

VILLAGE OF BELLEVUE
EATON COUNTY, MICHIGAN
ORDINANCE NO. 2011-002

PREAMBLE

AN ORDINANCE OF THE VILLAGE OF BELLEVUE, MICHIGAN, PROVIDING THAT ORDINANCE #2007-001, THE ZONING ORDINANCE OF THE VILLAGE OF BELLEVUE, MICHIGAN, BE AMENDED BY AMENDING SECTION 10.03 ("SPECIAL USES") OF ARTICLE 10 ("CBD CENTRAL BUSINESS DISTRICT") BY ADDING CERTAIN ADDITIONAL PERMITTED SPECIAL USES; BY AMENDING ARTICLE 17 ("SPECIAL LAND USES") BY ADDING SECTION 17.46 ("GROUND LEVEL APARTMENTS"); TO REPEAL ORDINANCES AND PORTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

The Village of Bellevue, Eaton County, Michigan, hereby ordains:

1. Article 10 ("CBD Central Business District") is hereby amended by amending Section 10.03 ("Special Uses") as follows:

SECTION 10.03 SPECIAL USES

The following uses may be permitted by the Village Council as provided for in Article 17:

- A. All special uses of the BOS District, Section 9.03, subject to requirements of the BOS District.
- B. Apartments above stores (Sec. 17.30)
- C. Sidewalk cafes (Sec. 17.29)
- D. Motels and hotels (Sec. 17.19)
- E. Group day care and foster care facilities
- F. Satellite dish antenna over thirty-nine (39) inches in diameter
- G. Churches and religious institutions
- H. Anemometer Tower over 20 meters high
- I. Utility Grid Wind Energy System
- J. On-site Use Wind Energy System over 20 meters high
- K. Ground level apartments (Sec. 17.46)

2. Article 17 ("Special Land Uses") is hereby amended by adding Section 17.46 ("Ground Level Apartments") as follows:

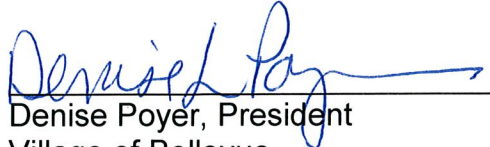
SECTION 17.46 – GROUND LEVEL APARTMENTS

- A. Ground level apartments may be permitted subject to the following:
1. Ground level apartments shall only be permitted in properties that are on the perimeter of the CBD-Central Business District zone that have a rear or side property yard abutting a residential zoning district.
 2. Residential unit density shall be no greater than that permitted in the abutting residential zoning district.
 3. Accessory structures shall comply with all zoning requirements. Setbacks for accessory structures related to the approved ground level apartment use shall comply with setbacks required for the abutting residential zoning district.
 4. Ground level apartment dwellings shall comply with applicable codes and ordinances of the Village, County, and/or State.
 5. Floor plans drawn to scale for all floors to be utilized for dwelling purposes shall be submitted to the Zoning Administrator.
 6. Approved smoke detectors shall be provided in each dwelling unit, in common hallways and as otherwise required by the Building Code applicable to the Village.
 7. Emergency egress lighting shall be provided as required by the Building Code applicable to the Village.
 8. An approved fire extinguisher shall be provided in the common hallway and required by the Building Code applicable to the Village.
 9. In those instances where residential uses are proposed to occupy the same floor as a business use, the planning commission shall review such mixed use and may approve such mixed use based on findings that compatibility of the business with residential occupancy will occur. Such findings may include but are not limited to:
 - a. Compatible hours of operation.
 - b. Noise of operation or occupancy that would be detrimental to the business use or residential use.
 - c. Excessive foot traffic.
 10. Off-street parking shall be provided in accordance with Article 20.

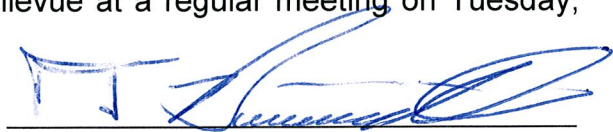
3. **Severability.** If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

4. **Repeal.** All ordinances and resolutions, or parts of ordinances and resolutions, of the Village of Bellevue inconsistent herewith are hereby repealed so far as they may be inconsistent with the provisions of this Ordinance.

5. **Effective Date.** This Ordinance shall take effect following the date of its publication.


Denise Poyer, President
Village of Bellevue

I, Travis Brininstool, Clerk of the Village of Bellevue, hereby certify that the foregoing is a true copy of the original of Ordinance No. 2011-002, enacted by the Village Council of the Village of Bellevue at a regular meeting on Tuesday, February 22, 2011.


Travis Brininstool, Clerk
Village of Bellevue