

## **ARTICLE III GENERAL PROVISIONS**

### **Section 3.0 - Purpose**

The general provisions of this Article shall apply to all districts, except as noted herein. Except for §3.5 (D) of this Ordinance, where the requirements of a general provision and a district regulation differ, the more restrictive requirement shall prevail.

### **Section 3.1 - Application of Regulations**

Zoning affects every structure and use, and extends vertically. The following shall apply to the entire Village of Bellaire.

- A. No building or structure shall hereafter be erected, altered or moved, nor shall any building or premises hereafter be used for any purpose other than permitted in the district in which said building or premises are located.
- B. No building shall hereafter be erected or altered to exceed the height limitations, or occupy a greater percentage of lot area, or intrude upon the required setbacks or inner or outer courts, or accommodate or house a greater number of families, or provide less space per dwelling unit than is specified for the district in which such building is located.
- C. No lot area and no yard, court, parking area or other required space shall be so divided, altered, reduced or diminished as to make said area or dimension less than the minimum required under this Ordinance, except where such reductions has been brought about by expansion or acquisition of public rights-of-way for street, road or highway. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
- D. No person shall undertake or carry out any such activity or use, including any grading, clearing, cutting and filling, excavating, or tree removal associated therewith for which site plan approval is needed by this Ordinance for the activity associated with the aforementioned activity
- E. The Village of Bellaire, while exempt from the permitting process, will locate their public facilities as not to violate the remaining standards of this ordinance. Exception: The Village of Bellaire may locate public boardwalks within the 25' waterfront protection area in consultation with the Planning Commission.

**Section 3.2 - Lot-Building Relationship**

Hereafter, every building erected, altered or moved shall be located on a lot of record as defined herein, and except in the case of an approved multiple dwelling development, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any residential district. No building or accessory building or structure shall be erected without first obtaining a zoning permit from the Zoning Administrator.

**Section 3.3 - Restoration of Unsafe Buildings/Barrier Free Modification**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Antrim County Building Department.

Nothing in this Ordinance shall prevent the modification of a building without limit when doing so is limited only to comply with barrier free requirements and the American with Disabilities Act.

**Section 3.4 - Continued Conformance with Regulations**

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

### Section 3.5 - Accessory Buildings or Structures

- A. Authorized accessory buildings or structures may be connected to the principal building by a roofed porch, patio, breezeway or similar structure or may be completely detached from the principal building.
- B. Where any accessory building or structure is attached to the side or front of a principal building, such accessory building or structure shall be considered part of the principal building for purposes of determining yard dimensions.
- C. Except as provided in §3.5 (D) of this Ordinance, a detached accessory building or structure shall be located no closer to a side or rear lot line than the permitted distance for the principal building on the same lot.
- D. A detached accessory building or structure that is no greater than 200 square feet may be located no closer than five (5) feet from a side or rear lot line regardless of the zoning district in which it is located. Accessory buildings must have eaves and soffit.
- E. No detached accessory building or structure, or any part of a detached accessory building or structure, shall be located in the front yard of any lot within the village
- F. No construction of an accessory building or structure shall be permitted without a principal building unless in support of the construction of a principal building or a Special Use Permit is issued; however, an accessory building or structure may be constructed on a separate lot or parcel, provided that the separate lot is immediately adjacent to the lot on which the principal building is located; and further provided that a restriction is recorded with the Antrim County Register of Deeds which states that the two lots shall not thereafter be sold separately. The zoning permit shall also condition the building of such structures upon the recording of the restriction that the lots upon which the principal building and accessory building or structure exist may thereafter not be sold separately.

For purposes of this subsection, "immediately adjacent" shall not be construed to disqualify two or more lots being considered as one development site merely because the lots are divided by a road right-of-way, easement, or dedication. However, the area of the lot on which the accessory building or structure is constructed shall not be used to meet the area requirements of the lot on which the principal structure is or will be constructed.

- G. The total ground level square footage of all accessory structures on any single lot or parcel shall not exceed one and half times first floor square footage of the principal structure on such lot or parcel.
- H. Manufactured homes, mobile homes, R.V.'s, and recreational vehicles, shall not be used as an accessory building or structure.

The following are applicable to all districts except Commercial, CBD, Conservation Reserve and Manufacturing:

- I. Accessory buildings or structures in this district shall include detached non-

commercial garages and other structures. A single, permanent one-story accessory building or structure is permitted on each parcel or lot in addition to one (1) one-or two-story detached garage.

- J. The one (1) additional accessory building or structure must architecturally conform to the majority of the residential homes in the immediate area.
- K. Temporary accessory buildings or structures and/or sheds shall be no more than 200 square feet and shall be limited to two (2) per lot.

### **Section 3.6 - Accessory Buildings or Structures as Dwellings**

No Accessory building, temporary or permanent, shall be used as dwellings.

### **Section 3.7 - Temporary Buildings**

Temporary buildings may be utilized during construction for construction purposes. Temporary buildings for use incidental to construction work shall be removed within thirty(30) days after the completion or abandonment of the work. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance or any applicable building codes. No garage or other accessory building or structure, R.V., basement, tent, barn, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a zoning permit by the Zoning Administrator.

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work.

### **Section 3.8 – Use of Basements**

No basement shall be used for living space unless a completed story is situated above the basement and itself constitutes living space. Basements used as living space shall meet all requirements of the building code in effect within Antrim County.

### **Section 3.9 - Moving Buildings**

The moving of a building to a different location shall be considered the same as erection of a new building, and all provisions, regulations or requirements relative to the erection of a new building shall be applicable thereto. No building shall be moved without first obtaining a zoning permit from the Zoning Administrator.

### **Section 3.10 - Projections**

The setback requirements of all zones are subject to the following permitted encroachments:

- A. Terraces, patios, decks, and similar structures may project into the front or rear setback requirements as required herein, provided that such structure be unroofed and without walls or other continuous enclosures and are not constructed in the road right-of-way; except that porches and other appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all setback requirements thereof. All terraces, patios, decks, and similar structures shall conform to the stated side yard setbacks in that district.

- B. Chimneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twenty-four (24") inches.
- C. Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback a maximum of five (5') feet.

### **Section 3.11 - Intersection Visibility and Street Right-of-Way**

On any corner lot in any district requiring front and side yards, no fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision between the heights of three (3') feet and ten (10') feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and thirty (30') feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street centerlines at the point of intersection. No fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision from a driveway between the heights of three (3') feet and ten (10') feet, measured above the elevation of the street center line, within ten (10') feet of any front property line. No permanent or temporary structure or projection shall be placed in the street right-of-way.

### **Section 3.12 - Through Lots**

In any district, a through lot, as defined in this Ordinance shall comply with the front setback requirements along each street lot line.

### **Section 3.13 - Essential Services**

Essential services, as defined herein, shall be permitted as authorized and regulated by law, public policy and specific zoning regulations in any district, it being the intention otherwise to exempt such erection, construction, alteration, and maintenance from the application of this Ordinance when not in conflict with Article I of this Ordinance. When in conflict, the Board of Appeals shall have the power to determine reasonable conditions under which such facilities shall be erected. Telecommunication towers, alternative tower structures and antennas shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

All directional signs required for the purpose of orientation, when established by the Village, Township, County, State, or Federal governments, shall be permitted in all Districts.

### **Section 3.14 - Grades**

No premises shall be filled or graded to discharge surface runoff on abutting premises. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.

### **Section 3.15 - Height Regulations**

No building shall exceed thirty-five (35') feet in height. Height regulations shall apply to any area that could be used as living space (belfries, etc.), but shall not apply to areas that could not be used for living space (chimneys, etc.), other than, but not limited to structures such as roof top balconies, catwalks, etc. These regulations are detailed in Section 5.8 Table of Regulations.

### **Section 3.16 Stormwater Management**

Stormwater will be maintained on site using calculations of pre and post development figures. Stormwater allowed to leave the site, must not flow at a greater rate than before development. All storm water management plans shall be designed to effectively pass one (1) 100 year, 24 hour storm event. Protection must be in place to control oil and grease as not to release them into stormwater and groundwater.

Properties zoned Central Business District will not be required to meet the standards of the Stormwater management section.

### **Section 3.17 Slope Protection**

The development on any lot with a slope of 18% or greater, as determined by a topographic survey, shall:

- A. Maintain the natural vegetation on the lot wherever possible. If removal of vegetation is required, the owner shall re-establish vegetation of a compatible plant material to pre-disturbance densities.
- B. All exposed slopes and graded areas of the lot shall be landscaped with groundcover, shrubs and trees consisting of perennial native species.
- C. Existing mature trees shall be incorporated into the design of the development unless documentation is provided showing it is not feasible, not withstanding costs
- D. Natural drainage courses on the lot shall be protected from grading activity
- E. Groundwater flow patterns on the lot shall not be interrupted.
- F. Structures shall be clustered on the lot as much as reasonably possible to retain surrounding tree cover and to minimize changes in topography.
- G. All structures shall be setback from the ridgeline at least twenty-five (25) feet.
- H. No clearing of vegetation shall occur on the ridgeline of the lot, except as reasonably required for access to the lot.
- I. Access drives and/or roads shall be aligned with the natural contour of the land in order to minimize cutting and filling.
- J. Drainage of stormwater from access drives, roads, and rooftops shall be designed to preclude concentrated discharges at any one location on the top of a steep slope and to preclude direct discharge of stormwater into a water body without filtration provided by a filtration bed, rain garden, infiltration basin, and/or detention basin to be located on the upslope side of the lot.
- K. All utilities shall be underground (other than if doing so would cause documented environmental damage) and shall be designed, installed and maintained so as not to create soil erosion hazards
- L. Owner shall provide certification by a licensed professional that the steep slope on the lot may be safely developed, shall preserve the natural watershed and prevent soil erosion.

**Section 3.18 Waterfront Protection:** To preserve natural resources, water quality and community scenic and recreational values, a greenbelt shall be established and maintained on all waterfront lots. The greenbelt shall include all land located within twenty-five (25) feet of the ordinary high water mark of the lake, river, or stream abutting the lot. Public walkways may be located within ten (10) feet of the high water mark. If public walkways are located in a greenbelt area that is considered a wetland, the boardwalks must be raised in nature. Any development within the greenbelt shall comply with all of the following requirements:

- A. No structures, including parking area(s), shall be allowed within the greenbelt, except for docking facilities (which must be parallel and attached to the shoreline), and pathways meeting the requirements of this section necessary for reasonable access to the water.
- B. A natural vegetation strip shall be maintained in the greenbelt within ten (10) feet of the ordinary high water mark of the lake, river, or stream abutting the lot. Existing vegetation within the natural vegetation strip shall be preserved and maintained, except as necessary to allow construction of those structures permitted within the greenbelt and except to provide a filtered view of the water from the principal structure as permitted in this section. A mowed lawn to the water's edge is prohibited in the natural vegetation strip.
- C. Dead, diseased, unsafe or fallen trees, shrubs, and noxious plants, including poison ivy, poison sumac, poison oak, and other plants regarded as a common nuisance in Section 2, Public Act 359 of 1941, as amended, being MCL 247.62, may be removed from the natural vegetation strip.
- D. If structure is sited on the waterfront lot, an area of the natural vegetation strip equal to no more than 1½ times the width of the principal structure may be selectively pruned to provide a filtered view of the water. Prior to any pruning, the property owner shall consult with the zoning administrator to establish the acceptable amount of pruning allowed. No clear cutting within the natural vegetation strip shall be permitted to provide a view of the water.
- E. If the natural vegetation has been removed in violation of this section or if replacement of natural vegetation is necessary due to diseased or other factors, then that vegetation shall be replaced with native trees, shrubbery, or other vegetation that is effective in retarding runoff, preventing erosion, and preserving the natural beauty of the area.
- F. The natural vegetation strip shall be fenced with silt fence and the construction barrier fencing prior to grading or other on-site construction activities. This protective fencing shall be maintained until the completion of construction within the greenbelt area.
- G. No unsightly, offensive, or potentially polluting material, including but not limited to, compost piles, lawn clippings, leaves, garbage, trash, refuse, manures/fertilizers, and animal pens may be used, stored, or located within the greenbelt area.
- H. No breakwalls, seawalls, bulkheads, broken concrete or other rubble, rock riprap, or other shoreline hardening material shall be located within the natural vegetation strip.
- I. All pathway(s) shall meander down to the ordinary high water mark in a manner that protects the soil and vegetation from erosion, while also screening the principal structure, parking areas, and vehicles from direct view from the water.
- J. Pathways may be constructed within the greenbelt area and within the native vegetation strip if all of the following requirements are met:
  - (i) The pathway is constructed of permeable material that does not allow service water to drain directly into the lake, river, or stream.
  - (ii) For waterfront lots with frontage of 100 feet or less, no more than two (2)

pathways are permitted. The total width of all pathways shall not exceed twelve feet (12).

- K. For waterfront lots with frontage of more than 100 feet, no more than three (3) pathways are permitted. The total width of all pathways shall not exceed sixteen (16) feet, and the width of any single pathway shall not exceed twelve (12) feet.

### Section 3.19 - Wetland Regulations

The Village of Bellaire contains many land areas which have a high water table or are wholly or partially submerged, and which are grown over with grass, shrubs, trees, and other wetland vegetation, which provides a natural habitat for numerous forms of wildlife. These water resources and wetland areas filter runoff and capture sediments, which help maintain the high quality water resources of the Village of Bellaire. Wetland areas also provide breeding habitat for our fisheries and wildlife resources.

These areas are not naturally suitable for use or habitation by people and cannot be converted to such use without dredging, filling, clearing, excavation, and draining operations, which would disturb the natural character and purity of the adjoining waters. Wetlands also contribute to the overall beauty and character of the Village of Bellaire, which attract many residents and tourists. It is also important to protect wetlands since they also serve as groundwater discharge and recharge areas, and can minimize storm or flood damage by hydrologic absorption and storage capacity. **It is also the intent of this Section to protect wetland resources by regulation irrespective of parcel lines, small size, and/or contiguous aspect to surface waters.**

All wetlands in the Village of Bellaire that are not contiguous to an inland lake, pond, river or stream and more than 1/8 acre in area, but less than 2 acres in area are regulated by this section. A wetland, however, shall not include the construction and operation of a water treatment pond or lagoon in compliance with the requirements of state or federal water pollution control regulations

Any land division in a wetland, will not be allowed, unless of the proposed split lots includes a conforming upland, building site on each lot.

Any development, except the uses allowed in a wetland without a permit under Section 30305 of Part 303 of the Natural Resources and Environmental Protection Act, being MCL 324.30305, shall comply with all of the following requirements:

- A. An environmental assessment of the proposed use or development within the wetland, which assessment shall include the effects upon wetland benefits and the effects upon the water quality, flow, and levels, and the wildlife, fish, and vegetation within a contiguous lake, river, or stream.
- B. The site does not support state or federal endangered or threatened
- C. The site does not represent what is identified as a locally rare or unique ecosystem
- D. The site does not support plants or animals of an identified local importance
- E. The site does not provide flood and storm control by the hydrologic absorption and storage capacity of the wetland.
- F. The site does not provide groundwater recharge documented by a public agency
- G. The site does not provide wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.
- H. The site does not provide protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
- I. The site does not provide pollution treatment by serving as a biological and chemical oxidation basin.
- J. The site does not provide erosion control by serving as a sedimentation area and

filtering basin, absorbing silt and organic matter.

- K. The site does not provide sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.
- L. The site does not provide sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.
- M. The proposed development is in the public interest. In determining whether the proposed development is in the public interest, the Planning Commission shall balance the benefit, which reasonably may be expected to accrue from the proposed development against the reasonably foreseeable detriments of the proposed development. When balancing these interests, the Planning Commission shall consider the following general criteria:
  - 1. The relative extent of the public and private need for the proposed activity.
  - 2. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
  - 3. The extent and permanence of the beneficial or detrimental effects that the proposed activity may have on the public and private uses to which the area is suited, including the benefits the wetland provides.
  - 4. The probable impact of each proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
  - 5. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
  - 6. The size of the wetland being considered.
  - 7. The amount of remaining wetland in the general area.
  - 8. Proximity to any waterway.
  - 9. Economic value, both public and private, of the proposed land change to the general area.

**Section 3.20 – Recreational Vehicles**

- A. No person shall park or cause to be parked any R.V. overnight on any street, alley, highway or other public place, provided that in case of accident or emergency, officers of the Bellaire Police Department or any member of the Antrim County Sheriff’s Department may permit such parking at such place and upon such conditions as are then specified by officers of the Bellaire Police Department or member of the Sheriff’s Department.
  
- B. No person shall park or cause to be parked any occupied (at any time) RV or R.V. on any site, lot, field, or tract of land not specifically licensed as an R.V. park for more than thirty (30) days per calendar year, with no more than fifteen (15) days being consecutive. A zoning permit is required.
  
- C. In the event of an extreme medical emergency the Planning Commission may issue an extension, not to exceed six (6) months, for the placement of a R.V. on any occupied dwelling unit in the Village. The fee for such an extension will be the standard special use permit fee.
  
- D. One (1) R.V. may be parked on the lot of any occupied dwelling unit in the Village provided, except as provided in §3.20 (C)(1),
  - 1. The R.V. shall carry current state license plates no more than one (1) year in expiration.
  - 2. The R.V. is not connected to water and sewer services currently being utilized by the dwelling.
  - 3. Wheels and tires are not removed at any time while stored except for the purposes of repair.
  - 4. The R.V. is not used for any purpose.
  - 5. The R.V. is locked at all times and not used for storing materials of any kind other than the furnishings and personal items common to a R.V.
  - 6. The R.V. is not elevated, blocked or stabilized in any manner other than with jacks designed for that purpose and does not have the wheels removed except for the purposes of repair.
  - 7. The trailer is not occupied at any time while stored.

**Section 3.21 – Greenbelts, Buffers, and Open Space**

A greenbelt or buffer, as defined herein, shall be required for any commercial or manufacturing use that abuts a residential use on either the side yard or rear yard. In all instances, this may be provided as part of the side or rear requirements. The greenbelt or buffer may be waived by the Planning Commission if it were found that there would be no adverse effect upon the neighboring property resulting from the waiver or omission. Open space may also be required as a condition of site plan approval.

A greenbelt shall be required for new residential, commercial, or manufacturing construction that abuts the Conservation Reserve District.

### **Section 3.22 - Fences**

- A.** It shall be unlawful for any person to construct, or cause to be constructed, a fence upon property within the village without first having obtained a permit from the Zoning Administrator.
- B.** Any person desiring a permit to construct, enlarge, alter, or reconstruct a fence shall file a written application with the zoning administrator and, if applicable, pay the required fee as established by the Village Council pursuant to §12.5 of this Ordinance. The application shall contain a drawing of the proposed location of the fence on the property, the type of fence to be constructed, enlarged, altered, or reconstructed, and such other information as may be required by the zoning administrator to determine that the fence will not violate any provisions of this Ordinance or state law. It is recommended that you have a survey of your property line, before proposing the fence line. It is your responsibility to make sure that the fence is on your property.
- C.** Any person desiring to construct a fence within eight (8) feet of any property line shall pay the required fee. A no-fee permit will be issued for those instances in which a fence will not be within eight (8) feet of any property line.
- D.** Any fence lawfully in existence at the time this ordinance becomes effective may continue to exist although it does not conform to the provisions of this section. However, such nonconforming fences shall not be enlarged, altered, or reconstructed, unless such fence is made to conform to the provisions of this section, a permit is obtained, and the required fee is paid. Nothing in this subsection shall prevent such necessary repairs and maintenance of a nonconforming fence as may be necessary to secure a reasonable use of it during its natural life, which may be done without a permit.
- E. General Requirements.** The following regulations shall apply to all fences within the village:
  - 1. Except as provided herein, all fences shall be located entirely on the property of the person constructing the fence. A fence may be constructed on the common property line between two (2) lots if the landowner constructing the fence can attest that the fence is on the line. It is recommended that a survey be done before erecting a fence.
  - 2. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
  - 3. The gates in all fences shall not swing open over a public street right-of-way, but must swing open over the property of the fence owner.
  - 4. No fence shall be constructed or maintained which is charged or connected with an electric current that can cause an electric shock upon contact.

5. All fences shall be maintained in good condition and shall not constitute a safety hazard. Any fence not maintained as required by this subsection shall be removed by the owner of the fence.
6. Decorative fences shall be one (1) foot or less in height and may serve as decoration around gardens, landscaping, and areas of a similar nature and shall be located no less than one (1) foot from the property line. No application or fee shall be required for decorative fences.

In addition to the general requirements of §3.20 (E), the following regulations shall apply to all fences within the R-1, R-2, R-3, Village Commons (Commercial) and Central Business District:

7. Fences located in a front yard of a lot shall be a height of no more than four (4) feet, as measured vertically from the surface of the ground to the top of the fence/post combination.
8. Fences located in a front yard of a lot shall be constructed of brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, or similar material. No chain link fences shall be constructed in a front yard.
9. No barbed wire fence shall be constructed or maintained, and no spikes, nails, barbs, or other pointed instruments shall be affixed to any fence so as to project from the fence.
10. Fences located in a rear or side yard shall be a height of no more than six (6) feet, except as provided for in subsection J.5, as measured vertically from the surface of the ground to the top of the fence/post combination; provided, however, that fences located in a side yard shall not extend closer to the front lot line than the front of the principal building or the required front yard setback, whichever point is farther from the front lot line.
11. Fences located in a rear or side yard shall be a constructed of brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, or similar material. Chain link fences are permitted in a rear or side yard. Fence posts may not exceed twelve (12) inches from the top of the fence.
12. All fences shall be finished on the side facing the adjoining property owner, public highways and/or alleys. Fence owner is responsible for maintenance immediately if fence falls onto neighboring property.

In the In addition to the general requirements of §3.20 (E), the following regulations shall apply to all fences within the Village Commons Commercial, Commercial, Manufacturing and Conservation Reserve District:

13. Fences located in this district shall be a height of no more than twelve (12) feet, as measured vertically from the surface of the ground.
14. Fences located in this district shall be constructed of brick, stone, wood

boards, split rails, wrought iron, decorative concrete block, decorative chains, decorative rope, or similar material. Chain link fences are permitted

15. Barbed wire strands may be affixed to a fence, provided that no portion of the barbed wire strands is lower than six (6) feet from the nearest ground level.

**F. Waterfront and Through Lots.** Front yard fence requirements apply to both the front and rear yards of waterfront and through lots.

**Section 3.23 Business and Informational Signs:**

The purpose of this section is to preserve the desirable character and personality of the Village of Bellaire, as well as to recognize the need for and privilege of advertising, so that people unfamiliar with the area, such as tourists and transients, may avail themselves of the goods and services afforded by the local business places. At the same time, the Village recognizes the right of residents to be free of advertising that could affect property values and create an unpleasant or less than desirable atmosphere. The use and erection of all outdoor signs and media shall be subject to all state and local codes and statutes, in addition to the provisions of this ordinance.

- A. General Provisions: The size of any publicly displayed sign, symbol or notice on a premise to indicate the name of the occupant, to advertise the business there transacted, or directing to some other locale, shall be regulated as follows with the exception of §3.23 (B) and in addition to requirements listed in Section 3.23 (C).

TABLE ONE								
	R1	R2	R3	VC	CBD	C	M	CR
Awning/Canopy					District size			
Bracket (not over building height in CBD)					District size			
Cluster (each sign)					District Size			
Ground-Mounted	District Size				6' high	District Size		
Monument	District size							
Portable					Most are not allowed			
Sp. Ad. Devices					District size			
Time/Temp					District size			
Wall (not over building height in CBD)					District size			
Residential Nameplates					Can be 4 <sup>2</sup> foot square			
Real Estate	Sign size for all districts is 6 <sup>2</sup> square feet							
Temporary Sign	Meet the district standards							

1. By reason of their size, location, spacing, construction or manner of display, signs shall not endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety.
2. Signs should enhance the aesthetic appeal of the Village. Thus, these regulations are intended to: 1) regulate oversized signs that are out-of-scale with the surrounding buildings and structures, and 2) prevent an excessive accumulation of signs, which cause visual clutter and distraction.
3. Individual businesses are limited to two (2) primary signs in addition to one (1) changeable copy sign. Primary signs are limited to the size restrictions listed in Table 1. Changeable copy signs are limited to the size restrictions stated in §3.243 (F).
4. Individual businesses are limited to two (2) signs per support structure – one (1) primary in addition to one (1) changeable copy. No portable changeable copy signs will be allowed in any district, other than those classified as sandwich board signs.
5. Individual businesses with an entrance on different streets (such as Bridge Street and Bridge Lane) may have one location sign on the back of the building, no larger than 2' X 2'. These businesses may have 3 signs per business if one of the

signs is the location sign on the back of the building.

6. The above size limitations apply to the sign surface only, not the support structure.
  7. Residential subdivisions and developments shall be limited to a maximum of one (1) sign per entrance of up to ten (10) square feet per sign.
  8. Before erecting a sign above or in a public right-of-way, the owner of the sign shall receive the written approval of the proper governmental agency having jurisdiction over that right-of-way. An overhanging sign shall not project beyond the structure wall to which it is attached more than five (5) feet and shall be no less than ~~fourteen (14)~~ nine (9) (amended August 2009) feet above the public right-of-way.
  9. Approval: No sign requiring a zoning permit shall be erected or altered until approved by the Zoning Administrator (ZA) or authorized by a Planning & Zoning Commission (PC) approved site plan. After ZA or PC approval, the required sign permit shall be issued. A property owner may maintain, improve, or replace an existing conforming sign without a sign permit provided the type, size, shape and height do not change and the use remains the same.
- B. Conditions: In addition to the size limitations stated in §3.21 (A), the following conditions shall apply to all signs erected in any use district:
1. **Obstruction of Vision:** No signs shall be located on any street corner which would obscure the clear vision area of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the clear vision area of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
  2. **Imitation of/Confusion with Traffic Signs/Signals:** No sign shall be permitted which is an imitation of any traffic sign or signal. No sign shall be permitted which is of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal, except for official governmental signs.
  3. **Directional Signs:** All directional signs required for the purpose of orientation, when established by the Village, Township, County, State, or Federal governments, shall be permitted in all Districts.
  4. **Illumination:** Illumination of signs shall be directed, shaded or designed so as not to interfere with the vision of persons on the adjacent highway, streets or properties. Illuminated signs shall not be of the flashing, moving or intermittent type.
  5. **Animated or Moving Signs:** No sign shall move in any manner or have a major moving part. No sign shall create a special effect to imitate movement. Exception: in the CBD open signs may blink on or off as long as they do not interfere with the vision of persons on the adjacent highway, streets or

properties.

6. **Display:** Both sides of any ground-mounted or overhanging sign may be used for display
7. **Overhanging Signs:** No sign shall project from, project beyond, or overhang the wall, roof or any architectural feature by more than five (5) feet. However, prior to the erection or overhanging of a sign in a public right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such right-of-way (county or state).
8. **Awning Signs:** A sign painted on, printed on, incorporated in, or attached flat against the surface of an awning.
9. **Roof Position Signs:** Roof position signs are specifically prohibited.
10. **Percent of Building Face:** In no case shall a sign or signs, including wall and window signs, exceed a total of ten percent (10%) of the building face to which they are attached.
11. **Portable Signs:** Portable signs shall be prohibited, except where the Zoning Administrator finds such are necessary for a special event of a specific duration, and removed within one (1) day after the designated special event. Approved sandwich board portable signs shall not exceed 24 inches in width by 48 inches in height and shall be removed nightly.
12. **Seasonal Recurring Events:** In the case of seasonal recurring events, advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics are permitted with seasonal permit. Such advertising devices shall not be used for a period of more than seventy-two (72) hours.
13. **Banners Across M-88:** The temporary location of banners across M-88, at Village defined locations, shall be permitted for a period not to exceed seven (7) days, subject to scheduling with the Village Department of Public Works.
14. **Political signs:** Political signs must be removed within forty-eight hours (48) after the election. Only one sign per political candidate may be displayed on each parcel or adjoining parcels under the same ownership.
15. **Offensive Signs:** No sign or flag shall contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
16. **Sign Affixed to Other Surfaces:** No sign shall be affixed to trees, shrubs, utility poles, or other similar objects except signs of any political subdivision of this State, granting agencies, or dedication signs. No sign shall be affixed to a fence without first being approved by the Zoning Administrator as meeting a special purpose.
17. **Theater Signs** – Theaters shall be permitted additional signs designed for

periodic message change that indicate the entertainment at the theater. Any such sign shall have a total area of not more than one hundred (100) square feet per theater.

**C. Signs Allowed Without a Permit:** The following signs are allowed without a permit, notwithstanding any prohibition contained in this Ordinance, provided such signs are established in a lawful manner and placed so as not to cause a nuisance or create a safety hazard:

1. **Residential Nameplates and addresses.**
2. **Real Estate (Residential):** On single-family and two-family real estate, one non-illuminated sign advertising the sale or lease of the lot or building on which the sign is placed. Such sign shall not exceed six (6) square feet in area, and no more than one (1) sign for each street upon which the property faces.
3. **Real Estate (Commercial):** Signs with a total area not in excess of twelve (12) square feet advertising the sale or rental of real estate other than single-family or two-family houses are permitted. It shall have a maximum height of ten (10) feet and shall meet the setback requirements of the zoning district unless attached to a permanent building. There shall be no more than one (1) sign for each street upon which the property faces.
4. **Political or Opinion Signs:** Temporary, non-illuminated signs supporting a political candidate or offering an opinion on an issue or subject. Such signs shall not exceed eight (8) square feet in size, and, in the case of sign related to an election, shall be removed within forty-eight hours (48) after the applicable election. Only one sign per political candidate may be displayed on each parcel or adjoining parcels under the same ownership.
5. **Memorial/Historical Signs:** Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface of a building or when constructed of bronze or other incombustible material affixed to a building. Also includes signs designating the building as a historical structure.
6. **Noncommercial Designation Signs:** Signs not exceeding two (2) square feet each which contain only noncommercial messages including designation of restrooms, telephone location, restrictions on smoking, and door openings.
7. **Affiliation Signs:** Business signs not exceeding one (1) square foot containing information on credit cards and business affiliations.

**Yard/Garage Sale:** Temporary, non-illuminated signs advertising yard, rummage, garage, basement, porch, or deck sales and other such signs shall not exceed six (6) square feet in size, shall be permitted five (5) days prior to the event and shall be removed twenty-four hours after a period of. There shall not be more than two (2) on-premise signs per sale. The resident at the address shall be the responsible party. Shall not be allowed for more than a four (4) day span, twice during a calendar year. The four (4) day spans must be at least five

(5) days apart.

8. **Temporary Sign:** All temporary signs must be on record in the Village of Bellaire offices.

D. **Previous Approved Signs:** Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs. No fee shall be charged in addition to the zoning permit fee for these signs.

E. **Signs Requiring a Sign Permit:** except as otherwise provided in subsection C above, no sign shall be erected within any zoning district, until a sign the zoning administrator issues permit. Sign permit fees shall be established by the Village Council as provided in Section XII of this Ordinance. Before issuing a sign permit, the zoning administrator shall determine that the proposed sign complies with all requirements of this section.

F. **Size Regulations:** Other than regulations mentioned in other sections, the following regulations would apply in the specific zoning districts:

Zoning District	Maximum Sign Size	Maximum Height
R-1	4 <sup>2</sup> square feet	5 feet high
R-2	4 <sup>2</sup> square feet	5 feet high
R-3	4 <sup>2</sup> square feet	5 feet high
Village Commons	24 <sup>2</sup> square feet	6 feet high
Central Business District	20 <sup>2</sup> square feet	10 feet high for ground mounted
Commercial/PUD/Manufacturing	32 <sup>2</sup> square feet	10 feet high
Manufacturing	32 <sup>2</sup> square feet	10 feet high
Conservation Reserve	24 <sup>2</sup> square feet	10 feet high

### **Section 3.24 – Dwelling Standards**

- A. A dwelling shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- B. A dwelling shall have a minimum width across any front, side or rear of the structure at floor level of twenty (20) feet and comply in all respects with the current Michigan State Construction Code as promulgated by the Michigan State Construction Commission under the provision of 1972 P.A. 230 as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standard or regulations for construction are different than those imposed by the county building code, then, and in that event, such federal or state standard or regulation shall apply.
- C. A dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the county building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and types as required in the applicable building code for single family dwellings
- D. The dwelling shall be connected to a public sewer and water supply
- E. The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage shall be equal to ten (10%) percent of the square footage of the dwelling or one hundred (100) square feet, whichever is less.
- F. The dwelling shall contain no additions or rooms or other areas that are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- G. The dwelling shall comply with all pertinent building and fire codes. In the case of a manufactured home, all construction and insulation within and connected to said manufactured home shall be of a type and quality conforming to the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended as promulgated by the U. S. Department of Housing and Urban Development. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- H. The foregoing standards shall not apply to a manufactured home located in a licensed manufactured home park except to the extent required by state or federal law or otherwise specifically required in the Village Ordinance pertaining to such parks
- I. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 P.A. 230 as amended.

### **Section 3.25 – Outside Display of Merchandise**

1. Display shall be allowed only as an accessory use to the main use on the same lot or tract of land.
2. Outside display of goods for sale incidental to a retail use, plant nursery, sales and rental of motor vehicles, mobile homes, boats or trailers, or the outside display of automobile-related merchandise for sale incidental to a gasoline filling station shall not be required to be screened.
3. Displays shall conform with all of the following requirements:
  - a. Where outside display is located adjacent to a building, an unoccupied area of not less than three (3) feet in width shall be provided for pedestrian access between any outside display and vehicle overhang areas of any adjacent parking lot.
  - b. In no instance shall outside display of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, or a parking space necessary to meet the minimum parking requirements of the other use(s) of the lot or parcel.
  - c. Outside display shall be situated so as not to create a visibility obstruction to moving vehicles within a parking lot. Where outside display is located at the intersection of two (2) or more maneuvering aisles within a parking lot, the displayed merchandise shall not exceed 30 inches in height above the grade level of the parking lot.
  - d. Ice machines and propane fill tanks are excluded from the square footage requirement.
4. In all districts where the outside display of goods is not permitted by right, a property owner may apply for a temporary permit for 90 days, renewable once during the calendar year.
5. Central Business District Outside Display: Merchandise relating to the main business may be displayed outside not extending more than 3 feet from the main building. Outside display of merchandise must not interfere with pedestrian traffic.

## **Section 3.26 Parking**

### **A. Off-Street Parking, Loading and Unloading Requirements and Standards**

Off-street parking space with adequate access to all spaces shall be provided and maintained in all zoning districts (except in the CBD and on Bridge Street between Antrim and 4<sup>th</sup> Street) at the time of erection or alteration of any main building, that is adequate for parking, loading and unloading of vehicles according to the requirements listed below, and including at least the minimum number of spaces required by the table in Section 3.26C Minimum Number of Parking Spaces per Unit.

### **B. Parking Requirements**

1. Parking for other than residential use shall be either on the same lot or within three hundred (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.
2. Residential off-street parking space shall consist of a parking strip, driveway, garage or any combination located on the premises they are intended to serve. In a residential district, a licensed commercial vehicle may be parked provided it is owned or operated by someone residing on the premises.
3. Adequate space should be provided in all parking, loading and unloading areas to facilitate turning around of vehicles so that the entry on to streets and county roads may be in a forward manner and not by backing. Furthermore, in parking, loading and unloading areas where internal movement of vehicles is necessary, adequate aisle space shall be provided to insure vehicular and pedestrian safety
4. A minimum of one hundred sixty-two (162) square feet shall comprise one (1) vehicular parking space or nine (9) feet by eighteen (18) feet.
5. Computation of floor area of buildings shall be exclusive of basements, cellars or attics where these areas are used for storage or utilities; calculated using the outside perimeter of building. In the case of a single story structure, the floor area may be reduced by ten (10) percent to accommodate storage or utilities.
6. The Village Planning Commission shall determine the required parking spaces needed based on the guidelines in Section 3.26C Minimum Number of Parking Spaces per Unit and the materials presented during the site plan review and with consideration to the uniqueness of the business.
7. Adequate area must be provided for snow piling and on-site drainage. Handicap parking must be provided as required by State and Federal regulations. Designation of parking area must be clearly identifiable for use by the public.
8. Every building or structure engaged in loading and unloading goods shall provide space (except the east side of Bridge Street in the 200 block) on the premises in addition to that required for parking, for the loading, unloading and standing of all vehicles to avoid undue interference with public use of the highway, excluding alleys.

**C. Minimum Recommended Number of Parking Spaces per Unit**

Business Type	Number of Parking Spaces Need
Banks, business offices, studios and professional offices of architects, lawyers, and similar professions	Three (3) parking spaces; plus one (1) additional parking space for each three hundred (300) square feet of floor area.
Barber shops and beauty parlors	Two (2) parking spaces for each operator chair; plus one (1) parking space for each two (2) employees
Bowling establishments	Five (5) parking spaces for each bowling lane
Theaters and auditoriums except schools	One (1) parking space for each four (4) seats; plus one (1) parking space for each two (2) employees.
Community center, library, museum or art center	One (1) parking space for each two hundred (200) square feet of floor area
Dwellings	Two (2) parking spaces for each dwelling unit.
Hospitals, clinics and similar establishments	One (1) parking space for each bed and/or examining room; plus one (1) parking space for each two (2) employees on maximum working shift; plus one (1) parking space for each two hundred (200) square feet of floor area.
Laundromats	One (1) parking space for each two (2) washing machines and/or dry cleaning machines.
Hotels, motels, tourist homestead lodging house	One (1) parking space for each sleeping room; plus one (1) parking space for each two (2) employees on the maximum working shift.
Manufacturing or industrial establishments, warehouse or similar establishment	Two (2) parking spaces for each two (2) employees on maximum working shift; plus space to accommodate all vehicles used in connection with the operations of the establishment.
Plumbing, printing and similar service shops and businesses	One (1) parking space for each employee; plus one (1) parking space for each three hundred (300) square feet of floor area
Private clubs, night club, dance halls and similar recreational establishments	One (1) parking space for each one hundred (100) square feet of floor area
Professional offices of doctors, dentists and similar professions	One (1) parking space for each one hundred (100) square feet of floor area or a minimum of four (4) parking spaces, whichever is greater.
Restaurants, and similar establishments for sale and service of food and drink, except liquor and drive-ins	One (1) parking space for each one hundred (100) square feet of floor space.
Retail stores	One (1) parking space for each one hundred fifty (150) square feet of floor area.

### **Section 3.27 – General Development Standards**

The Planning & Zoning Commission in reviewing all applications shall utilize the following standards. These standards provide a frame of reference for the applicant as well as for the reviewing authority in making judgment concerning applications. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation. The Planning & Zoning Commission may waive a standard when it finds that the standard is not applicable to the development under consideration.

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, uses on the adjoining property and the relationship and size of buildings to the site. 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.
- B. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points
- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the village
- D. Removal or alteration of significant natural features shall be restricted to those areas that are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning & Zoning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- E. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land
- F. The proposed use shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes. Any buffer required shall be completely solid to the ground level.
- G. All buildings and groups of buildings and outside display of merchandise and vehicles shall be arranged so as to permit necessary emergency vehicle access.
- H. All streets shall be developed in accordance with the Village of Bellaire Standards, Specifications and Regulations for Subdivision Streets and Proposed Public Roads, as appropriate. In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.

- I. 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 and to prevent erosion and the formation of dust. 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 puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- J. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of building or structures shall be minimized to reduce light pollution.
- K. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts of public streets shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height and solid to the ground. The finished side of any wall, fence, or other screen shall face adjacent properties.
- L. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exits from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors
- M. Proposed projects shall conform to all applicable requirements of county, state, and federal statutes and ordinances. Approval may be conditioned on the applicant receiving all other necessary permits.
- N. Appropriate fencing may be required around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.