

## Article 10: General Regulations

### 1001 Purpose

It is the purpose of this **Article** to provide regulations that apply in all zoning areas to all permitted **Uses** and special **Uses**.

### 1002 Scope

Zoning applies to all **Parcels** of land and to every **Building, Structure** or **Use**. No **Parcel** of land, no **Building, Structure** or part thereof and no new **Building, Structure** or part thereof **shall** hereafter be located, erected, **Altered, Occupied** or used except in conformity with this Ordinance.

### 1003 Bulk Regulations

- A. The property owner is responsible for the continuing compliance with all provisions of this ordinance.
- B. No **Parcel shall** be divided in such a manner so that the resulting new **Parcels** are in conflict with any provisions of this ordinance or the Suttons Bay Land Division Ordinance, including, but not limited to, **Setbacks, Parcel** size, open space, buffer areas, **Greenbelt, Building Area**, the space **Occupied** by **Buildings, Parcel** measurements (width, depth), **Accessory Buildings** and **Uses, Parking Space**, vegetation belt, yard.
- C. **Setbacks**, open space, buffer areas, **Greenbelt, Building** envelope, vegetation belt apply uniformly within each respective zoning Area to all **Uses, Structures**, and **Buildings** except that the following can be located anywhere on a **Parcel**:
  - 1. terraces, retaining walls, patios;
  - 2. Storage sheds less than 100 sq. feet (one per parcel)
  - 3. flag poles;
  - 4. hydrants;
  - 5. clothes lines;
  - 6. arbors, trellises, trees, plants, shrubs;
  - 7. recreation equipment, outdoor cooking equipment;
  - 8. walkways, mobility ramps and steps ;
  - 9. at grade decks and patios ; and
  - 10. Paved, concrete and improved driveways
- D. A **Parcel** of land **shall** not contain more than one principal **Building** or **Use** and no accessory **Building** or **Structure** may be located on any **Parcel** of land which does not have a principal **Building** or **Use** already established or being established.

### 1004 Compliance With Other Applicable Statutes, Ordinances, or Administrative Rules

No **Parcel, Building** or **Structure** in any Area **shall** be permitted which does not comply with applicable federal, state, county, public health, or **Village** statutes, ordinances, administrative rules. The **Administrator shall** enforce this **Section** by cooperating with and reporting suspected violations to the respective enforcement agency(s) responsible for enforcement of the statutes, rules or ordinances cited above. The **Village Council** may take direct enforcement action only after a finding that cooperation by the **Administrator** with other agencies has not been successful.

**1005 Water Protection**

Notwithstanding anything to the contrary contained in this Ordinance, the following provisions **shall** apply:

- A. Within ten (10) feet of the water's edge of tributaries and springs which empty to Lake Michigan an undisturbed area of vegetation **shall** be maintained by not removing woody and native herbal species. Trees with a trunk diameter of three inches at breast height (4 ½ feet), or greater, **shall** not be removed unless dead or dying. Trees and other woody plant material of a smaller diameter at breast height, **shall** not be removed, except to prune or clear a filtered view of the water body. It **shall** be the landowner's responsibility to maintain this vegetation belt in a healthy state.
- B. No **Building** or **Structure shall** be built, located or constructed within a 100 year flood plain of any water bodies in any land **Use** Area as may be determined by the DNR or DEQ.

**1010 Hazardous Substance, Groundwater Protection**

Except as provided herein, all businesses and facilities which use or generate Hazardous Substances in quantities greater than two hundred twenty (220) pounds per month or twenty-five (25) gallons per month, whichever is less, or store Hazardous Substances in quantities greater than two hundred twenty (220) pounds per month or twenty-five (25) gallons per month, whichever is less, shall comply with the groundwater protection requirements of this Section. Provided, however, the groundwater protection requirements of this Section shall not apply to fuel stored in a fuel tank which is part of the motor vehicle for purposes of use by that vehicle's motor and shall not apply to materials in a five gallon, or smaller, pre-packaged sealed container

- A. Groundwater Protection, generally:
  - 1. Projects and related improvements **shall** be designed to protect the natural environment, including lakes, ponds, streams, **Wetlands**, floodplains, groundwater,
  - 2. steep slopes, and natural and man-made drainage systems.
  - 3. General purpose floor drains **shall** be:
    - a. connected to an on-site holding tank (not a septic tank/drain field or a dry well) in accordance with state, county and municipal requirements; or
    - b. authorized through a state groundwater discharge permit; or
    - c. connected to a public sewer system.
  - 4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of Hazardous Substances and polluting materials **shall** be met. No discharge to groundwater, including direct and indirect discharges, **shall** be allowed without appropriate state and county permits and approvals.
  - 5. In determining conformance with the standards in this Ordinance, the Administrator or Commission, whichever one is applicable, **shall** take into consideration the publication titled "Small Business Guide to Secondary Containment; Practical Methods for Above-ground Storage and Containment of Hazardous Substances and Polluting Materials" published by the Clinton River Watershed Council, May 1990, and other references.
  - 6. Out-of-service water wells **shall** be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health and the Health Department.
  - 7. If the site plan includes territory within a Wellhead Protection Overlay Area the applicant **shall** submit a signed statement providing permission for periodic follow-up groundwater protection inspections by the Administrator, county and state officials.
- B. Above-ground Storage
  - 1. Primary containment of Hazardous Substances **shall** be product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.
  - 2. Secondary containment for the storage of Hazardous Substances and polluting materials is

required. Secondary containment **shall** be one of the following, whichever is greatest:

- a. sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance;
  - b. **shall** be at least as great as volumes required by state or county regulations; or
  - c. **shall**, if not protected from rainfall, contain a minimum of:
    - (1) 110 percent of the volume of the largest storage container within the dike of the secondary containment area, plus;
    - (2) the volume that is Occupied by all other objects within and below the height of the dike of the secondary containment area plus;
    - (3) the volume of a 6 inch rainfall.
3. Secondary containment **Structures** such as out Buildings, storage rooms, sheds and pole barns **shall** not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
  4. Areas and facilities for loading/unloading of Hazardous Substances and polluting materials, as well as areas where such materials are handled, stored or used, **shall** be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, **Wetlands**, groundwater or soils.
  5. At a minimum, State of Michigan and Federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal **shall** be met.
  6. Bulk storage of pesticides **shall** be in accordance with requirements of the Michigan Department of Agriculture.
- C. Underground Storage
1. Underground storage tank installation, operation, maintenance, closure and removal **shall** be in accordance with the requirements of the State Police Fire Marshal Division and the DEQ. or their successor agencies.
  2. Bulk storage facilities for pesticides and fertilizers **shall** be in compliance with requirements of the Michigan Department of Agriculture.

**1040 Fences**

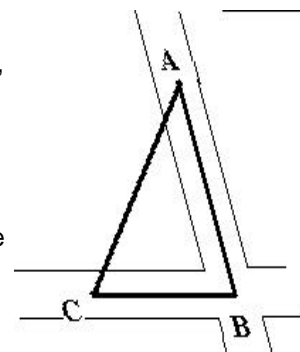
**Fences** over six (6) feet high **shall** be set back the required distance for the respective land **Use Area**. **Fences** within the **Setback** area **shall** not exceed six (6) feet in height. **Fences** located in the front yard and waterfront yard portion(s) of a **Parcel shall** not exceed three and a half (3 ½) feet in height. No **Fence shall** be within forty (40) feet of Lake Michigan historic high water elevation of 581.76 MSL.

**1050 Driveway and Curb Cuts**

Driveway entrances and exits to a **Parcel** of land **shall** comply with the **Village** of Suttons Bay curb cut requirements.

**1051 Traffic Visibility at Corners**

- A. No **Use, Structure** or plant material, such as off-**Street Parking Spaces, Fences**, signs, berms, hedges, or planting of shrubs, which is taller than three feet or which obstructs safe vision at a **Street** corner, whichever is shorter, **shall** be located, erected or maintained within a triangular area defined as ABC in the drawing at the right.
- B. The distance between point "A" to point "B" and between point "B" to point "C" **shall** be equal to the **Setback** from the **Street** for the respective zoning areas plus 33 feet.
- C. The **Setbacks** required in this **Section** may be modified by the **Appeals Board** based on geometric design and other traffic controls at the



particular intersection and only after consultation with, and following the advice of the **Village** Engineer and/or Chief of Police.

### **1052 Vehicular Parking Space and Access**

- A. See each zoning area for specific requirements for number of **Parking Spaces** and locations.
- B. A **Parking Space shall** be a minimum area of ten (10) feet by eighteen (18) feet, with center and cross aisles being a minimum of twenty (20) feet wide. A parallel **Parking Space shall** be 25 feet in length, and ten (10) feet wide.
- C. Approval for location of all exits and entrances **shall** be obtained from the **Village Street's Committee, Village Council or designee**. Such approval **shall** also include the design and construction thereof in the interests of safety, adequate drainage and other public requirements.
- D. Parking areas required by this Ordinance, and publicly owned parking **Parcels, shall** not be used for the storage or continuous parking of recreational vehicles, **Trailers**, motor vehicles without a current license plate, and junk for more than a twenty-four (24) hour period.

### **1053 Sidewalks**

- A. Sidewalks are required for all new public and private developments except single family or duplex residential on existing lots. Existing sidewalks **shall** be retained, maintained or replaced by the developer or property owner.
- B. All sidewalks **shall**:
  - 1. be handicap accessible;
  - 2. be constructed of brick, concrete, concrete pavers, or concrete with brick borders;
  - 3. be no less than 4 feet wide in residential areas and no less than 8 feet wide on the side of the block where there are commercial Buildings; and
  - 4. assist in creating a complete linked network of walkways connecting all **Uses** with parks and other areas.
- C. In residential areas sidewalks **shall** be separated from **Streets** by "planting strips" a minimum of 5 feet wide, planted with shade trees. In areas with commercial **Use** these "planting strips" may be replaced by paved areas utilizing trees in cast iron tree grates placed a minimum of 20 and a maximum of 40 feet apart.

### **1060 Signs**

- A. Purpose: The number and size of signs may be distracting to motorists and pedestrians, and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this **Section** are intended to apply the minimum amount of regulation in order to avoid the problems stated above.
- B. The number, size and design of signs **shall** be regulated in each respective zoning area. If the zoning area does not have **Sign** regulations, then signs **shall** not be allowed in that zoning area.
- C. General regulations applying to all signs:
  - 1. Measurement of **Sign** area: The area of a **Sign shall** be computed as including the entire area within a rectangular geometric form or combination of such forms comprising all the display area of the **Sign** and including all of the elements of the matter displayed. Frames and borders bearing copy or display materials **shall** be included in the computation of the **Sign** area. Where a **Sign** has two or more faces, the area of all faces **shall** be included determining the area of the sign, except where two such faces are placed back to back, parallel to one another, and less than six (6) inches apart, the area of the **Sign shall** be of one face.
  - 2. Freestanding signs **shall** not exceed six (6) feet in height.
  - 3. The height of all **Building** mounted signs **shall** not exceed the roof height of the **Building**.
  - 4. Setback requirements for signs: Except where specified otherwise in this Ordinance, all signs **shall**

be setback a minimum of one-half (½) the front yard requirements as measured from the **Street Right-Of-Way** line. All signs **shall** be required to meet rear and side yard setback requirements for the Area in which it is located.

5. Size of signs: All signs, except those pertaining to **Home Occupations** and covered elsewhere in this Ordinance, **shall** not exceed thirty-two (32) square feet in area, or twenty percent (20%) of the wall area, , whichever is less.
6. Signs, which direct traffic movement onto or within a property which are not owned and under the authority of county, city, **Village**, state, or federal **Street** agency **shall** not exceed nine (9) square feet in area for each sign. Logo or business names **shall** not exceed twenty percent (20%) of the **Sign** area. Such signs **shall** be located behind the **Street Right-Of-Way** line. Two directional signs per driveway **shall** be permitted.

D. Prohibited signs. The following signs are prohibited:

1. Signs within the **Right-Of-Way** or dedicated public easements, (except for temporary signs indicating sale of the property, political signs).
2. Illuminated signs in residential zoning areas.
3. Signs affixed to trees, utility poles or rocks, unless the rock is a monument type base for a **Sign** professionally designed for that purpose.
4. Signs that interfere with the ability of vehicle operators or pedestrians to see traffic signals or other traffic.
5. Signs that obstruct any window, door, fire escape, or opening intended to provide entry or exit to any **Structure, Building, or Right-Of-Way**.
6. Bulletins, bills, flyers, posters, and any other display which is tacked, pasted or otherwise affixed to walls of **Buildings**, barns, sheds, trees, poles, **Fences**, signs, and **Sign** posts.
7. Signs attached or painted on a bench.
8. Signs which are on public property and a public **Right-Of-Way** unless the **Sign** is installed or owned by a government which owns, or holds in trust, the public property or easement.
9. Signs that imitate an official traffic **Sign** or signal.
10. Signs by, or which include, floodlights, spot or beacon lights.
11. Signs which are lighted from the interior, and signs lighted by means of an upward facing light source, or any light source which is not shielded so the direct rays of light are confined to the surface of the sign.
12. Signs with flashing lights, flashing messages, chasing, and blinking lights.
13. Electronic changeable message **Sign** where messages changes more than once a day.

E. Off Premises Signs:

1. Signs or commercial messages advertising any product, service, activity, event, **Person**, institution, or business located within Suttons Bay **Village** located, or advertising the sale or rental of a **Parcel** other than the one where the **Sign** is located, **shall** be limited to:
  - a. One **Sign** per **Parcel**;
  - b. One additional **Sign** is allowed provided that it is for multiple businesses developed by a single organization (such as a business association, chamber of commerce, or other similar organization) or a governmental agency. Signs which meet the above conditions **shall** be permitted in any zoning Area established by this Ordinance;
  - c. Any **Structure** formerly used as a sign, and not in **Use** for any other purpose for more than one hundred and eighty (180) days after its **Use** for a **Sign** has ceased, **shall** be removed.
2. Off-premise signs which bear names, information and emblem of service clubs, places of worship, civic organizations, and all quasi-public **Uses shall** be permitted on private property. Each **Sign shall** be no more than nine (9) square feet in area, **shall** not exceed a height of eight (8) feet and **shall** be set back a minimum of ten (10) feet from the **Street Right-Of-Way** line.

F. On-Premises signs:

1. Church signage shall not exceed 32 square feet.
2. One identification **Sign shall** be permitted for each public **Street** frontage for a vehicle entrance for a school, church, public Building, or other authorized commercial **Use** or lawful non-conforming commercial **Use**. Each **Sign shall** not exceed sixteen (16) square feet in area.
3. One identification **Sign shall** be permitted for each public **Street** frontage, for a subdivision, multiple Family Building development and Mobile Home Park. Each **Sign shall** not exceed sixteen (16) square feet in area.
4. One single freestanding **Sign** located near each **Street** entrance to a multi-business plaza. It may be a maximum of seventy five (75) square feet in area. This **Sign shall** accommodate each business and occupant within an equal sized area on the sign.
  - a. In a Building or plaza where multiple businesses and occupants are located, a single wall or projecting **Sign** may be permitted for each enterprise and **shall** be based on one (1) square foot of **Sign** area for each one linear foot of Building length which faces on a public **Street** up to a maximum of sixteen (16) square feet.
  - b. Where groups of businesses and occupants are located separate from others in a plaza, each group location is permitted a freestanding **Sign** to advertise businesses and occupants within that group, but **shall** not exceed twenty four (24) square feet.
5. All multiple business plaza signs **shall**:
  - a. (a). only advertise the businesses and occupants associated with the respective group or multiple business plaza; and
  - b. comply with other provisions of this **Section** and the respective zoning area.

**G.** Temporary signs:

1. Except for **Street** Banners approved by the **Village**, all other temporary signs may be placed to advertise any temporary special event, activity, political campaign, sale or rent of real property, sale of personal property in a residential zoning area, or similar purpose for a limited period of time. All temporary signs **shall**:
  - a. Be located on the same property as the event or on private property with permission;
  - b. Comply with all other provisions of this **Section**;
  - c. Not exceed the size regulations for the Area, or six (6) square feet, whichever is greater. One banner may be larger if located on the face of the **Structure** where the event will occur;
  - d. Not impede the flow of traffic or pedestrian movement; and
  - e. Be on display only for a period which includes:
    - (1) The duration of the event;
    - (2) Up to, but not exceeding, (5) days after the event;
    - (3) The minimum amount of time necessary to adequately advertise or campaign ahead of the event. For commercial advertising purposes the minimum amount of time **shall** not exceed thirty (30) days.

**H.** Illumination and light:

1. A **Sign shall** not be internally illuminated.
2. Lighting of signs, if at all, **shall** be by means of a downward facing light source, which **shall** be shielded so the direct rays of light are confined to the surface of the sign.

**I.** Signs Not Regulated: This **Section** does not apply to any signs which are:

- C.** Not visible to motorists or pedestrians on any **Street**, alley, water body, public lands, or adjacent Parcels;
- D.** Specific information panel for the direction of motorists which may be located, under authority of any statute, on any county, city, **Village Street**, state and federal highway;
- E.** Under four (4) square feet in area for sale, rent of the Parcel, indicating private property, no trespassing, no hunting or fishing or political signs;
- F.** Legal postings as required by law;

**G. Non-Commercial Signs:**

Signs of a non-commercial nature are allowed and shall not exceed 16 square feet.

**1062 Outside Lights**

**A.** All outdoor lighting fixtures including, but not limited to, pole mounted or **Building** mounted yard lights, dock lights, and shoreline lights other than decorative residential lighting such as **Porch** or low level lawn lights **shall** be subject to the following regulations:

1. Lighting **shall** be designed and constructed in such a manner to:
  - a. Insure that direct or directly reflected light is confined to the area needing it and that it is not directed off the property;
  - b. That all light sources and light lenses are shielded and down facing;
  - c. That any lighting elements are not directly visible from beyond the boundary of the site. (Fixtures with a single light rated at less than 200 lumens are excluded from this requirement.)
  - d. That light from any illuminated source **shall** be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.
2. There **shall** be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon lights are not permitted.
3. No colored lights **shall** be used at any location or in any manner so as to be confused with or construed as traffic control devices.

**1063 Ridgeline Protection**

**A.** In areas with a slope which is 18%, or steeper, harvesting of trees **shall** not occur except in conformance with a forest management plan prepared by, and under the supervision of, a professional forester using Michigan Department of Natural Resources best management practices for timber harvesting, and designed to retain a Horizon Line and Steep Hillside stabilization.

**B.** Horizon Line - At the crest of the hillsides and on the hillsides in as much as possible:

1. if there are existing trees, then there **shall** be a sufficient number of mature trees left in place around **Structures**, or trees which have been removed **shall** be re-established, and
2. the height of **Structures shall** be lower than the surrounding trees left in place or existing,
3. so that the visual horizon line along the top of trees, as seen from Grand Traverse Bay and roads approaching the **Village**, remains with an appearance of being unbroken. This is not intended to prevent the selective trimming for filter views on trees to be left in place, removing of vegetation below top of trees to be left in place, and trimming and removal of other trees.

**C.** Steep Hillside - On slopes over 25% percent as measured by two (2) foot contours, enough natural vegetation **shall** be retained in place to insure long term soil stabilization and a natural appearance of the hillside. This is not intended to prevent the selective trimming of trees for filtered views.

**1070 Temporary Dwellings**

**A.** No **Person shall Use** or permit the **Use** of any temporary **Dwelling** or "**Trailer**" as defined in this Ordinance as a principal or seasonal **Dwelling** on any site, **Parcel**, field, **Parcel** or tract of land, except by zoning permit.

**B.** A temporary **Dwelling** or **Trailer** as defined in this Ordinance, however, may be used as temporary quarters during the construction of a dwelling meeting the requirements of this section 1071 or the establishment of other land uses authorized by this Ordinance when all of the following conditions are

met:

1. The location of the temporary **Dwelling** or **Trailer shall** comply with all setback requirements of this Ordinance.
2. The **Use** of the temporary **Dwelling** or **Trailer shall** not be contrary to the public health, safety or welfare.
3. The **Use** of the temporary **Dwelling** or **Trailer shall** be limited to twelve (12) months beginning with the issuance of a permit. The permit may be renewed for not more than twelve (12) months at a time upon approval of the **Administrator** for good cause shown.

C. Storage of temporary **Dwellings**, recreational vehicles, **Trailers**, boats, etc. **shall**

1. only be a **Parcel** where a principal **Dwelling** currently exists; and  
be inside a **Building** or in the rear or side yard of the owner's **Dwelling**; and
2. be set back the required distance for the respective land **Use Area**, unless stored on a gravel or paved driveway.

D. Un**Occupied** parking or storage of temporary **Dwellings** on a **Street** or front yard is prohibited.

**1071 Dwelling Regulations**

**Dwellings** or **Duplexes shall** comply in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of Public Act 230 of 1972, as amended, being M.C.L. 125.1501 et. seq., including minimum heights for habitable rooms. Where a **Dwelling** is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan **Building** code, then and in that event such federal or state standard or regulation **shall** apply. In addition, it **shall** comply with the following:

1. Foundations: It **shall** be firmly attached to a permanent foundation constructed on site in accordance with said State Construction Code and **shall** have the same perimeter dimensions of the Dwelling, except cantilevers, and constructed of such materials and type as required in the said State Construction Code for Dwellings, or, in the case of Mobile Homes, that Dwelling **shall** be installed pursuant to the manufacturer's set-up instructions and **shall** be secured to the foundation by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission or said State Construction Code, whichever is stricter, and with the wheels removed and **shall** not have any exposed towing mechanism, undercarriage or chassis;
2. Framing, structural, insulation **shall** comply with the said State Construction Code, or in the case of Mobile Homes, **shall** comply with the "Mobile Home construction and safety standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended, and which bears a HUD seal or certification by a certified inspector signifying inspection and compliance with the same;
3. The final structure **shall** comply with the State of Michigan Construction Code.

**1080 Drive-in and Drive-through Businesses**

Except for gas stations and car washes there **shall** be no **Drive-Through** facilities within the **Village**.



