

ZONING ORDINANCE
VILLAGE OF GALIEN
Ordinance Number 100

AN ORDINANCE TO PROVIDE FOR THE HEALTH, SAFETY, MORALS AND THE GENERAL WELFARE OF THE INHABITANTS OF THE VILLAGE OF GALIEN, MICHIGAN, AND TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, OR OTHER PURPOSES; TO REGULATE AND RESTRICT THE ERECTION, CONSTRUCTION, RECONSTRUCTION, OR ALTERATIONS OF BUILDINGS; TO REGULATE AND RESTRICT THE HEIGHT, NUMBER OF STORIES, AND SIZED OF ALL BUILDINGS AND STRUCTURES, AND THE SIZE OF YARDS AND OTHER OPEN SPACE SURROUNDING BUILDINGS; TO PROVIDE FOR PARKING AND LOADING SPACES; TO REGULATE AND RESTRICT THE DENSITY OF POPULATION AND FOR ALL SAID PURPOSES TO DIVIDE THE VILLAGE INTO DISTRICTS; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; TO PROVIDE FOR CHANGES AND AMENDMENTS; TO PROVIDE FOR ITS ENFORCEMENT; TO PROVIDE FOR A BOARD OF ADJUSTMENT, AND TO PRESCRIBE ITS POWERS AND DUTIES, AND TO PROVIDE FOR THE ADMINISTRATION, INTERPRETATION, AND RESOLUTION OF CONFLICTS HEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF GALIEN AS FOLLOWS:

100.01 SHORT TITLE.

This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of the Village of Galien, Michigan.

100.02 DEFINITIONS.

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the singular; the work "building" shall include the word "structure" and word "shall" is mandatory and not directory.

A. Accessory Buildings. A subordinate building which is incidental to and customary in connection with the principal building or use and which is located on the same lot of record with such principal building or use.

B. Accessory Use. A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot of record with such principal building or use.

C. Alley. A way which affords only a secondary means of access to property abutting thereon.

D. Apartment. A room or suite of rooms intended, designed, or used as a residence by a single family.

E. Basement. A story having part but not more than one-half of its height below grade. A basement is counted as a story for the purpose of height regulation is subdivided and used for dwelling purposes other than by a janitor employed on the premises.

F. **Billboard.** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot.

G. **Boarding House.** See Lodging House.

H. **Buildable Width.** The width of the lot left to be built upon after the side yards are provided.

I. **Building.** Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without wheels), nor any movable device, such as furniture, machinery or equipment.

J. **Building, Height of.** The vertical distance from the grade to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the mean height level between eaves and ridge of gable, hip, and gambrel roof.

K. **Cellar.** A story having more than one-half of its height below grade.

L. **Clinic, Medical.** An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians, dentists, chiropractors, optometrists, or osteopaths practicing medicine together.

M. **Club.** A building or portion thereof or premises owned and operated by a corporation, association, person, or persons for a social, educational, or recreational purposes, but not primarily for a profit or to render a service which is customarily carried on as a business.

N. **Dwelling.** Any building or portion thereof which is designed and used exclusively for residential purposes.

O. **Dwelling, Single-family.** A building designed for or occupied exclusively by one family.

P. **Dwelling, Two-family.** A building designed for or occupied exclusively by two families living independently of each other.

Q. **Dwelling, Multiple.** A building designed for or occupied exclusively by more than two families living independently of each other.

R. **Dwelling Unit.** One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.

S. **Family.** One or more persons related by blood, marriage or adoption, occupying a dwelling unit as an individual housekeeping organization.

T. **Farm.** An area which is used for the growing of the usual farm products, such as vegetables, fruit, trees, and grain and their storage on the area, as well as the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for the treating or storing the produce, provided, however that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided, further, that farming does not include the feeding of collected garbage or offal to swine or other animals.

U. Filling Station. Any building or premises used for the sale, or retail, of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacement of motors, bodies, or fenders of motor vehicles, or painting motor vehicles, and excluding commercial garages.

V. Floor Area. The total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street commercial garages.

W. Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

X. Garage, Commercial. Any building, or premises except those used as a private garage, used for equipping, repairing, hiring, selling or storing motor-driven vehicles. The term repairing shall not include the rebuilding, dismantling or storage of wrecked or junked vehicles.

Y. Garage, Private. A detached accessory building, or portion of the main building, housing the automobiles of the occupants of the premises.

Z. Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the building.

AA. Home Occupation. Any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign other than a name plate, or no display that will indicated from the exterior that the building is being utilized in whole or in part for any purposes other than that of a dwelling; there is no commodity sold upon the premises; and no mechanical equipment is used except such as is permissible for purely domestic household purposes. The occupation or profession being carried on shall be incidental to the use of the dwelling for residential purposes.

BB. Hotel. A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house as herein defined.

CC. Institution. A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

DD. Kennel. An establishment where dogs or other pets are boarded for compensation or bred or raised on a commercial scale.

EE. Laundromat. A business that provides home-type washing, drying, or ironing machines for hire to be used by customers on the premises.

FF. Loading Space. A space within the main building or on the same lot or record providing for the standing, loading or unloading of trucks, having a minimum width of 12 feet, a minimum depth of 45 feet, and a vertical clearance of at least 14.5 feet, and connected with a street or road serving the premises.

GG. Lodging House. A building or place where lodging and boarding is provided (or which is equipped regularly to provide lodging and boarding by prearrangement for definite periods), for

compensation, for three or more, but not exceeding twelve individuals. Such lodging house or boarding houses shall not be open to transient guests, in contradistinction to a hotel as is herein defined.

HH. Lot. A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, open spaces and parking spaces required by the Ordinance, and having its principal frontage upon a street.

II. Lot, corner. A lot abutting upon two or more streets at their intersection.

JJ. Lot, Depth of. The mean horizontal distance between the front and rear lot lines.

KK. Lot of Record. A lot or parcel of land, the plat or deed of which has been recorded in the office of the County Register of deeds of Berrien County, Michigan, prior to the adoption of this Ordinance.

LL. Mobile Home. A structure, transportable in one (1) or more sections which is built or transported in a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle. A mobile home can be classified as a dwelling or dwelling unit only after meeting the standards of Article XII and being approved by the Village Board.

MM. Motel, Motor Court, Motor Lodge, or Tourist Court. Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking intended wholly or in part for the accommodation of automobile transients.

NN. Nonconforming Use. Any building or land lawfully occupied by a use at the time of passage of this Ordinance or amendment thereto which does not conform after the passage of this Ordinance or amendment thereto with the use regulation of the district in which it is situated.

OO. Parking Space, Off-Street. An area, enclosed or unenclosed, having an area of not less than 180 square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile, and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles.

PP. Patio or Terrace. An area, improved with concrete, brick, or other hard surface, adjacent to a dwelling and used by occupants of the dwelling for leisure time activities, but not used for vehicle parking or storage.

QQ. Sign. An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building structure, or land, and which directs attention to a product, place, activity, institution, or business.

RR. Story. That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be not floor above it, then the space between the floor and the ceiling next above it.

SS. Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than 60 percent of the floor area is finished off for use. A half story may be used for occupancy only in conduction with and by the occupancy of the floor immediately below.

TT. Street. A public way which affords the principal means of access to a abutting property.

UU. Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground and including, but not limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.

VV. Structural Alteration. Any change except those required by law or ordinance, that would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

WW. Swimming Pool. An above ground pool or in ground pool of any size used for any lawful purpose.

XX. Trailer or House Trailer. A structure, transportable in one (1) section which is built on a chassis and designed to be used as a temporary dwelling, vacation home or recreational vehicle without permanent living accommodations.

YY. Mobile Home Park. An area where one or more mobile homes can be or are intended to be parked and designed or intended to be used as living facilities for one or more families.

ZZ. Yard. An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward except as otherwise provided in this Ordinance.

AAA. Yard, Front. A yard across the full width of the lot extending from the front line of a main building to the front line of the lot.

BBB. Yard, Rear. A yard extending the full width of the lot from the rear line of a main building to the rear lot line.

CCC. Yard, Side. A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.

100.03 **DISTRICT BOUNDARIES AND GENERAL REGULATIONS.**

A. In order to classify, regulate and restrict the location of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and use of buildings hereafter erected or structurally altered; to regulate and limit the intensity of use and the lot areas; and to regulate and determine the areas of yards, courts, and other open spaces surrounding such buildings, the Village if hereby divided into districts of which there shall be five in number known as:

- R-1 One and Two Family Residential District
- R-2 Multiple Family Residential District
- B-1 Central Business District
- B-2 General Business District
- I-1 Light Industrial District

B. The boundaries of these districts are shown upon the Zoning District Map which accompanies and is made a part of this Ordinance. Said map and all the information shown thereon shall have the same force and effect as if all were fully set forth or described herein. The original of this is properly attested and is on file with the Village Clerk.

C. All territory which may hereafter be annexed to the Village of Galien shall be classified in the R-1 Residential District until, within a reasonable time after annexation, the annexed territory shall be appropriately classified by ordinance in accordance with 100.17 of this Ordinance.

D. Whenever any street or other public way is vacated by official action of the Village of Galien, the zoning district adjoining each side of such street or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

E. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Maps, the following rules shall apply:

1. Where a boundary line is given a position within a street, alley, or non-navigable stream, it shall be deemed to be in the center of the street, alley, or stream, and if the actual location of such street, alley, or stream varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.

2. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.

3. Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated main line track.

4. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines and where the districts are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.

5. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such map.

F. General Provisions.

1. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any building or land be used except for the uses permitted in the district in which the building or land is located.

2. No building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, except in conformity with the height, yard, area per family, parking and other regulations prescribed herein for the district in which the building is located.

3. The minimum parking, yards, and other open spaces, including the lot areas per family required by this Ordinance shall be provided for each and every building or structure thereafter erected, and such minimum parking, yards, open spaces, and lot areas for each and every building or structure whether existing at the time of passage of this Ordinance or hereafter erected shall not be encroached upon or be considered as a yard or open space requirement for any other building or structure.

4. Every building hereafter erected or structurally altered shall be located on a lot of record as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Ordinance.

100.4

R-1 ONE AND TWO FAMILY RESIDENTIAL DISTRICT REGULATIONS

The purpose of this district is to provide for single-family and two-family residential development on medium sized lots, together with such churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future. The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the regulations in the R-1 Residential District.

A. Use Regulations. A building or premises shall be used only for the following purposes:

1. Single-family dwellings and two-family dwellings.
2. Churches and church bulletin boards.
3. Public buildings, parks, playgrounds, and community centers.
4. Public schools, elementary and high, and private educational institutions having a curriculum the same as ordinarily given in public schools, and having no rooms regularly used for housing and sleeping purposes.
5. Home occupations.
6. Country clubs, golf courses, except miniature courses, or practice driving tees operated for commercial purposes.
7. Temporary buildings, the use of which are incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of one year from the time of erection of such temporary buildings, whichever is sooner.
8. Temporary signs not exceeding 10 square feet in area pertaining to the lease, hire, or sale of a building or premises on which such sign is located.
9. Accessory buildings and uses, including private garages, customarily incident to the above uses, but not involving the conduct of a business.
10. Private club, fraternity, sorority or lodge, excepting when the chief activity of which is a service customarily carried on as a business.
11. Mobile home parks.

B. Height and Area Regulations. The height and area regulation set forth in 100.10 shall be observed.

C. Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in 100.11.

100.05 **R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT REGULATIONS.**

The purpose of this district is to maintain a residential environment while permitting a wide variety of dwelling types. Single-family, two-family and multiple-family dwelling units are permitted on medium sized lots, together with such churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings. Population densities and height of buildings permitted are low enough to be generally compatible with single-family development in the same general neighborhood. The regulations set forth in this Article or set forth elsewhere in the Ordinance, when referred to in this Article, are the regulation in the R-2 Residential District.

- A. Use Regulations. A building or premises shall be used only for the following purposes:
 - 1. Any use permitted in the R-1 Residential District.
 - 2. Multiple-family dwellings.
 - 3. Boarding or lodging houses.
- B. Height and Area Regulations. The height and area regulations set forth in 100.10 shall be observed.
- C. Parking regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in 100.11.

100.06 **B-1 CENTRAL BUSINESS DISTRICT REGULATIONS.**

The purposes of this district is to encompass the retail, service and office area of the central business district and permit a wide variety of uses to provide basic trade and services to Gallien and the area surrounding the Village. This district is intended to provide a centralized location for trade and service activities having regional influence. The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in the Article are the regulations in the B-1 Central Business District.

- A. Use Regulations. A building or premises shall be used only for the following purposes:
 - 1. Retail, commercial and service businesses, banks, offices, self-service businesses, restaurants, and accessory buildings and uses thereto.
 - 2. Outdoor advertising structure or nonflashing sign pertaining only to a use or service conducted within the building. Any sign or display in excess of eight (8) square feet in area shall be attached flat against a wall of the buildings and in no case shall any sign or display project above the roof line.
- B. Height and Area Regulations. The height and area regulations set forth in 100.10 shall be observed.
- C. Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set out in 100.11.

100.07 **B-2 GENERAL BUSINESS DISTRICT REGULATIONS.**

The purpose of this district is to provide a sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities including certain uses requiring large land areas

which are not desirable in the central business district. These uses are located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor, and noise, associated with manufacturing. The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article are the regulations in the B-2 General Business District.

A. Use Regulations. A building or premises shall be used only for the following purposes:

1. Any use permitted in the B-1 Central Business District.
2. Drive-in restaurants, bowling alleys, dance halls, skating rinks, or theaters.
3. Farm implements, sale or repair.
4. Funeral homes or mortuaries.
5. Motels and hotels.
6. Commercial garages.
7. Private clubs and lodges.
8. Medical clinics.
9. Hospitals or clinics for small animals, dogs, cats, birds, and the like, excluding kennels.
10. Laboratories; research, experimental or testing.
11. General services and repair establishments including dyeing or cleaning works, or laundry, plumbing and heating, printing, painting, upholstering, or tin-smithing.
12. Accessory building and uses.
13. Food storage lockers.
14. Printing shops.
15. Auto sales lots.
16. Taverns, restaurants.

B. Height and Area Regulations. The height and area regulations set forth in 100.10 shall be observed.

C. Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set out in 100.11.

100.08 I-1 LIGHT INDUSTRIAL DISTRICT REGULATIONS.

The purpose of this district is to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses appropriately located for access by major

thoroughfares or railroads. Commercial uses and open storage of materials are permitted but new residential development is excluded. These regulations set forth in this Article or set forth elsewhere in this Ordinance when referred to this Article, are the regulations in the I-1 Light Industrial District.

A. All Uses Conditional. All uses within this district shall be conditional, i.e., required to conform to conditions that may be laid down by the Village Council with regard to the emission of odor, smoke, dust, gas, noise, vibration or open and unenclosed storage. Applications for conditional use permits shall be made in conformance with 100.12 hereof.

B. Use Regulations. A building or premises shall be used only for the following purposes:

1. Any nonresidential use permitted in the B-2 General Business District.
2. Wholesale merchandising or storage warehouses.
3. Commercial garages.
4. Trucking terminal.
5. Coal, coke, wood, or lumber yard.
6. General service and repair establishments including dyeing, cleaning or laundry works, cabinet making, plumbing and heating, printing, painting, upholstering, and appliance repair.
7. Manufacture of storage of food products, including beverage blending or bottling, bakery products, dairy products, candy manufacture, fruit and vegetable processing and caning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
8. Manufacture of rugs, mattresses, pillows, quilts, millinery, shoes, hosiery, clothing and fabrics, and printing and finishing of textiles, and fibers into fabric goods.
9. Assembly and manufacture from prefabricated parts of household appliances, electronic products, machinery and hardware products, and similar products or the processing or assembling of parts for production of finished equipment.
10. Generally those light manufacturing uses similar to those listed in items 1. to 9. above which do not create any greater danger to health and safety in surrounding areas and which do not create greater noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.
11. Accessory buildings and uses including accessory signs and advertising structures related to the activity conducted on the premises but with total sign area not to exceed 100 square feet.
12. Kennels.

C. Height and Area Regulations. The height and area regulation set forth in 100.10 shall be observed.

D. Parking Regulations. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set out in 100.11.

100.09 NONCONFORMING BUILDINGS AND USES

A. The lawful use of a building existing at the time of the adoption of this Ordinance may be continued even though such use does not conform with the provisions hereof. If no structural alteration are made, a nonconforming use of a building may be changed to another nonconforming use of the same or lesser degree of nonconforming use. The foregoing provisions shall also apply to nonconforming uses in districts as may be hereafter changed. Whenever a nonconforming use of a building has been changed to a lesser degree of nonconforming use or to a conforming use, such use shall not hereafter be changed to a greater nonconforming use.

B. No conforming building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than 60 percent of its reproduction value, shall be restored except in conformity with the regulations of this Ordinance. When damaged by less than 60 percent of its reproduction value, a nonconforming buildings may be repaired or reconstructed and used as before the time of damage, provided such repairs or reconstruction are complete within one year of the date of such damage.

C. A nonconforming use occupying only a portion of a building may be extended throughout the building if the same has been lawfully acquired and actually devoted to such use previous to the adoption of this Ordinance or to any affecting amendments thereof.

D. In the event that a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of one year, the use of the same shall thereafter conform to the regulations of the district in which it is located.

100.10 HEIGHT AND WEIGHT REQUIREMENTS.

The required height and area regulations are hereby established and are shown in Table 1 and are qualified or supplemented in the text of this Article. The district regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

A. Height.

1. Public, semipublic, or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding 60 feet if the building is set back from each yard line at least one foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is located.

2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stack, stage towers, or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenance may be erected to such height as may be authorized by the Village Council, but not to exceed 150 feet.

B. Front Yards.

1. When 40 percent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front

yard so established; provided, however, that a front yard depth shall not be required to exceed 50 percent in excess of the front yard otherwise required in the district in which the lot of record is located.

2. An open, unenclosed porch or paved terrace may project into a front yard for a distance not exceeding 10 feet. An unenclosed vestibule containing not more than 40 square feet may project into a front yard for a distance not to exceed four feet.

3. Where lots have double frontage, the required front yard shall be provided on both streets.

4. The parking of automobiles, trucks or other vehicles shall not be permitted in front yards or between the paved street surface and the street right-of-way line except on hard surfaced driveways.

C. Side Yards.

1. For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one building occupying one lot of record.

2. Whenever a lot of record at the effective date of this Ordinance has a width of less than 60 feet, each side yard may be reduced to a width of not less than 10 percent of the width of the lot of record, but in no instance shall a side yard be less than three feet.

3. The required side yard on the street side of a corner lot of record shall be the same as the required front yard on such street, except that the building width shall not be reduced to less than 32 feet, and no accessory buildings shall project beyond the required front yard on either street.

4. Where dwelling units are erected above a commercial establishment, no side yard is required except when required for the commercial building on the side of a lot of record adjoining a residential district.

5. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three feet above the floor level of the ground story may project into a required yard, provided these projections be at least two feet from the adjacent side lot line.

6. The parking of automobiles, trucks, or other vehicles shall not be permitted in side yards or between the paved street surface and the street, right-of-way line in the case of side yards adjacent to streets, except on hard surfaced driveways.

D. Rear Yards.

1. Open-lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted for a distance of not more than three and one-half feet and where the same are so placed as not to obstruct light and ventilation.

2. Not more than 20 percent of the required rear yard area may be occupied by the unenclosed parking spaces.

E. Buildings and Accessory Buildings.

1. Where a lot of record or tract is used for farming or for a commercial or industrial purpose, more than one main building may be located upon the lot of record or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot of record or tract is located.

2. In the event that a lot of record is to be occupied by a group of two or more related buildings to be used for multiple dwelling, institutional, motel or hotel purposes, there may be more than one main building on the lot of record; provided, however, that the open spaces between buildings that are parallel, or within 45 degrees of being parallel, shall have a minimum dimension of 20 feet for one-story buildings, 3- feet for two-story buildings, and 40 feet for three or four-story buildings.

3. Accessory buildings may be built in a required yard but such accessory building shall not occupy more than 30 percent of a required rear yard and shall not be nearer than two feet to any side or rear lot line, except that when a garage is entered from an alley, it shall not be located closer than 10 feet to the alley line. If a garage is located closer than 10 feet to the main building, the garage shall be regarded as part of the main building for the purposes of determining side and rear yards.

4. No accessory building shall be construed upon a lot of record until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.

F. Open Space.

1. Every part of a required yard shall be open to the sky, unobstructed by any structure except for the ordinary projections of sills, belt courses, cornices, and ornamental features which may extend to a distance not to exceed 18 inches into any required yard.

2. Where an open space is more than 75 percent surrounded by a building, the minimum width of the open space shall be at least 20 feet for one-story buildings, 30 feet for two-story buildings, and 40 feet for three or four-story buildings.

3. Required front and side yards shall not be used for the storage of unlicensed or nonfunctional automobiles, buildings materials, junk, equipment, furniture or other items.

G. Minimum Dwelling Unit Floor Area and Width.

Every dwelling unit which shall hereafter be constructed, reconstructed or converted at any location in the Village of Galien shall have a minimum of seven hundred and twenty (720) square feet of floor area and shall be a minimum of twenty (20) feet wide along at least sixty percent of its length.

H. Swimming Pools.

It shall be unlawful for any person or persons to install, place or maintain a swimming pool upon any lot or parcel of land in the Village of Galien without first securing a Certificate of Approval therefore from the Village Building Inspector.

In granting such certificates, the Building Inspector shall consider, among other things, the availability of water and adequate drainage. No certificates for such use shall be granted unless the plans provide for the construction of a suitable fence or enclosure around the pool of at least four (4)

feet in height with a gate or gates that may be locked. The construction of the fence or enclosure shall be a prerequisite to the use of any such swimming pool. The purpose of this provision is to provide for the safety and protection of small children.

The location of a swimming pool on any lot or parcel of land must comply with the yard requirements of the respective district in which it is situated.

After determination by the building inspector that all applicable requirements of this ordinance and the Village building code, including provisions regarding plans and permits, have been met, the building inspector may issue the necessary permit for the construction, installation, enlargement or alteration of a swimming pool.

100.11 OFF-STREET PARKING AND LOADING REQUIREMENTS.

A. In all districts except the B-1 Central Business District, there shall be provided at the time any building or structure is erected or structurally altered (except as specified in Section B of this Article) off street parking spaces in accordance with the following requirements.

1. Dwellings, including single and two-family and multiple: two parking spaces for each dwelling unit.
2. Boarding or lodging house: one parking space for each sleeping room.
3. Private club or lodge: one parking space for every five members.
4. Church or temple: one parking space for each eight seats in the main auditorium.
5. School (except high school or college): one parking space for each ten seat in the auditorium or main assembly room, or one space for each classroom, whichever is greater.
6. College or high school: one parking space for each eight seat in the main auditorium or main assembly room, or one space for each classroom, whichever is greater.
7. Country club or golf club: one parking space for each five members.
8. Community center, library, museum or art gallery: ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet.
9. Hospital: one parking space for every two beds.
10. Sanatorium, convalescent home, home for the aged or similar institution: one parking space for each six beds.
11. Theatre or auditorium (except school): one parking space for each five seats or bench seating spaces.
12. Hotel: one parking space for each three sleeping rooms or suites plus one space for each 200 square feet of commercial floor area contained therein.
13. Tourist home, cabin or motel: one parking space for each sleeping room or suite.
14. Dance hall, assembly, or exhibition hall without fixed seats: one parking space for each 100 square feet of floor area used therefor.

15. Business or professional office, studio, bank, medical or dental clinic: five parking spaces plus one additional parking space for each 400 square feet of floor area over 1,000 square feet.

16. Bowling alley: five parking spaces for each alley.

17. Mortuary or funeral home: one parking space for each 50 square feet of floor space in reposing rooms, parlors, or individual funeral service rooms.

18. Restaurant, night club, cafe or similar recreation or amusement establishment: one parking space for each 100 square feet of floor area.

19. Retail stores or personal service establishment, except as otherwise specified herein: one parking space for each 200 square feet of floor area.

20. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop: two parking spaces plus one additional parking space for each 300 square feet of floor area over 1,000 feet.

21. Printing or plumbing shop or similar service establishment: one parking space for each three persons employed therein.

22. Manufacturing or industrial establishment, research, or testing laboratory, creamery or dairy products, clothing and fabrics, wood products, bottling plant, warehouse or similar establishment: one parking space for each two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

23. Barber or beauty shop as a home occupation: three parking spaces in addition to those required for the residential use.

B. When determining the number of parking spaces needed for any establishment, the following provisions shall apply:

1. In computing the number of such parking spaces required, this shall be construed to be the nearest whole number, and in the case of mixed uses, the parking spaces required shall be equal to the sum of the requirements of the various uses computed separately.

2. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

3. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

C. All parking spaces required herein shall be located on the same lot of record with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required off-street spaces may be located not to exceed 300 feet from

an institutional building served and not to exceed 500 feet from any other nonresidential building served.

D. Every buildings or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution of vehicles, or materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

1. In the B-1 Central Business District and the B-2 General Business District and in the I-1 Light Industrial District: one loading space for each 1,000 square feet or fraction thereof, of floor area in the building.

100.12 **CONDITIONAL USE REGULATIONS.**

The Village Council, after study and receiving such reports as shall be available and after public hearing, may by resolution grant a conditional use permit for the following uses in any district, except as herein qualified, from which they are otherwise prohibited by this Ordinance, and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the Comprehensive Plan and to conserve and protect property values in the neighborhood. Application procedures, processing of applications and approval or rejection shall be in accordance with Public Act 207 of 1921 as amended.

1. Amusement park, but not within 300 feet of an R District.

2. Cemetery or mausoleum.

3. Greenhouse or nursery.

4. Hospital or institution not primarily for the mentally ill or those with contagious diseases, provided that not over 20 percent of the total area is occupied by buildings and that all the buildings shall be set back from all lot lines a distance of not less than two (2) feet for each one (1) foot of building height.

5. Nursery school.

6. Commercial radio tower or broadcasting station.

7. Mobile home park but only in the R-1 and R-2 Districts, and provided that:

(a) The number of mobile homes shall not exceed the number obtained by dividing the total square foot area of the mobile home park site by twenty-five hundred (2,500).

(b) Twenty-five (25) feet shall be maintained between mobile homes and between modular homes and buildings.

(c) Each mobile home site shall abut or face a hard surfaced driveway, roadway or street of not less than 32 feet in width which shall have unobstructed access to a public highway or street.

(d) Each mobile home park providing more than four mobile home sites shall provide suitable playground area of not less than 300 square feet per mobile home.

(e) Each mobile home park shall provide sanitary facilities and water supply in accordance with the standards of and meeting the approval of the Michigan State Department of Health and the Village. No special permit for mobile home parks shall be granted until approved by the Michigan State Department of Health and the Village Engineer.

(f) Electrical facilities provided to each lot must meet the electrical code requirements. Mobile home parks having 10 or more lots must provide an overhead street light or night light operating at night. One street light must be provided for each 10 lots or portion thereof within the park.

(g) No certificate of occupancy shall be granted until after certification of compliance with the requirements of the Village. All special permits for mobile home parks shall be temporary and shall be valid only during the period that the mobile home park complies with the requirements of the Village.

8. Mobile home for use as single family dwelling on individually owned lots in the R-1 or R-2 Districts provided the following standards are met:

(a) A mobile home is a structure transportable in one (1) or more sections, which is built or transported on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

(b) Mobile homes shall comply with all Village of Galien regulations applicable to single family homes except as modified here, including the floor area and width requirements of 100.10, Section G.

(c) Each mobile home shall contain a seal or other proof of inspection and compliance with Act 419 of the Public Acts of 1976, as amended, and the rules issued thereunder, as amended, relating to the construction and installation of premanufactured dwelling units.

(d) Structural, electrical, plumbing and mechanical facilities shall be in accordance with the standards of the Mobile Home Manufacturers Association.

(e) A concrete block or poured concrete foundation wall shall be approved and provided below frost line footing completely around perimeter of mobile home so that excessive air circulation, rats, vermin and rubbish will be excluded. Piers bearing the weights of the mobile home shall be of concrete and shall rest below the frost line footings.

(f) A tie down system shall be installed which meets the approval of the Village.

(g) No mobile home may be used for any residential, commercial, or industrial purpose or stored either transiently or permanently, unless in compliance with 100.12 hereof. This section does not limit the parking of travel trailers built for recreational purposes that are self-contained and can be pulled down the highway without special permit.

9. Removal of gravel, topsoil, or similar natural material; provided, however, that topographical levels, sub-surface water, sight barrier and safeguards to the public shall be required as part of any permit to mine these resources, granted by the Village Council.

10. Outdoor theatres, but when along a state highway only after approval by the Michigan Department of Highways and Transportation.

11. All uses permitted in the I-1 Light Industrial District shall be conditional uses subject to the requirements of this Article.

12. Utility and public service buildings and uses such as but not limited to gas and electric substations or regulator stations when operating requirements necessitate the construction of such buildings in specific locations.

100.13

BOARD OF APPEALS.

A. Organization. A Board of Appeals is hereby established. The word "Board" when used in this Section shall be construed to mean the Board of Appeals. Said Board shall consist of five members appointed by the President of the Village Council with the approval of the Village Council. The terms of office of each member shall be three years except that the five members first appointed shall serve respectively for terms of one, two, two, three and three years. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. Members shall be removable for cause by the President and Village Council upon written charges and after public hearing. The Council shall elect its own Chairman who shall serve for one year.

B. Procedure. The Board shall adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Each session of the Board, at which an appeal is to be heard, shall be a public meeting.

An appeal may be taken to the Board of Appeals by any person, group, or organization, public or private, affected by a decision of the Building Official. Such appeal shall be taken within such time as prescribed by the Board by general rule, by filing with the Village Building Official a notice of appeal specifying the grounds thereof. A fee of \$10.00 shall accompany all notices of appeal. The Village Building Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

C. Powers and Duties. The Board of Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Village Building Official in the enforcement of this Ordinance, and may affirm or reverse, in whole or part, said decision of the enforcement officer.

2. To hear and decide request for a variance in the strict application of the regulations with respect to a specified lot where, by reason of exceptional narrowness, shallowness or shape thereof or by reason of exceptional topography or other extraordinary or exceptional situation or condition, strict application or any provision of this Ordinance would result in peculiar and exceptional practical difficulties and clearly demonstrable hardship upon the owner of such property, and not a mere inconvenience to the owner. Clear indications must be made by the petitioner that conditions of the specific lot under question are different than any other lot, that these conditions may have existed before the adoption of this Zoning Ordinance, and the type of hardship to be sustained. The Board shall not permit, as a

variance, any use the district that is not permitted under the Ordinance. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

3. To hold public hearings on and decide the following special exceptions to this Ordinance:

(a) To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of adoption of this Ordinance.

(b) Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning District Map where the street layout on the ground varies from the street layout as shown on this map.

(c) Permit reconstruction of a nonconforming building otherwise prohibited by 100.09 where such action would not constitute continuation of monopoly.

(d) Vary the parking regulations by not more than 50 percent where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this Ordinance or where it can be conclusively shown that adequate off-street parking to serve a particular use has been provided by or is controlled by the municipality.

Decision of the Board in respect to the above shall be subject to appeal to the Circuit Court of Berrien County within 30 days after the filing of the decision in the Office of the Board.

100.14

CERTIFICATE OF ZONING COMPLIANCE AND BUILDING PERMITS.

A. It shall be unlawful to commence or to proceed with the excavation for foundation, erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing or moving of any building or structure, or of any portion thereof, and no occupancy, use, or change of use shall take place without first having applied in writing to the Building Official for a Certificate of Zoning Compliance and a Building Permit, and the same have been granted.

B. Certificate of Zoning Compliance. A Certificate of Zoning Compliance shall be required for any of the following:

1. Occupancy and use of any building hereafter erected or structurally altered.
2. Change in use of an existing buildings to a use of a different classification.
3. Occupancy and use of vacant land.
4. Change in the use of land to a use of a different classification.
5. Any change in the use of nonconforming use.
6. Any nonconforming building.

C. The Certification of Zoning Compliance shall state that the building or proposed use of a building or land, conforms with all the provisions of this Ordinance. If the building or proposed use of a building or land is nonconforming, the Certification of Zoning Compliance shall specifically state wherein the nonconforming building or proposed use of a building or land differs from this Ordinance.

D. Owners or occupants of nonconforming uses of structures shall have three months to apply for Certificates of Zoning Compliance. Failure to make such application within three months shall be presumptive evidence on the Village's part that the property was in conforming use at the time of enactment or amendment of this Ordinance.

E. Building Permits. A Building Permit shall be required to excavate for foundation, construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, or construct a sign of any description, or to install or alter fire-extinguishing apparatus, elevators, engines, or to install a steam boiler, furnace, heater, incinerator, or other heat producing apparatus, or other appurtenances, or to cause any such work to be done, the installation of which is regulated by the Building Code as adopted by the Village of Galien.

F. Every application for a Building Permit shall be delivered to Village Building Official and shall be accompanied by a detailed set of plans, in duplicate, showing the size of the proposed building or structure, its location on the lot, the basic materials of which it is to be constructed and the details and type of construction to be used. On the issuance of a Permit, one set of said plans shall be retained by the Village Building Official as a permanent record and one set shall be returned to the applicant. In cases of any building or structure to be located outside the five districts, the Village Building Official may, at his own discretion, permit the substitution of a written statement covering the essential information required in place of said plans.

G. Any Building Permit, under which no construction work has been commenced within six months after the date of issue of said Permit or under which the proposed construction has not been completed within two years of the date of issue shall expire by limitation; and no work or operation shall take place under such Permit after such expiration or until a new Permit is secured. A Building Permit may be extended, after showing cause, for one or more extensions of time for periods of not exceeding ninety (90) days.

H. Blank forms shall be provided by the Village Building Official for the use of those applying for Permits as provided for in this Ordinance. Any Permits issued by the Village Building Official shall be on standard forms for such purpose and furnished by the Village. A careful record of all such applications, plans, and Permits shall be kept in the Office of the Village Building Official.

100.15 ENFORCEMENT, VIOLATION AND PENALTIES.

A. It shall be the duty of the person designated by the President of the Village Council as Village Building Official to administer and enforce the regulations contained in this Ordinance.

B. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be fined not less than Twenty-five (\$25.00) Dollars, nor more than Two Hundred (\$200.00) Dollars or imprisoned for not to exceed one month, or both, for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. Any such person, firm, or corporation having been served with an order to remove any such violation, failing to comply with said order within ten days after such notice or continuing to violate any provision of the regulations made under authority of this Ordinance in the respect named in such order, shall be subject to a civil penalty of Two Hundred Fifty (\$250.00) Dollars.

100.20

C. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure, or land is used in violation of this Ordinance, the Village, in addition to other remedies, may institute an injunction, mandamus, or any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business or use in or about such premises.

100.16 INTERPRETATION, PURPOSE AND CONFLICT.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

100.17 AMENDMENTS AND CHANGES.

A. The Village Council may, from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of districts or regulations or restrictions herein established. Any proposed amendment, supplement, change, modification, or repeal shall first be submitted to the Village Council for its recommendations and report. If the Village Council makes no report within 30 days, it shall be considered to have made a report approving the proposed amendment, supplement, modification, or change. Upon the filing of the recommendations and report by the Village Council with respect to any proposed amendment, supplement, change, modification, repeal, the Village Board of Trustees shall proceed to hold a public hearing in relation thereto, giving at least fifteen (15) days notice of the time and place of such hearing, which notice shall first be published in a newspaper having a general circulation in the Village of Galien.

B. In case of an adverse report by the Village Council or if a protest against such proposed amendment, supplement, change, modification, or repeal shall be presented in writing to the Village Clerk, duly signed and acknowledged by the owners of ten percent or more, either of the area of the land (exclusive of streets, places, and alleys), included within such proposed amendment, supplement, change, modification, or repeal, or within area determined by lines drawn parallel to and 200 feet distant from the boundaries of the district proposed to be changed, such amendment, supplement, change, modification, or repeal shall not become effective except by the majority vote of all members of the Village Council.

C. All petitions desiring a change, amendment, or supplement of the established zoning district of the Village and regulations connected therewith shall be filed with the Village Clerk by the person requesting such action and such petition shall contain the street address of the petitioner, the lot number of any real estate owned by him or her adjacent to the area proposed to be change and shall also contain an accurate legal description of the district or part of districts proposed to be so altered. Such petition shall also recite facts indicating that the proposed change will not be detrimental but be beneficial to the general public interest and the purposes of this Ordinance and shall further disclose the purpose for which such property is sought to be used.

D. A petition for a change in the regulations or districts herein subsequently established shall be filed with the Village Clerk in duplicate. A fee of Twenty (\$20.00) Dollars shall be paid at time of filing to cover the cost of publication of notice of hearing on said petition and other costs incidental to such hearing.

100.18 **VALIDITY.**

If any Article, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional , such decision shall not affect the validity of the remaining portion of this Ordinance.

100.19 **EFFECTIVE DATE.**

This Ordinance shall be in force and effect from and after its passage and approval as provided by law.

TABLE 1
HEIGHT AND AREA REQUIREMENTS

<u>District</u>	<u>Maximum Height of Buildings</u>		<u>Minimum Yard Requirements in Feet</u>			<u>Minimum Lot Area per Family In Square Feet</u>	<u>Minimum Residential Lot Widths in Feet</u>
	<u>Stories</u>	<u>Feet</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>		
R-1 Residential	2	35	30	8	30	10,000 One Family 5,000 Two Family	80 80
R-2 Residential	3	45	25	6	25	7,500 One Family 3,750 Two Family 2,500 Multiple Family	60 60 60
B-1 Central Business	3	45	—	10*	20*	Same as R-2**	Same as R-2**
B-2 General Business	3	45	25	10*	20*	Same as R-2**	Same as R-2**
I-1 Industrial	3	45	25	10*	30*	Residences not permitted	Residences not permitted

* A side or rear yard is required on a commercial or industrial lot abutting a residential district, otherwise, no side or rear yard is required.

** Minimum lot area and minimum lot width requirements do not apply to commercial uses; provided, however, the minimum requirements for off-street parking as provided herein shall continue to apply.