

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

AMENDMENT TO ZONING ORDINANCE

ORDINANCE NO. 2007-71

Effective 2-3-2007

An Ordinance to Amend the Zoning Ordinance of the Village of Grand Beach to conditionally rezone a parcel of land from Low Density Residential District (LDR) to Medium Density Residential District (MDR) pursuant to Article XV of the Zoning Ordinance.

THE VILLAGE OF GRAND BEACH ORDAINS:

SECTION ONE: Pursuant to the power to amend, reserved under the Zoning Ordinance, the following amendment to the Zoning Ordinance is hereby approved to conditionally amend the “Zoning District Map of the Village of Grand Beach” to change the following described property from Low Density Residential District to Medium Density District:

Lots 17 and 18, Eiffel Tower Bluffs, according to the Plat thereof recorded in Berrien County Records.

Being parcel code number 11-39-2000-0017-00-9 & 11-39-2000-0018-03-0.

SECTION TWO: The following Statement of Conditions are hereby incorporated into and are made a part of the Conditional Rezoning:

1. Upon the sale, transfer or change of ownership of either individual lot, the conditional rezoning use shall terminate and the property shall revert to Low Density Residential District. The encroachments in the side lot line area of each lot shall be removed, the septic system shall be separate so each structure has its own service, and compliance required with all dimensional requirements for each lot.

2. During the period of conditional rezoning, all provisions of Section 4.06 of Article IV shall apply to the use of each of said Lots:

Section 4.06 - Dimensional Requirements

- A. Lot Area: Minimum of 15,000 square feet per dwelling unit with sanitary septic or sewer and potable water accessible from each lot or parcel.
- B. Lot Width: Minimum of 100 feet at the building setback line.
- C. Lot Coverage: Maximum of 30%.

- D. Gross Floor Area: The minimum floor area of a dwelling shall be 1800 square feet.
- E. Yard and Setback Requirements:
1. Front Yard: Minimum of forty (40) feet from the street right of way line and minimum of fifty (50) feet from the shoreline of any surface water features, except as otherwise required in Section 4.03(C.2). for special uses and unless a greater setback from the shoreline is required by the Michigan Department of Natural Resources or other public agency, or a greater setback from the street right-of-way line as specified in the Master Plan for streets and highways, whichever is greater.
 2. Side Yards: Minimum of fifteen (15) feet for each side yard, except where a side yard abuts a street right-of-way or shoreline, the minimum shall be the same as for the front yard.
 3. Rear Yard: Minimum of thirty (30) feet.
- F. Height Limitations: Maximum of thirty (30) feet for residential structures; a maximum of seventy-five (75%) percent of principal structure for all residential related accessory structures.
- G. Area Limitations: In conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building.
- H. Dwelling Lots or Sites: Every dwelling shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.
- I. Frontage on Public or Private Street or Highway: Every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public or private street right-of-way that meets all of the requirements for street.
- J. Minimum Floor Area Exceptions for Accessory Structures: All accessory structures or buildings located on a lot or parcel, which has a principal structure or building located upon it, which are less than 150 square feet of floor area, and which are not to be used for human habitation, shall not be required to apply for or obtain a zoning permit under the provisions of this Zoning Ordinance, but must be located upon the lot or parcel in accordance with the provisions of this Zoning Ordinance.
- K. Lot Coverage Inclusions: When determining the percent of lot coverage on any lots or parcels, all buildings and structures (any impervious material), whether

above or below ground level or on the ground surface, shall be included in the computations so as to provide greater assurance for surface water percolation or necessary on-site impoundment in instances of excessive rainfall, flooding or other water accumulation circumstances.

- L. Use of Yard Space: No required yard surrounding a dwelling, building or structure utilized for dwelling purposes shall be used, occupied or obstructed by accessory buildings or structures, either permanently or temporarily; provided however, that a side or rear yard may be used for the parking of not more than five (5) licensed and operable motor vehicles when parked on a designated paved parking area for each vehicle, but in no case shall any yard be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, second-hand building materials, or other discarded, disused or rubbish-like materials or structures.

SECTION THREE: The following provisions shall apply to said Conditional Rezoning:

1. The Owner or any occupant shall continuously operate and maintain the use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this Ordinance for any use that is contrary to an applicable Statement of Conditions.
3. The approved use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Village Council, if (1) it is demonstrated to the Council's reasonable satisfaction that there is a strong likelihood that the use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
4. If approved use of the rezoned land does not occur within the time frame specified under paragraph 3 above, then the land shall revert to its former zoning classification as set forth in MCL 125.584g. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
5. Nothing in the Statement of Conditions nor in the provisions of this Ordinance

shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with the Michigan Zoning Enabling Act.

6. The applicant agrees to pay the Village's actual costs to review the proposed rezoning.

This Ordinance shall become effective after publication in accordance with the Charter of the Village of Grand Beach and the Michigan Zoning Enabling Act.

AYES: James Bracewell, Walter Carroll, Debbie Lindley and Kaye Moriarty.

NAYS: None

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY ROBERTSON, Village Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 17th day of January, 2007, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Village Clerk