

Zoning Ordinance- Village of Ashley in Gratiot County Michigan

An ordinance to:

Regulate and restrict the location of trades and industries, as well as the location of structures designed for specific uses.

Regulate and limit the height and size of structures hereafter erected or altered.

Regulate and determine the area of yards, lawns, courts, and other open spaces surrounding structures.

Regulate and limit population density, and for said purposes divide the village into zoning districts.

Provide for appeals of decisions made pursuant to this ordinance, its jurisdictions and powers, and to prescribe penalties for the violation of provisions of this ordinance.

The Village Ordains:

Article 1 Definitions, Purposes, and Districts

Section 1 Definitions

For the purposes of this ordinance, certain word and terms are herein defined as follows:

Accessory Building: A subordinate building, the use of which is identical to the use of the principal structure on the property.

Building: Any structure erected on the site. A manufactured home or mobile structure. A prebuilt or pre cut structure. Structures above or below ground that are designed primarily for shelter, support, or enclosure of persons, animals, or property of any kind.

District: A section or portion of the village for which zoning regulations govern uniformly the use of land, the use of buildings or premises, and the height and size of structures and open spaces including parking and entrance.

Family: One or more persons occupying a premises and living as a single housekeeping unit.

Dwelling- Single Family: A building containing not more than one dwelling unit designed for residential use. Single family dwellings will comply with the following standards:

1. The structure must meet the minimum square footage and requirements of this ordinance for the zoning district in which it is located.  
RA- In RA and Commercial zone districts, the minimum square footage of a dwelling is 990 square feet per dwelling with a street facing width of not less than 24 feet. Duplex square footage shall be the same minimum 990 square feet
2. R4- In R4 zone districts, the minimum square footage of a dwelling is reduced to 840 square feet with a structure width of not less than 14 feet for all structures including manufactured homes and Duplex dwellings.

Multi Family- In Multi Family zone districts the square footage will depend on the architect intention and will be approved by the zoning officer on a case-by-case basis.

3. The structure must comply with all aspects of the Gratiot County Building Code in effect at the time of building or alteration.
4. Federal and State standards and regulations shall apply any aspect of regulation is not covered in the Gratiot County Building Code. Code enforcement is done by the county, state, or federal agency having jurisdiction. Measurements and square footage requirements are made enforced without regard to porches and not habitable portions of a structure including  
Garages, breezeways, and carports.
5. The structure must be firmly attached to a permanent foundation constructed on the site in accordance with the Gratiot County Building Code. It shall have a wall with the same perimeter dimensions as the structure attached.
6. In the event that the structure is a manufactured home (mobile home), the dwelling shall be installed pursuant to the manufacturer's instructions and shall be secured to the premises by an anchoring system or devices complying with the rules and regulations of the Michigan Mobile Home Commission. A perimeter wall as described above, or alternative skirting to grade level of metal or vinyl is required. Each manufactured home shall be installed with all transportation wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
7. Mobile homes, at the time of installation, must be of the type and quality conforming to the "Mobile Home Construction and Safety Standards" as Promulgated by the United States Department of Housing and Urban Development being 24 CFR 3280 of 1999. For new installations, each year that passes from the date of this ordinance, the revision year of 24 CFR 3280 required for compliance also advances one year.
8. The dwelling must be connected to the village public water and sewer system if available. In the event that the public system not made available for connection, the dwelling must be connected to a private water and sewer system approved by the Gratiot County Health Department.
9. The dwelling can contain no additions, rooms, or other areas which are not constructed of similar quality workmanship or better as the original structure, including permanent attachment of to the principal structure and construction of a permanent foundation as prescribed earlier in this ordinance.
10. All dwellings constructed shall meet all applicable roof and snow load strength requirements.
11. All construction required herein shall be commenced only after the zoning permit has been obtained in accordance with this ordinance. Nothing in this ordinance shall be construed to waive the duty to obtain a building permit the county or state in accordance with all applicable county or state building codes, provisions and requirements.

Dwelling- Two Family: A Duplex. A building containing not more than two separate dwelling units designed for residential use. Each unit of a two-family dwelling will comply with all of the requirements set forth in the definition of a Single-Family dwelling for the zoning district of its location as stated above, excepting that the square footage of each dwelling will be specified by the architect of the builder and approved by the Ashley Village Planning Commission at the time of construction.

Dwelling- Multi Family: A building containing three or more dwelling units designed for residential use. Multi- family dwellings will comply with all of the requirements set forth in the definition of a Single-Family dwelling for the zoning district of its location as stated above, excepting that the square footage of each dwelling will be specified by the architect of the builder and approved by the Ashley Village Planning Commission at the time of construction.

Garage-Private: A garage structure with capacity for not more than five (5) self-propelled vehicles for storage only.

Garage-Public: Any premises, except as a defined private or storage garage, used for the care of self-propelled vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

Garage-Storage: Any premises, except those defined as a private or public garage, used exclusively for storage of self- propelled vehicles.

House Trailer, Mobile Home, Manufactured Home: A structure, factory built and transportable in one or more sections, which is built on a chassis, designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating and electrical systems as part of the pre-built structure.

Mobile Home Park: A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made for the parcel or tract of land, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Hotel: A building occupied as more or less a temporary abiding place of individuals who are lodged with or without meals, and in which there are five (5) or more sleeping rooms usually occupied singly with no provision made therein for cooking in any individual room or apartment.

Lot of Record: A lot which is part of a subdivision or plat, the map of which has been recorded in the office of the Gration County Register of Deeds.

Lot: Land occupied or to be occupied by a structure and its accessory structures, together with at least such open spaces as are required under this ordinance, and have its principal frontage upon a street or highway.

Corner Lot: A lot situated at the junction of two or more streets or highways and having a width of not more than 100 feet.

Interior lot: A lot situated other than a corner lot

Lot Line: The lines bounding a lot as defined herein

Street or Highway: A thoroughfare which affords the principle means of access to abutting property.

Building Alteration: Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders, made in conformance with applicable county and state building codes, provisions and requirements.

Front Yard: The yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

Rear Yard: The yard extending across the full width of the lot and measured between the rear line and the rear line of the building.

Side Yard: The yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot line, as may be.

Home Occupation: The use of room in a dwelling as an office, studio or workroom for an occupation at home by a person residing on the premises and in connection with which there is kept no stock in trade, nor commodities sold on the premises. Signs or nameplates shall not be greater than 2 square feet area. There shall not be more than one (1) such occupation in the dwelling. If two or more occupations exist in a dwelling, none of such occupations will be considered a home occupation.

### Section 2 Purpose, Interpretation and Conflict

1. The purpose of this ordinance is to promote the general welfare of the Village of Ashley, to protect the health of its inhabitants, to encourage the most appropriate use of land within the Village, to insure the values of properties, to lessen the congestion in the streets and ways, to avoid undue concentration of population, to provide adequate supply of light and air by regulating the location, use, and height of buildings and the area of open space about them, and to reduce the hazard from fire.
2. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum for the purposes set.
3. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or law but shall prevail notwithstanding provisions that are less restrictive. This provision is not applicable to mobile home parks as defined herein.

### Section 3 Enforcement

1. The provisions of this ordinance shall be enforced by the Gratiot County Zoning officer and/ or any Ashley Village official as may from time to time be designated by resolution of the Ashley Village Council.
2. From the time of the effective date of this ordinance the Gratiot County Zoning Officer shall not grant a permit for construction or alteration of any building or structure if such construction or alteration would be in violation of any provision of this ordinance, nor shall any municipal officer grant any permit or license for the use of any building or land if such use would be in violation of any provision of this ordinance.
3. Whenever a permit is refused because of the violation of some provision of this ordinance, the reason for the refusal shall be clearly stated in writing upon demand therefore by the applicant.
4. Every applicant for a permit for any construction, alteration, or use of any building or land for which a permit is required by law shall, upon request of the Zoning Officer, file such written information, plans, specifications, or other such data as shall be deemed necessary for the full and accurate exposition of the proposed construction, alteration or use with relation to the regulations of this ordinance. Such material shall be kept on file in the records of the office of the Zoning Enforcement Officer.
5. The Zoning Enforcement Office, upon accurate information in writing from any citizen, or upon his own initiative, may institute any appropriate action or proceedings in the name of the Village of Ashley to prevent, correct, restrain, or abate violations of this ordinance.

### Article 2 Districts and District Regulations

## Section 1 Establishment of Districts

For the purpose of this ordinance, the Village of Ashley is hereby divided into the following 9 classes of zoning areas and districts.

1. RA District- Residential and Agricultural District
2. R4 District- Residential District
3. C District- Commercial District
4. D District- Industrial District
5. DTB District- Downtown Business District
6. PUD Area- Planned Unit Development Area
7. MF District- Multi Family Dwelling District
8. TH District- Tiny House District
9. SC District- Site Condominium District

## Section 2 Boundaries of Districts

1. The boundaries of each of the said zoning districts are hereby established as shown on the map entitled "Zoning Map of the Village of Ashley- Updated July,2023" or as it hereafter may be amended and kept on file in the Village office. This map will be made part of this ordinance as it is amended by the council and it is the official record of lot zoning used by the Village of Ashley. The map will be referred to within the rest of this ordinance simply as the "zoning map"
2. The RA district is all property that is not defined as any one or more of the other 8 possible zoning districts.
3. The DTB district consists of the properties defined on the zoning map as the Downtown Business portion of town, having specific measurements and locations as specified either on the zoning map or its legend attached to the zoning map.
4. All other zoning districts will be defined by locations recorded on the zoning map and the legend attached to it.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

Where the district boundary is a street, the boundary line shall be the centerline of the street. If the boundary line is indicated on the map to be approximately parallel to the street, it shall be taken as parallel thereto and unless otherwise indicated, one hundred (100) feet distant from the nearest side line of the street right of way. If there is any variance between the actual measured distance from marked in feet on map, the map markings will govern.

Where districts designated on the map are bounded by lot lines, the lot lines shall be construed to be the boundary lines unless the boundary lines are otherwise indicated on the zoning map.

If, after careful interpretation of boundaries as above, ambiguity exists between the above descriptions and the zoning map due to vacating or addition of streets, or other reasons, the most logical compromise as indicated by the Ashley Village Council shall prevail.

## Section 3 Regulations of Districts

The regulations set forth in this ordinance hereinafter contained are the regulations governing the use, height, area and yard requirements for buildings and premises and the use of land in each class of zoning district.

## Article 3 Use, Height, and Density Regulations

### **Section 1. RA District – Residential and Agricultural District**

In an RA District, as indicated in this ordinance, no building or land shall be used for any purpose other than one or more of the following:

1. Single Family Dwelling
2. Duplex- Two Family Dwelling
3. On lots of more than 2 acres, Gardening for produce, General Farming including the cultivation and harvesting of crops and produce. (Hogs, chickens, cattle, poultry or fowl, domestic cog kennels, or other non- domestic animal boarding is excluded, also animal by-products for use as fertilizer cannot be applied within the village of Ashley incorporated limits
4. On lots of less than 2 acres, Gardening for home use. (Hogs, chickens, cattle, poultry or fowl, domestic cog kennels, or other non- domestic animal boarding is excluded)
5. Uses accessory to any of the foregoing uses.
6. Parks, playfields, playgrounds, play lots, bike and walk paths, public schools, libraries, as well as private schools offering academic curriculum.
7. Churches
8. Customary Home Occupations meeting the definitions in this ordinance.
9. Mini Storage Facility designed and offered for public use.
10. Real estate signs, or signs, totaling not over 6 square feet in size only for the premises on which the sign is erected.
11. The renting of rooms or the furnishing of table board in a single-family dwelling to not more than 5 lodgers, tourists, or other boarders, provided that no goods are publicly displayed or offered for sale and no sign or name plate is displayed. Each bedroom shall contain at least 120 square feet of floor area, and the use of any one bedroom is limited to 2 occupants.
12. Funeral Home
13. Dormitory licensed, inspected, and regulated by the State of Michigan
14. Private membership club, lodge, social, or recreational and community center organization and grounds for recreation, provided that the chief activity is not a service customarily carried out as part of a business
15. Institutions of educational or philanthropic nature, excluding penal or correctional facilities
16. Physician, Chiropractic, Dental and other health related clinics and offices.

### **Section 2. R4 District – Residential District**

In an R4 District, as indicated in this ordinance, no building or land shall be used for any purpose other than one or more of the following:

1. Single Family Dwelling meeting the R4 zoning minimum requirements for size and frontage.
2. Duplex- Two Family Dwelling meeting the R4 zoning minimum requirements for size and frontage.
3. Gardening for home use. (Hogs, chickens, cattle, poultry or fowl, domestic cog kennels, or other non- domestic animal boarding is excluded)

4. Uses accessory to any of the foregoing uses.
5. parks, playfields, playgrounds, bike and walk paths. play lots.
6. Customary Home Occupations meeting the definitions in this ordinance.
7. Mini Storage Facility designed and offered for public use.
8. Real estate signs, or signs, totaling not over 6 square feet in size only for the premises on which the sign is erected.

### **Section 3. C District**

C District zoning is a 2023 change that is used to zone commercial properties outside the district now known as DTB, which is the Historical Downtown Business District.

In a C District, as indicated in this ordinance, no building or land shall be used for any purpose other than one or more of the following:

1. Bakery
2. Bank
3. Barber Shop, Beauty Shop or other personal appearance enhancement shop such as a tattoo, piercing or jewelry shop.
4. Commercial conservatory and greenhouse or flower shop
5. Public Garages
6. 6. Professional office, Hospital and Sanitarium
7. Restaurant and other eating place, both permanent and mobile.
8. Sales and showroom
9. Shop for the collection and display or sales of clothing and articles from manufacturers, dyeing, and cleaning establishments.
10. Movie theater, event hall, and club provided the material presented meets moral standards as decided by a review of the village council prior to such presentation to the public.
11. Appliance Sales and repair work.
12. Hotel or Motel
13. Automatic or full-service laundry services
14. Store, shop, and studio for the conduct of retail business similar in character to the foregoing uses.
15. Commercially operated storage garages, Mini storage
16. Free storage garages. (Parking is regulated by a live or electronic attendant or some device to keep vehicles parked therein in stalls.)

### **Section 4 D District**

In a D District, as indicated in this ordinance, buildings or lands shall be approved to use for any purpose other than one or more of the following:

1. Any use or accessory use which is permitted in the Commercial Class C District
2. Abattoir or Slaughter House
3. Blast, Cupola, or Metal Furnace
4. Boiler Shops
5. Coke Ovens

6. Fat Rendering
7. The incineration, reduction, compaction, or dumping of garbage.
8. Lime kilns
9. Manufacturing of acetylene gas, ammonia, asphalt, or its products, bleaching powders, carbon, lampblack or graphite, celluloid, coal tar or its products, creosote or its products, disinfectants, glucose, glue, linoleum and vinyl materials, matches, oil cloth, potash, printing ink, pulp or paper, rubber, starches, sulfuric acids, turpentine, vinegar, yeast, petroleum refining, salt works, smelting, tannery, wool pulling and scouring, wood or bone distillation.
10. Any other industrial use that has been declared a nuisance by any court of record or which may be noxious or offensive by reason of the emission of odor, dust smoke, gas, or noise.

### **Section 5 DTB District**

The DTB District is created new in 2023 to designate the use of the tradition downtown business district. All uses are the same as previous.

In the DTB District, as indicated in this ordinance, no building or land shall be used for any purpose other than one or more of the following:

7. Bakery
8. Bank
9. Barber Shop, Beauty Shop or other personal appearance enhancement shop such as a tattoo, piercing or jewelry shop.
10. Commercial conservatory and greenhouse or flower shop
11. Public Garages that have on file with the village zoning officer the following:
  - a. The written consent of 75% of all property owners within 300 feet of any point of the premises on which the public garage is to be constructed, established, enlarged, and not separated therefrom by more than one street or alley. Provided that no public garage shall have an entrance or an exit for motor vehicles within 200 feet of an entrance or an exit of a public library, public or private school, playground, park, cemetery, church, hospital, children's or old people's home.
    6. Professional office, Hospital and Sanitarium
    7. Restaurant and other eating place, both permanent and mobile.
    8. Sales and showroom
    9. Shop for the collection and display or sales of clothing and articles from manufacturers, dyeing, and cleaning establishments.
    10. Theater, hall, and club provided the material presented meets moral standards as decided by a review of the village council prior to such presentation to the public.
    11. Appliance Sales and repair work as is incidentally related to such sales.
    12. Hotel
    13. Automatic or full-service laundry services
    14. Store, shop, and studio for the conduct of retail business similar in character to the foregoing uses.



15. Commercially operated storage garages.

16. Free storage garages. (Parking is regulated by a live or electronic attendant or some device to keep vehicles parked therein in stalls.)

## **Section 6 PUD District**

The Planned Use Development (PUD) District is a 2023 addition to the ordinance that is to allow the development of a parcel or group of parcels within the village.

### **PLANNED UNIT DEVELOPMENT**

#### *1. Section 6.01 -- INTENT*

The intent of the Planned Unit Development regulations is to provide a zoning regulatory process that encourages planning and design, resulting in plans for particular sites that fulfill the goals and objectives of the Village of Ashley while achieving development that could not be achieved under other types of zoning regulations. It is the further intent of these regulations to permit development in accordance with such plans for particular sites, provided that the plans are prepared and adopted in accordance with the regulations in this Article.

##### **a. Regulatory Flexibility**

i. These Planned Unit Development regulations are further intended to permit regulatory flexibility to achieve development that is in accord with the Village's Master Plan; to achieve economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities; to protect and preserve natural resources and natural features; to encourage the creation of useful open space particularly suited to the proposed development and the parcel on which it is located; and to provide appropriate development to satisfy the needs of residents of the Village of Ashley.

##### **b. Land Use Compatibility**

i. It is further intended that development permitted pursuant to this Article be laid out so that proposed uses, buildings, and site improvements relate to each other and to adjoining existing uses in such a way that they will be compatible, with no material adverse impact of one use on another.

##### **c. Redevelopment**

i. It is further intended that these regulations bring about re-use and/or redevelopment of sites where an orderly change of use is determined to be desirable, especially where re-use is restricted because of existing nonconformities, physical development, or the constraints of conventional zoning standards.

#### *2. Section 6.02 – DEFINITIONS*

##### **a. Planned Unit Development (PUD Development)**

i. The term "PUD Development" means a specific parcel of land or several contiguous parcels of land, which is/are proposed to

be developed in accordance with a Concept Plan approved by the Village Council (after receiving a recommendation from the Planning Commission), where the plans meet the requirements of this Article, addresses a need in the Village that could not otherwise be addressed in other conventional zoning districts, and achieves compatibility with surrounding uses.

b. Concept Plan

i. A Concept Plan, for the purposes of this Article, consists of the following:

1. Drawings and documentation illustrating and describing existing conditions, zoning, and development constraints;
2. Drawings and documentation illustrating the general layout of proposed uses, describing the general development plan, and identifying mandatory development conditions; and,
3. Documentation of impacts the proposed development will have on public facilities and services and ways in which these impacts will be mitigated in conjunction with the proposed development. Examples of impacts include, but are not limited to: level of service of street intersections, residential equivalency units for sewer service, water capacity and school district enrollment.

c. Detail Plan

i. A Detail Plan, for the purposes of this Article, consists of the following:

1. Scale drawings showing accurately and with complete dimensioning, the boundaries of a development site and the locations of all buildings, structures, and principal site development features proposed for a PUD Development; and
2. Plans and information regarding roads, utilities, sidewalks, and other infrastructure, parks and open spaces, enhancements to public services, and other features of the proposed PUD Development.

d. Underlying Zoning

i. The term "Underlying Zoning" means the zoning classification currently applicable to a parcel of land that is proposed to be developed in accordance with the PUD regulations.

3. *Section 6.03 -- QUALIFICATION REQUIREMENTS*

a. Mandatory Requirements

i. Consideration of a proposed development, pursuant to the Planned Unit Development regulations in this Article, may occur only on sites where the following conditions are met:

1. The proposed development site shall be at least three (3) acres in area. However, in the interest of making use of the Planned Unit Development as a tool to

implement the Master Plan, the Village Council, upon recommendation from the Planning Commission, may permit a PUD project on a site as small as one (1) acre in size if: (a) the project has unique characteristics and benefits, and/or (b) the parcel in question has unique characteristics that significantly impact development, such as, for example, unusual shape or proportions, unusual topography, or potentially incompatible land uses on surrounding property.

2. The proposed development shall either:
  - a. Be under single ownership or control such that there is a single person or entity having responsibility for assuring completion of the project in conformity with this Ordinance, or
  - b. If there is more than one owner or entity with an interest in the project, then there shall be a commitment in writing by all owners and/or entities to work in unison toward completion of the project in conformity with this Ordinance.
3. The applicant(s) shall provide legal documentation of single ownership, single control, or joint unified control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all development successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the Planning Commission and Village Council

b. Concept Plan

- i. The Village Council shall have the authority to approve a Concept Plan for a PUD development proposal, following a recommendation by the Planning Commission, in accordance with the procedures set forth the Concept Plan Eligibility Criteria that follow in this Section 5. Preparation of a Concept Plan for a development site may be initiated by the Village Council, Planning Commission, or by the property owner or other person(s) or entity that has a legal interest in the site.

c. Concept Plan Eligibility Criteria

- i. In order to be eligible for PUD approval, it shall be demonstrated with the Concept Plan that all of the following criteria will be met:
  1. The use of PUD regulations shall not be used for the sole purpose of avoiding the requirements for

dimensional variances involving uses that would already be permitted in the underlying zoning district.

2. PUD approval shall be granted only when the proposed land use will not materially add public service or facility loads beyond those contemplated in the Master Plan or other adopted policies or plans of the Village, unless the applicant can demonstrate to the satisfaction of the Village Council that such added loads will be accommodated or mitigated upon implementation of the PUD plan.
3. A proposed PUD development shall be consistent with the goals and objectives and shall not have an adverse impact upon the Master Plan for the Village. Notwithstanding this requirement, the Village Council may approve a PUD proposal that includes uses which are not called for on the Master Plan, provided that the Village Council determines that such a use deviation from the Master Plan is justified based on a demonstrated need and the current planning and development objectives of the Village. In making such a determination, the Village Council shall seek the advice of the Planning Commission.
4. Land use patterns established by the PUD development shall be compatible with existing and planned uses on and adjacent to the site.
5. The PUD development shall improve the appearance of the Village through quality building design and site development; the provision of trees and landscaping consistent with or beyond minimum requirements; the preservation of unique and/or historic sites or structures; and/or the provision of open space or other desirable features of a site beyond minimum requirements.
6. The PUD development shall not be allowed solely as a means of increasing the density or intensity of development. The PUD development shall result in a development that could not be achieved under conventional zoning.

#### 4. *Section 6.04 -- PERMITTED USES*

- a. A PUD development may contain any uses or combination of uses that are listed as Principal Permitted Uses or Uses Permitted Subject to Site Development Standards in compatible zoning districts in the Village provided that the proposed uses are shown on the approved Concept Plan, and provided further that the proposed uses satisfy the following criteria:
- b. Compatibility of Uses
  - i. Uses permitted in PUDs in RA, R4, C, and D Districts. Uses permitted in Article 2, sections 1– RA, 2– R4, 3-C, and 4-D and special permitted uses are permitted. Any deviation must be

approved by the village council through recommendation of the planning commission.

ii. Uses permitted in PUDs in the DTB District. Uses permitted in Article 2 Section 5 are permitted.

iii. Harmonious Relationship

1. There shall be a reasonably harmonious relationship between the location of buildings and uses on the site relative to buildings and uses on lands in the surrounding area.

c. Combination of Residential and Non-Residential Uses

i. Residential and non-residential uses may be permitted together on the same site in a PUD development, provided that the residential and non-residential uses are carefully integrated in a manner that is consistent with good site design and planning principles so as to create a high-quality living environment.

5. *Section 6.05 -- DEVELOPMENT STANDARDS* The design standards in this Section shall be used as a guide for design of PUD developments. However, modifications to these standards may be approved by the Village Council in conjunction with approval of the Concept Plan, upon receiving an advisory recommendation from the Planning Commission, upon making the determination that other standards would be more appropriate because of the particular design and orientation of buildings and uses, and provided that any such modified standards shall be consistent with the intent of the PUD stated in this Section. Design and zoning standards modifications approved in conjunction with the approval of a PUD Concept Plan shall not require approval of the Zoning Board of Appeals.

a. Purpose

i. The purpose of this section is to ensure that the physical and operational characteristics of proposed buildings and uses are compatible when considered in the context of the surrounding area.

b. Setbacks

i. PUD developments shall comply with the following minimum setback requirements, which shall be determined by the same method as determination of setbacks in other zoning districts, unless otherwise indicated:

Table 1: PUD MINIMUM SETBACKS

Location	Minimum Setback
Along perimeter, adjacent to public road	30 ft. <sup>a</sup>
Along perimeter, but not adjacent to a road	20 ft.
Along an internal road or driveway	b
Parking lot setback from adjacent public road	20 ft.
Setback between buildings within a PUD	b

- a. A smaller setback with a build-to line may be approved upon review of the Concept Plan in the interest of establishing a consistent relationship of the buildings to the street and sidewalk, so as to form a visually continuous pedestrian-oriented street front.
- b. Minimum setbacks within the development shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, compatibility between uses and roads and drives, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space.
- c. Maximum Height
  - i. Buildings and structures taller than permitted by the underlying zoning proposed on the Concept Plan that are taller than the maximum height allowed in the underlying

zoning district may be approved, upon making the following determinations:

- ii. Light and Shadow. Buildings or structures greater than forty (40) feet in height shall be designed so as to not have an unreasonable adverse impact on adjacent property as a result of the shadows that are cast or glare created from reflected or artificial light.
  - iii. Privacy. Buildings or structures greater than forty (40) feet in height shall be designed to avoid infringing on the privacy of adjacent public and private property, particularly adjacent residential areas.
  - iv. Scale of Development. Buildings or structures greater than forty (40) feet in height shall be compatible with the scale of the neighborhood or area in which they are situated in terms of relative height, height to mass, and building or structure scale to human scale.
- d. Parking and Loading
- i. Parking and loading facilities in PUD developments shall comply with the standards in Article 3, Section 5. However, the minimum number of parking spaces required may be modified, based on evidence that other standards would be more reasonable because of the level of current or future employment, the level of current or future customer traffic, shared parking by uses that have peak parking demands that do not overlap, and other considerations. A decision to reduce the number of parking spaces shall be based on technical information provided by a qualified planning, parking or traffic consultant, that verifies that the reduction will not impair the functioning of the developments served, or have an adverse impact on traffic flow on or adjacent to the development.
  - ii. In conjunction with a decision to reduce the number of required parking spaces, the Village Council may require the execution, by the developer, of an Agreement, that commits the developer to the provision of additional parking spaces, up to the minimum required by Article 2 section 11, if and when such are determined to be necessary by the Village within a specified period of time. This Agreement may be part of the PUD agreement, as provided for under this ordinance.
- e. Landscaping
- i. A complete landscaping plan shall be required as part of the Detail Plan submittal.
- f. Open Space in PUD Developments with Residential Component
- i. PUD developments containing a residential component shall provide usable open space that is accessible to all residents of

the development. Such open usable space shall not consist of required yard areas or storm water retention or detention ponds (except as identified below) and shall be identified on the Concept and Detail Plans. The amount, location, shape, and other characteristics of open space within a development shall be based on good planning and design principles, taking into account the following considerations:

- ii. The types and arrangement of uses on the site;
- iii. The proposed uses of the open space and types of improvements proposed within the open space;
- iv. The extent to which the leisure and recreation needs of all segments of the population residing in the development would be accommodated; and
- v. The manner in which the open space is integrated into the overall design of the development.
- vi. Up to 50% of the surface area of stormwater management ponds may qualify as open space if the following conditions are met:
  - vii. All stormwater management ponds shall be integrated into the overall development and shall serve as a visual and physical amenity to the site. A visual and physical amenity is easily accessible to pedestrians and/or non-motorized vehicles and is visually attractive.
  - viii. All stormwater management ponds shall have a maximum permanent water depth of 4 feet.
  - ix. The maximum slope of stormwater management ponds in a Planned Unit Development shall be 1:6.
  - x. Fences around stormwater management ponds are not permitted.
  - xi. All stormwater management ponds shall have a natural appearance, and shall be round, oval, or kidney in shape with irregular edges.
  - xii. Recreation facilities such as walking paths shall be provided near and/or around stormwater management ponds to allow users of the site to use and enjoy the ponds as an amenity.
- g. Circulation System
  - i. The vehicular and pedestrian circulation system within each development shall safely and conveniently accommodate the movement of vehicles, bicycles, and pedestrians throughout the proposed development and to and from surrounding areas.
- h. Additional Considerations
  - i. Stormwater Detention or Retention
  - ii. Stormwater detention or retention shall be provided in underground pipes or in open unfenced detention or retention



basins, where feasible. These basins shall be incorporated into the landscaping or open space plan for the site. Best management practices in stormwater management are encouraged such as use of natural habitat to filter stormwater (bio-swales, rain gardens and phytoremediation), design to decrease the amount of impervious surfaces (permeable paving, green roofs, and curbsless parking areas and roads), and dissemination of stormwater in a natural manner (level spreaders and multiple, connected ponds).

i. Other Considerations

- i. In their review of a proposed PUD development, the Planning Commission and Village Council may review other considerations that are found to be relevant to a particular project, including, but not necessarily limited to: road capacity; capacity and design of utility systems; achievement of an integrated development with respect to signage, lighting, landscaping, and building materials; and, extent to which noise reduction and visual screening are used, particularly in cases where non-residential uses adjoin residential uses. When reviewing any such additional considerations, the Planning Commission and Village Council may refer to applicable standards in a comparable Village's Site Development Standards for Specific Uses of the Zoning Ordinance, while recognizing that such standards may be used as a guide for design of PUD developments and modifications to these standards may be approved.

6. Section 6.06 -- REVIEW PROCEDURES

a. Review Process

i. Concept Plan Contents

1. A Concept Plan may be submitted by any person or entity owning or controlling land that is eligible for consideration as a Planned Unit Development and shall include the following:
  - a. A written statement explaining the proposed uses, building and site improvements, phasing plans, and resulting open spaces, landscaped areas, floor area and parking. The written statement shall include a statement of reasons that PUD is preferred over conventional zoning, and identification of the benefits to the Village of Ashley and its residents resulting from the PUD project.
  - b. Concept Plan drawings, as defined and described in Section 6.02.B, containing enough detail to explain the proposed uses, relationship

to adjoining parcels, vehicular and pedestrian circulation patterns, open spaces and landscape areas, and building density or intensity.

- c. Additional maps and documents as necessary to adequately describe the project.
2. Concept Plan Review by the Planning Commission
  - a. If the application is found to be complete by the Village Clerk, the application shall be transmitted to the Planning Commission for review and recommendation to the Village Council. Before making a recommendation, the Planning Commission shall hold a public hearing to hear any objections or support for the proposal. After the public hearing, the Planning Commission shall review the proposal. In conducting its review, the Planning Commission may seek information, analysis and advice from the Village staff, as necessary. The Planning Commission shall then report its findings and make its recommendations to the Village Council.
3. Concept Plan Review by the Village Council
  - a. Upon receipt of the report and recommendation from the Planning Commission, a public hearing by the Village Council shall be scheduled. After the public hearing, the Village Council shall review all findings and take action to approve, approve with conditions, or deny the Concept Plan, and shall set forth the reasons for their action in writing. A determination that a proposal qualifies for PUD approval shall be accompanied by a description of the minimum conditions under which the proposal will be considered for final approval. In describing such conditions, the Village Council may identify specific requirements or standards in the Zoning Ordinance that could be waived or modified upon approval of the final PUD Detail Plan. A determination of Qualification and Concept Plan Approval does not assure approval of a particular PUD Detail Plan, but is intended to provide direction for preparation of the Detail Plan upon which a final determination would be based. If the Village Council denies

the Concept Plan, the applicant may pursue development or use of the site under conventional zoning standards, or may submit a new design based upon a revised Concept Plan.

b. Approval

- i. Approval of a Concept Plan by the Village Council pursuant to the PUD regulations shall confer upon the property owner or owners the right to submit a PUD Detail Plan in accordance with Section 5.06.B. The right to submit a PUD Detail Plan will be valid for a period of twenty-four (24) months from the date of Concept Plan approval by the Village Council. Once an area has been included in a Concept Plan that has been approved by the Village Council, no development may take place in such area nor may any use thereof be made except in accordance with the Village Council-approved Concept Plan or a Plan Amended in accordance with paragraph (D) of this Article.

c. Request for Final Approval

- i. Following approval of a Concept Plan and Request for Qualification by the Village Council, final approval may be sought by a property owner or developer by submittal of the following materials:
  1. PUD Detail Plan
    - a. An application and Detail Plan (as defined in Section 6.02) shall be submitted to the Planning Commission to initiate review and action by said Planning Commission. The Detail Plan shall contain all of the information required for site plans, and any other documentation necessary to demonstrate that the Detail Plan complies with all the conditions upon which approval of the Concept Plan was based.
  2. Village Council Review
    - a. The Planning Commission shall determine if the Detail Plan is substantially in compliance with the site plan submittal requirements and the minimum conditions of approval of the Concept Plan. If the Plan is found to be in compliance with submittal requirements and minimum conditions, the proposal shall be placed on the Village Council agenda.
    - b. The Village Council shall review the proposed Detail Plan and make a determination whether the proposal satisfies the qualification criteria

and whether the proposal adheres to the following objectives and requirements.

- i. The Detail Plan is in compliance with the approved Concept Plan.
  - ii. All applicable provisions of this Article and Ordinance shall be met. Insofar as any provisions of this Article are in conflict with the provisions of any other section of this Ordinance, the provisions of this Article shall apply to the lands within the boundaries of a proposed PUD project.
  - iii. There is, or will be at the time of development, sewer, water, and an adequate means of managing storm water flow, and achieving a safe and adequate road system.
  - iv. Upon making these determinations, the Village Council shall take action to approve, approve with conditions, or disapprove the Detail Plan, and shall set forth the reasons for their action in the minutes of the meeting at which the action occurred.
- c. Village Council approval of a PUD Detail Plan shall be final, unless the Detail Plan proposes significant alterations to the intent and conditions of the Concept Plan approval, in which case reconsideration of the Concept Plan by the Planning Commission and Village Council shall be required, pursuant to Section 6.06. If such reconsideration is required, then the Village Council shall delay taking action on the Detail Plan until the Planning Commission reconsiders and acts on the revised Concept Plan.

### 3. PUD Agreement

- a. Upon approval of the Detail Plan, the Village Attorney shall prepare a PUD Agreement setting forth the conditions upon which such approval is based, which Agreement, after approval by resolution of the Village Council, shall be executed by the Village and the applicant. Approval of the Detail Plan shall become effective upon recording of the

Agreement in the Office of the Gratiot County Register of Deeds, which shall be done at the expense of the applicant. The Agreement shall include the following elements:

- i. Project summary.
- ii. Identification of the plans and documents that are a part of the approval.
- iii. The terms and conditions under which the approval was granted and the project will be allowed to be implemented.
- iv. The entity that is responsible for constructing each element of the project, including the public facilities and infrastructure.
- v. Project details and dimensions that are mandatory.
- vi. Identification of the entities that will own and be responsible for maintenance of public open space, common areas, and facilities, and the method of financing such maintenance work.
- vii. Terms or conditions regarding the expiration or revocation of PUD approval.

d. Phasing

- i. An PUD project may be proposed for construction in phases, in which case the project shall be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, and utilities and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the project and the residents of the surrounding area.

e. Amendments

- i. If the Planning Commission Chair determines that a proposed amendment to a plan approved pursuant to these PUD regulations alters the intent and conditions of the PUD approval, revised Concept and Detail Plans shall be submitted for review following the procedures in Section 6.06.A
- ii. If the proposed amendment is found to not alter the intent and conditions of the PUD approval, the amendment shall be reviewed as an amendment to the site plan.

f. Appeals

- i. The Board of Zoning Appeals has no authority in matters covered by this Article. Modifications to plans or proposals submitted under this Article shall be processed in accordance with the amendment procedures covered under Section 6.06.D.
- g. Violations
  - i. Any violation of the approved PUD Concept or Detail Plan or PUD Agreement shall be considered a violation of the Zoning Ordinance, which shall be subject to the enforcement actions and penalties described in the Village of Ashley Zoning Ordinance Enforcement Section.

### **Section 7- MF Multi Family District**

In a MF District, as indicated in this ordinance, no building or land shall be used for any purpose other than one or more of the following:

1. Multi- Family Dwellings and Apartment Houses with a site plan approved by the Planning Commission. The site plan proposal must provide plans for the following:
2. Entrance and egress to the premise from village streets
3. Parking meeting a minimum of 2 spaces for each dwelling unit
4. A lighting plan that shows how the owner will mitigate interference to roadways and adjoining properties.
5. Drains and the water run-off mitigation plan for hard surfaced areas on the premises.
6. Architectural Drawings for the buildings proposed as well as landscaping and green space.
7. Information about target inhabitants specific to family size and HUD participation may be included as information for village planning to provide services and infrastructure to support the project and grant application participation if needed.
8. Utilities required and how and where the owner intends to connect to said utilities.

### **Section 8 TH District- Tiny House -ADU**

The Tiny House-Accessory Dwelling Units (ADU) regulation sets forth the standards by which a property owner can build and use a Tiny House or ADU within the Village of Ashley.

#### *Accessory Dwelling Units*

Within the TH district, one (1) Accessory Dwelling Unit (ADU) may be contained within a detached single-family dwelling (primary dwelling unit), included within an accessory structure, or separate from but located on the same lot as a detached single-family dwelling. The Planning Commission shall take into consideration the proximity of a detached Accessory Dwelling Unit to other surrounding residential structures as part of a Special Land Use review.

The following regulations shall apply:

A. Minimum Lot Size. One (1) ADU shall be allowed in conjunction with an existing detached single-family dwelling, located on a lot with a minimum area of five thousand (5,000) square feet.

B. Minimum/Maximum ADU Size. The ADU shall not exceed twenty-five (25) percent of the gross floor area of the primary dwelling unit, nor shall it be less than 250 square feet for a or 450 square feet for a couple. It may be no greater than 850 square feet in gross floor area.

C. Residential Density. The ADU shall not be counted toward residential density.

D. Owner Occupancy. One (1) of the dwelling units shall be owner-occupied. If the ADU is used for lease, it shall be used a dwelling only. Business activities and office use is prohibited.

E. Bedroom Maximum. A maximum of two (2) bedrooms are permitted within an ADU. Occupancy shall be limited to no more than two (2) persons.

F. Leasing or Rental. Leasing or rental of the ADU for tenancies of less than thirty (30) days or to more than eleven (11) different parties in any calendar year shall be prohibited.

G. State of Michigan and Gratiot County Building Codes in effect at the time of construction shall dictate the type and quality of construction required.

H. Alterations or New Construction. Any alterations to existing buildings or structures or the construction of a new structure to accommodate the ADU shall be designed to maintain the architectural design, style, appearance and character of the main building as a detached single-family dwelling, including but not limited to entrances, roof pitch, siding and windows.

I. Front Yard Prohibited. The ADU may not be located within the front yard.

J. Deed Restriction. A deed restriction enforceable by the City shall be recorded prior to the issuance of a building permit stipulating that the ADU may not be mortgaged, sold or otherwise conveyed separately from the primary dwelling unit.

### *Tiny House*

Up to two (2) Tiny House Dwellings, separate from each one from the other can be located on the same lot as detached single-family dwellings. The Planning Commission shall take into consideration the proximity of each Dwelling Unit to the other, setbacks required, and surrounding residential structures as part of a Special Land Use review.

The following regulations shall apply:

A. Minimum Lot Size. Up to two (2) Tiny Houses shall be allowed, if located on a lot with a minimum area of five thousand (5,000) square feet.

B. There can be no other primary dwellings on the lot except the Tiny Houses provided for herein.

B. Minimum/Maximum Tiny House Size. Each Tiny House shall not exceed 850 square feet in gross floor area. Nor shall it be less than 250 square feet for a single occupant or 450 square feet for a couple.

C. Residential Density. A Tiny House shall not count toward residential density.

D. Owner Occupancy. One (1) or both of the dwelling units may be owner-occupied. If a Tiny House is used for lease, it shall be used a dwelling only. Business activities and office use is prohibited.

E. Bedroom Maximum. A maximum of two (2) bedrooms are permitted within a Tiny House. Occupancy shall be limited to no more than two (2) persons.

F. Leasing or Rental. Leasing or rental of the Tiny Houses for tenancies of less than thirty (30) days or to more than eleven (11) different parties in any calendar year shall be prohibited.

G. Alterations or New Construction. The construction of a new structure to accommodate the Tiny House shall be of architectural design.

H. Front Yard Prohibited. A Tiny House may not be located within the front yard of another Tiny House.

I. Deed Restriction. A deed restriction enforceable by the City shall be recorded prior to the issuance of a building permit stipulating A Tiny House may not be mortgaged, sold, or conveyed separately from the other if two (2) share the same lot.

## **Section 9 SC District- Site Condominium District**

The purpose of this ordinance is to provide procedures for the orderly use and development of property which results in the creation of five or more lots, as defined herein, each of which is ten (10) acres or less in size and which is not otherwise regulated by the Michigan Subdivision Control Act of 1967 (Act 288, Public Acts of Michigan) as amended.

1. *In addition, the purpose of this ordinance is to:*

- a. Provide for orderly growth and harmonious development of the Village of Ashley, consistent with orderly growth policies;
  - i. Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities;
  - ii. Achieve adequate provisions for water, drainage, and sanitary facilities and other health requirements;
  - iii. Encourage the provision of recreational areas and facilities, school sites and other public facilities;
  - iv. To insure against the creation of unsafe and undesirable conditions;
  - v. To regulate the density of development in relation to the availability of, or lack of, utilities service;
  - vi. To conserve natural features;



- vii. To carry out the purpose and intent of the Village of Ashley Master Plan and Zoning Ordinance
  - b. To provide procedures for the achievement of these purposes.
    - i. Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit.
    - ii. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for purposes of determining compliance with the requirement of the Village Zoning Ordinance and other applicable laws, ordinances and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project.

## 2. ADMINISTRATION.

- a. To ensure that site condominium projects comply with the Village of Ashley Zoning Ordinance, this ordinance requires preliminary review of site condominium project plans by the Planning Commission followed by final review and approval by the Village Council, as provided by the Condominium Act (PA 59 of 1978) as amended. Site condominium projects may be approved as provided by this ordinance in any zoning district for the uses permitted in the zoning district in which the project is located.

## 3. SCHEDULE OF FEES.

- a. The schedule of fees for the review of projects under this Ordinance shall be as required by Village Council resolution as amended from time to time.

## 4. DEFINITIONS.

- a. For purposes of this ordinance, the following words and phrases are defined as follows:
  - i. **Building Envelope** means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the Master Deed for the site condominium project. In a single-family residential site condominium project, the building envelope refers to the area of each condominium within which the dwelling and any accessory structures may be built.
  - ii. **Condominium Act** means Public Act 59 of 1978, as amended

- iii. **Condominium Project** shall mean a condominium project developed under the Condominium Act.
- iv. **Condominium Structure** shall mean the principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures; e.g., in a residential development, the condominium structure would refer to the house and any attached garage.
- v. **Condominium Unit** means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium project Master Deed, and within which a building or other improvements may be constructed by the condominium unit owner.
  - 1. Exempt Change means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this Ordinance. Exempt changes shall be limited to the following:
  - 2. A change in the name of the project, in the name of a street within the project, or in the name of the developer of the project;
  - 3. A change in the voting rights of co-owners or mortgagees; or
  - 4. Any other change in the site condominium project which, as determined by the Planning Commission, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of a project which is subject to regulation under the Zoning Ordinance.
- vi. **Limited Common Element** means an area which is appurtenant to a site condominium unit and which is reserved in the Master Deed for the site condominium project for the exclusive use of the owner of the site condominium unit.
- vii. **Lot(s)** shall also mean the same as Building Site(s) and is that portion(s) of a condominium project designed and intended for separate ownership and/or exclusive use, as described in the Master Deed. Lot may be further defined as:

1. A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as required by this Ordinance; or
2. The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner(s) of the condominium unit for the owner(s) exclusive use, and which, together with the condominium unit, meets the minimum area and yard requirements for lots as required by this Ordinance.
3. Major Change means a change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that could result in:
  - a. An increase of 20% or more in the number of site condominium units;
  - b. Any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this Zoning Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Planning Commission to constitute a major change to the site condominium project.
4. Master Deed means the legal document prepared and recorded pursuant to Public Act 59 of 1978, as amended, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
5. Minor Change means a change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that will result in:
  - a. An increase of less than 20% in the number of site condominium units or a decrease in the number of site condominium units; an
  - b. Any other minor variation in the site configuration, design, layout, topography or other aspect of the project which is subject to regulation under this Zoning Ordinance, and which, as determined by the Planning Commission, does not constitute a major change

- viii. **Setback - Front, Side and Rear Yard** shall mean the distance measured from the respective front, side, and rear of the condominium structure/building envelope to the equivalent of the front, side, and rear lot line respectively.
- ix. **Site Condominium Project** means a plan or project consisting of not less than two site condominium units established in compliance with the Condominium Act.
- x. **Site Condominium Project Plan** means the plans, drawings and information prepared for a site condominium project as required by Section 66 of the Condominium Act and as required by this Ordinance for review of the project by the Planning Commission and the Village Council.

5. *REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION.*

- a. Prior to final review and approval of a site condominium project plan by the Village Council, a preliminary site condominium project plan shall be reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided by this Ordinance. Such review shall take place following a public hearing by the Planning Commission on the preliminary plan. For such hearing, at least ten days' notice shall be given by ordinary mail, sent to the owners of or parties in interest in the lands within 300 feet of the lands to be included in the development, as the names of such owners and other parties are given in the current village tax assessment rolls.

**i. Application Submittal Requirements.**

- 1. An application for site plan review along with a minimum of twelve sets of the plan shall be submitted to the Village Clerk at least two weeks prior to the next scheduled Planning Commission meeting along with a fee as set by the Ashley Village Council. The application shall at a minimum, contain the following information:
  - a. The applicant's name, address, and phone number.
  - b. Proof that the applicant is the owner of the property or has a legal or financial interest in the property such as a purchase agreement.
  - c. The name, address and phone number of the owner(s) of record if different than the applicant.
  - d. The address of the property.
  - e. Legal description or permanent parcel number of property.
  - f. Project description.
  - g. Size of the parcel in acres.

h. Signature of the applicant and owner of the property.

**ii. Technical Review.**

1. The Village Clerk shall transmit the application and project plans to the Zoning Administrator for technical review. Copies may also be sent to the Village Engineer, Village Planner, and Fire Chief as deemed necessary. The site plan shall be reviewed for compliance with the requirements of this ordinance and a report prepared for the Planning Commission.
2. Requirements for Preliminary Plans.
  - a. The preliminary plan shall at a minimum contain those items required by the Michigan Subdivision Control Act of 1967 (Act 288, Public Acts of Michigan) as amended. In addition, the following requirements and standards shall apply:
    - i. A condominium project plan shall include the documents and information required by Section 66 of the Condominium Act including the signature and seal of the architect, land surveyor, or engineer that prepares the plan.
    - ii. The location of any and all general and limited common elements, as well as the use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the Master Deed.
    - iii. A storm drainage and a storm water management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair and maintenance of all drainage facilities.
    - iv. The Planning Commission shall require that portions of the plan as relevant to the reviewing authority in question be submitted to the Gratiot County Health Department, Gratiot County Road Commission, Gratiot County Drain Commission, Michigan Department of Natural Resources, Michigan Department of Public Health and other appropriate state and county review and enforcement agencies having direct approval of permitting authority over any aspect of the proposed site condominium project.
    - v. The building site for each site condominium unit shall comply with all applicable provisions of this ordinance for the zoning district in which it will be constructed, including minimum lot area,

minimum lot width, required front, side and rear yards, and maximum building height. For example, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. Compliance with required front, side or rear yards shall be determined by measuring the distance from the equivalent front, side, or rear yard boundaries of the building site closest to the respective front, side or rear boundary of the building envelope. Building setback lines showing dimensions from all streets and lot lines shall be illustrated on the project plan.

- vi. If a site condominium project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval and maintenance requirements for platted public streets as required by the Village of Ashley. All private streets in a site condominium project shall be developed to the same standards as required for public streets. A maintenance plan shall be submitted for all private streets.
- vii. The site condominium project shall be connected to the Village of Ashley water and sanitary sewer facilities, if within 200 feet from the property line of the site condominium site. If public water and sanitary sewer facilities, are not available, each condominium unit shall either be served by a private central system (designed for connection to a public system when and if a public system is made available), or shall have a well, septic tank, and drain field located within the condominium unit's building site. Water and sanitary sewer facilities shall be installed according to the standards of the Gratiot County Department of Health and the Village of Ashley.
- viii. The name of abutting developments, if any.
- ix. A map of the entire area scheduled for development if the proposed project is a portion of a larger holding intended for subsequent development.
- x. The land use and existing zoning of the proposed project. Zoning and land use on adjacent parcels should also be illustrated.
- xi. A table listing the proposed lots by number, and the respective lot area for each lot.
- xii. Additional information which will assist the applicant in proceeding in a reasonable and sound manner toward final approval of the project

**iii. Planning Commission Review.**

1. After reviewing the Preliminary Site Condominium Project Plan, the Planning Commission shall prepare a written statement of recommendations regarding the proposed site condominium project, including any suggested or required changes in the plan. The Planning Commission shall provide a copy of its written recommendations to the applicant and to the Village Council not more than sixty (60) days after submittal of all required information. This sixty day period may be extended by a written agreement between the developer and the Planning Commission.
2. If the Preliminary Project Plan does not meet all requirements contained herein, the Planning Commission shall notify the applicant by letter indicating any additional information or changes required.

**6. REVIEW AND APPROVAL OF FINAL PLANS BY VILLAGE COUNCIL.**

1. After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Village Clerk a minimum of 12 copies of a Final Site Condominium Development Plan which complies with the requirements for a Preliminary Site Condominium Project Plan. The applicant shall also submit copies of reviews by those agencies with jurisdiction over the project as noted in Sec. 5(3) d. The Village Clerk shall forward the copies of the final plan and other information to the Village Council.

2. The Final Site Condominium Plan shall be prepared in accordance and comply with the applicable requirements of the Michigan Subdivision Control Act of 1967 (Act 288, Public Acts of Michigan) as amended.

The Final Site Condominium Project Plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan which was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commission shall be reviewed by the Planning Commission as provided by this Ordinance prior to submission of the plan to the Village Council.



3. After receiving the Planning Commission's recommendations on the Preliminary Plan and a Final Site Condominium Development Plan from the applicant, the Village Council shall review and may approve, deny or approve with conditions the plan in accordance with the Michigan Subdivision Control Act of 1967 (Act 288, Public Acts of Michigan) as amended requirements and other applicable procedures, standards and requirements provided by this Ordinance.

6. The Village Council may grant tentative approval of the project and shall set forth in writing the requirements that must be met for approval.

7. The Village Council shall not review, approve or reject a Final Project Plan until it has received a report and recommendation from the Planning Commission on the Preliminary Project Plan, provided, however, that the Village Council may act without a report and recommendation from the Planning Commission if the Planning Commission does not issue such a report and recommendation within the sixty (60) day review period or within such extended time period as may be agreed upon between the developer and the Planning Commission.

8. As a condition of approval of a Final Site Condominium Project Plan:

The Village Council may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Board covering the estimated cost of improvements associated with the site condominium project for which approval is sought be deposited with the Village Clerk.

The Village Council may impose additional reasonable conditions of approval necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility load caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

9. Expandable or Convertible Condominium Projects:

Approval of a final site condominium project plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Village Council in compliance with the procedures, standards, and requirements of this Ordinance.

Sec. 7. CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE

## CONDOMINIUM PROJECT PLAN.

7. No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a Final Site Condominium Project Plan as approved by the Village Council, including any conditions of approval.
8. Required permits may be issued by the Gratiot Building Inspector, The State of Michigan and if applicable, EGLE, and the developer may proceed with the project provided:
  - a. A Final Site Condominium Project Plan has been approved by the Village Council and the approved plan signed by the Zoning Administrator;
  - b. All conditions to commencement of construction imposed by the Village Council have been met; and
  - c. All applicable inspections, approvals, or permits from appropriate County and State review and enforcement agencies have been obtained for the project.

## Sec. 8. REVIEW AND APPROVAL OF CHANGES TO APPROVED SITE CONDOMINIUM PROJECT

9. Any change proposed in connection with a project for which a Final Site Condominium Project Plan has previously been approved by the Village Council shall be subject to review as provided by this Section:
  - a. Any change which constitutes a major change shall be reviewed by the Planning Commission and reviewed and approved by the Village Council as provided by this Ordinance for the original review and approval of preliminary and final plans.
  - b. Any change which constitutes a minor change shall be reviewed and approved by the Planning Commission alone without the need for a Village Council review.

- c. Any change which constitutes an exempt change shall not be subject to review by the Village under this Ordinance, but a copy of changes proposed (and of the changes made, if different than proposed) shall be filed with the Village Clerk.

Sec. 9. INCORPORATION OF APPROVED PROVISIONS IN THE MASTER DEED.

A. All provisions of a Final Site Condominium Project Plan which are approved by the Village Council as provided by this Ordinance shall be incorporated by reference in the Master Deed for the site condominium project. Further, all major changes to a project shall be incorporated by reference in the Master Deed. A copy of the Master Deed as recorded with the Gratiot County

Register of Deeds shall be provided to the Village Clerk within ten days after recording the Plan with the County.

Sec. 10. APPROVAL EFFECTIVE FOR ONE (1) YEAR.

10. No approval of a Final Site Condominium Project Plan by the Village Council shall be effective for a period of more than one year, unless construction of the project commences within that one-year period and is diligently pursued to completion in accordance with the terms and conditions of the approval. This one-year period may be extended by the Council in its discretion for additional periods of time as determined appropriate by the Council if the extension is applied for by the applicant within the effective period of the approval.

Sec. 11. VARIANCES.

A variance from the provisions of this Ordinance may be granted if the applicant demonstrates that literal enforcement of any of the provisions of this Ordinance is impractical, or will impose undue hardship in the use of the land because of special or peculiar conditions pertaining to the land. Upon application, the Village Council, after recommendation by the Planning Commission, may permit a variance or variances which are reasonable and within the general policies and purposes of this Ordinance. The Planning Commission and Village Council may attach conditions to the variance.

## Section 12 – Height and Area Regulations

For each class of district, the regulations governing the maximum allowable height of buildings, the minimum lot area, and lot width for dwellings, and the requirements for maximum and minimum front yard setbacks, rear yards and side yards are hereby set forth in the following table entitled : table of Height and Area Regulations and Front, Rear and Side Yard Requirements”, and by this reference the said table and regulations provided therein are declared to be an integral part of this ordinance.

## Table of Height and Area Regulations and Front, Rear and Side Yard Requirements

### Maximum Height

District RA	30 Feet
District R4	30 Feet
District C	30 feet and 2 Stories unless having a Planning Commission approved site plan and dispensation by the Village Council.
District D	40 Feet and 4 Stories unless having a Planning Commission approved site plan and dispensation by the Village Council.
District DTB	30 feet and 2 Stories unless having a Planning Commission approved site plan and dispensation by the Village Council.
PUD	Governed by the Zoning District rules for each type of district within the PUD.
District MF	40 feet and 4 Stories
District TH	20 feet
SC District	Governed by the Zoning District rules for each type of district within the Site Condominium.

### Minimum Lot Area, Lot Width

District RA	8,000 Square feet, 66 feet width
District R4	8,000 Square feet, 66 feet width
District C	5,000 Square feet, 50 feet width
District D	8,000 Square feet, 66 feet width unless having a Planning Commission approved site plan and dispensation by the Village Council.
District DTB	8,000 Square feet, 66 feet width unless having a Planning Commission approved site plan and dispensation by the Village Council.
PUD	Governed by the Zoning District rules for each type of district within the PUD.
District MF	2 acres, 209 feet width
District TH	5,000 Square feet, 50 feet width

SC District Governed by the Zoning District rules for each type of district within the Site Condominium.

Minimum Front Yard

District RA 25 feet

District R4 25 feet

District C 20 feet

District D 30 feet

District DTB None Required

PUD Governed by the Zoning District rules for each type of district within the PUD.

District MF 30 feet

District TH 25 feet

SC District Governed by the Zoning District rules for each type of district within the Site Condominium.

Minimum Rear Yard

District RA 25 feet

District R4 25 feet

District C 20 feet

District D 20 feet

District DTB None Required

PUD Governed by the Zoning District rules for each type of district within the PUD.

District MF 30 feet

District TH 20 feet

SC District Governed by the Zoning District rules for each type of district within the Site Condominium.

Minimum Side Yard

District RA 6 feet

District R4	10 feet
District C	20 feet
District D	20 feet
District DTB	None Required
PUD	Governed by the Zoning District rules for each type of district within the PUD.
District MF	20 feet
District TH	10 feet
SC District	Governed by the Zoning District rules for each type of district within the Site Condominium.

Maximum coverage after setbacks

District RA	No Regulation
District R4	No Regulation
District C	No Regulation
District D	70%
District DTB	No Regulation
PUD	Governed by the Zoning District rules for each type of district within the PUD.
District MF	No Regulation
District TH	No Regulation
SC District	Governed by the Zoning District rules for each type of district within the Site Condominium.

Section 13- Parking and Loading Space Requirements

1. Single Family, Multi Family, and Duplex Dwellings- 2 spaces per dwelling unit
2. Rooming and lodging houses, Fraternity houses, dormitories- 1 space per bedroom
3. Trailers or cabins- 2 spaces
4. Hotels and Hospitals, Convalescent homes, Asylums and homes for the aged - 1 space for each 600 square feet of floor space
5. Theaters- 1 space for every 100 square feet of gross floor space



6. Stadiums and Auditoriums, Churches and School Auditoriums, Libraries and Museums- 1 space for every 120 square feet of gross floor space.
7. Dance Halls, Assembly Halls, Mortuaries, and Funeral Homes- 1 space for every 50 square feet of gross floor space
8. Bowling Alleys- 5 spaces per lane.
9. Professional Offices, Banks, Dental and Medical Clinics- 1 space for every 200 square feet of gross floor space
10. Manufacturing Plants, Warehouses, Printing, Bottling, Baking, Machine Shops, Canneries, - Lumber Outlets – 2 spaces plus one space for every 800 square feet of floor space of the buildings
11. Establishments for the sale and consumption of alcoholic beverages on the premises, food and refreshments- 1 space for every 200 square feet of gross floor space.
12. Retail stores, except as otherwise specified herein, having 5,000 square feet or less of floor space- 1 space for every 500 square feet of floor space.
13. Retail stores, supermarkets, and department stores over 5,000 square feet- 1 space for every 300 square feet of floor space plus 1 space for every 500 feet of floor space on additional floors to the main floor.

Each Commercial and Industrial building shall provide unloading space at the rate of:

One space for buildings up to 10,000 square feet of floor area.

Two spaces for building over 10,000 square feet but not more than 30,000 square feet of floor area.

Buildings having more than 30,000 square feet of floor area shall provide an additional unloading space for each additional 25,000 square feet or any portion thereof.

## Article 4 Appeals

### Section 1 Appeals

Appeals from the decision of the zoning enforcement officer shall be directed to the body from which the Zoning Enforcement Officer derives authority. The Ashley Village Council shall be notified in writing in the event of any appeal and shall have the right to participate in the appeal process. The appellate body shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decided the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. Such appellate body shall hear and decide appeals from and review in any order, requirement, or decision, or determination made by the Zoning Enforcement Office. The appellate body may reverse or affirm in whole or in part or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision, or determination as in its opinion is required to be made in the premises, and to that end shall have required authority. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict

letter of this ordinance, the appellate shall have authority in passing upon appeals to vary or modify any of the rules, regulations or provisions of said ordinance relating to construction, structural changes in equipment or alteration of buildings or structures, or the use of land, buildings or structures, so that the spirit of this ordinance shall be preserved, public safety secured, and substantial justice done. The decision of such board shall not become final until the expiration of five days from the date of entry of such order unless the board shall find that the immediate effect of such an order is necessary for the preservation of property and personal rights and shall so certify on the record.

## Section 2 Special permits by the Appellate Board

When in its judgement the public convenience and welfare will be substantially served, the appellate board in the following cause may permit and authorize the Zoning Enforcement Officer to grant a permit in the following cases:

- i. In the RA and R4 Districts the board may permit additional roomers in a single-family dwelling structure if the applicant's building plan provides for additional bathrooms at the rate of one bathroom for the first five roomers, two bathrooms for six to 8 roomers inclusive, and on addition bathroom for each two additional roomers thereafter;
- ii. Telephone exchanges and substations, water pumping stations or water booster stations, electrical distribution stations, sewer pumping stations, gas distributions stations in any district;
- iii. Fire Stations or sub-stations, or any of the equipment related thereto; Police stations or sub-stations, or any equipment related thereto, in any district;
- iv. Permit the alteration or extension of a non-conforming building or use, provided such building or use is neither increased in volume nor in area during its life by more than 25% or is altered during its life to an extent not exceeding 50% of its assessed valuation at the time this ordinance takes effect, and provided such use is not altered to less restricted use.

## Article 5

### General Provisions Supplementary "Use" "Height" and "Area" Regulations and Exceptions Enforcement

#### Section 1

##### Existing Buildings

1. This ordinance shall not apply to existing buildings or structures, nor to the existing use of any building or structure or land to the extent to which it is used at the time of the adoption of this ordinance, but it shall apply to any change in use thereof and to any alteration of a building or structure when the same would amount to reconstruction,

extension or structural change and to any alteration of a building or structure, to provide for its use for a purpose or in a manner substantially different from the use it was put before alteration, or for its use for the same purpose to a substantially greater extent.

2. Except as herein provided, no building or land shall be used and on building or any structure, or any part thereof shall be constructed or altered except in conformity with the building code as enforced by the Zoning Enforcement Officer and with the provisions of this ordinance applying to the district in which such building, structure, or land is located.

## Section 2

### Frontage and Reduction of Area

1. No building shall be erected on a lot that does not have frontage on a street, road or way of at least twenty feet in width.
2. No lot shall be changed in size so that the height, area, or yard provisions herein described are no longer satisfied. This paragraph shall not apply where a portion of a lot is acquired for a public purpose.

## Section 3

### Non-Conforming Uses

A non-conforming use is the use of any building or land lawfully occupied at the time of the passage of this ordinance which does not conform to the regulations of the district in which it is located.

1. Any building, part of a building, or land which at the time of the passage of this ordinance is being put to a non-conforming use may be:
  - a. Continued in that use
  - b. Altered or enlarged in that use, but only after the granting of a permit therefore by the Zoning Enforcement Officer and written approval by the Village Council.
  - c. Changed to a more restricted use, provided that when it is so changed it shall not be returned to a less restricted use.
  - d. Rebuilt or restored and again used as previously, In the case of a building destroyed or damaged by fire, explosion or other catastrophe, provided that such rebuilding or restoring shall be completed within twelve months after such catastrophe; and further provided that the building as restored shall not be greater in volume or area than the original non-conforming structure.

## Section 4

### Accessory Uses and Accessory Buildings

1. An accessory building which is detached and not part of the main building may be built in the rear yard area, provided that not more than 25% of the rear yard area is occupied

by accessory buildings. An accessory building shall not be located nearer than ten feet to the main building. The accessory building may be placed on the rear or side lot line provided that the written consent of the adjoining property owner or owners is obtained for such location of the building; otherwise, it shall be placed not nearer than 5 feet to any side or rear lot line.

2. A Garage or storage space for private automobiles is an accessory building in a residential district, and such use shall be permitted as follows:
  - a. RA and R4 District: Private garage for three vehicles not nearer than 12 feet to any side or rear lot line, nor nearer to the front street line than the prescribed minimum set-back distance of the respective districts. No storage of automobiles shall be permitted to take place in the front yard area.
  - b. For Duplex dwellings, garage or storage space for each family served on the lot may be provided as either an integral part of the dwelling or as a separate structure occupying any part of the yard area. There shall be only one entrance and one exit and the structure shall be not closer 12 feet to any property line. Outdoor parking may be provided as an alternative arrangement for the accommodation of the tenants of the building, provided this is allocated for each car 300 square feet of parking area including access drives and turning space. Shuck parking space shall be covered with suitable surfacing for traffic and shall be laid out in a manner that prevents any parked automobiles being nearer than ten feet to any property line. In no case shall a parked vehicle, or any part thereof be on a sidewalk or impede pedestrian traffic in any way.

## Section 5

### Height Exceptions

The provisions of this ordinance governing the height of buildings in all districts shall not apply to chimneys, cooling towers, elevator bulkheads, sky lights, ventilators and other necessary appurtenant features usually carried above roofs; nor to domes, towers, stacks or spires if such features are not used of human occupancy; not to ornamental towers, observation towers, wireless or broadcasting towers, water towers or other like structures which will occupy less than 25% of the lot area. Such features and structures may be erected to their required height and in excess of the height restrictions otherwise provided for the district in which the structure is built

## Section 6

### Additional area and Yard Regulations and Exceptions

1. Every part of a required yard shall be open to the sky and unobstructed with the exception of accessory buildings in the yard area, and except for the ordinary projections of said buildings. Open or lattice enclosed fire escapes and the ordinary projection of chimneys or flues are permitted.

2. Projecting eaves, chimneys, bay windows, balconies, open fire escapes and the like projections which do not project more than 3 ½ feet, and unenclosed steps, unroofed porches and the like, which do not project more than 10 feet from the foundation wall, may extend beyond the minimum yard restrictions otherwise provided for the district in which the structure is built.
3. On Corner lots the set back provisions governing the location of buildings on each of the abutting streets shall apply.
4. On lots less than the required area for the district in which they are located and which have been duly recorded by plat or deed with the Register of Deeds before the date of the passage of this ordinance, the lot area and width regulations need not apply, except that the ration of gross story area to lot area shall conform. In case of such lots of less than the required width, the sum of the two required side yards need not be more than 40% of the lot width, except that the minimum side yard shall be seven feet six inches (7ft 6 In)
5. Exceptions to the yard regulations set forth in the table governing the yard requirements for buildings are as follows:
  - a. In the RA and R4 districts, a dwelling need not set back more than the average set backs of the building on the lots adjacent thereto on either side, but in no case may any part of the extend nearer to any street line than 20 feet.

## Section 7

### Transition Requirements Between Residence Districts in Business Districts

1. Front Yard: In the Business (DTB or C) districts where a lot abuts a Residence (RA, R4, MF) district, no building shall be erected in the Business district nearer than 10 feet from any street line within 50 feet of the boundary line between the two districts.
2. Rear Yard: Where the rear of a lot in a Business district abuts a Residence district, there shall be provided on such lot in the Business district a rear yard of not less than 15 feet.
3. Side Yard: Where the side of a lot in a Business district abuts a Residence district, there shall be provided on such lot in the Business district a side yard of not less than 10 feet.

## Section 8

### Fences

1. Wire or metal fences which are attached to electric current in any form, or barbed wire fences, are prohibited within the limits of the Village of Ashley. In the application of this provision, it is understood that any wire, whether single strand or multiple, or other forms may be considered a fence.

## Section 9

## Enforcement

The provisions of this ordinance shall be enforced by the Zoning Enforcement Officer. An appeal from the decision of the Zoning Enforcement Officer may be made to the appellate board.

## Section 10

### Certificate of Occupancy

In connection with the enforcement of this ordinance, no land shall be occupied or used, and no building hereafter erected or structurally altered, shall be occupied or used in whole or in part, for any purpose until a certificate of occupancy is issued by the Zoning Enforcement Officer stating that the building and use comply with the provisions of this ordinance and the other applicable ordinances of the Village of Ashley. No such certificate shall be used unless the building and its accessory uses and the uses of all the premises are in conformity with this ordinance other applicable ordinances of the village.

The above-mentioned certificate of occupancy shall be required for any of the following:

- a. Occupancy and use of a building hereinafter erected or structurally altered.
- b. Change in the use of an existing building to a use of a different classification.
- c. Change in character of the intensity of the use of the land.
- d. Any change in use of a non-conforming use

Certificates of Occupancy and compliance may be applied for coincidentally with the application for a building permit

## Article 6

### Sewer systems

#### Section 1. Private Sewer Systems and Septic Tanks

Private sewer systems and/or septic tanks are prohibited from use in the Village of Ashley. All construction, the intent of which is for human occupancy, shall be connected to the Village sewer system.

#### Section 2

### Plumbing

The installation of all interior plumbing work shall comply with the Michigan State Plumbing Code as may be hereinafter adopted or amended.

## Article 7

### Violation and Penalties

Any Person, Firm, or corporation who violates, omits neglects, or refuses to comply or resists enforcement of any of the provisions of this ordinance shall be subject to the penalties in accordance with the authority of the appellate board.

## Article 8

### Effective date

This Ordinance supersedes and annuls any and all prior zoning ordinances of the Village of Ashley, and shall take effect and be in force 30 days from and after the date of approval by the Ashley Village Council.

This Ordinance was adopted at a special meeting of the Ashley Village Council held on June 6<sup>TH</sup>, 2023, after having a scheduled and published public hearing of this ordinance of the same date.

Dated this 6<sup>th</sup> day of June, 2023

Anne Paksi

Village President

Michelle Fitzpatrick

Village Clerk

