losses, liabilities, expenses, costs (including attorney fees) and claims incurred by the undersigned resulting in any way from the undersigned’s entering upon and inspecting any real property owned by the Owner except as may arise from the acts or omissions of Owner or Owner’s agents or employees.

WITNESSES:

EXHIBIT D

PURCHASER'S CONCEPT PLAN