

CHAPTER 152: ZONING

Section

General Regulations

- 152.001 Purpose
- 152.002 Validity; severability; conflict of laws
- 152.003 Rules of construction
- 152.004 Definitions

Official Zoning Map

- 152.020 District establishment
- 152.021 Official Zoning Map
- 152.022 Map changes
- 152.023 Official Zoning Map location
- 152.024 Official Zoning Map replacement
- 152.025 Boundary interpretation rules
- 152.026 Minimum regulations

Amendment

- 152.040 Amendment initiation; fees
- 152.041 Procedure
- 152.042 Conformance to decree

Variance

- 152.055 Planning Commission recommendation
- 152.056 Guidelines
- 152.057 Planning Commission findings
- 152.058 Proposed variance

Specific Regulations

- 152.070 Purpose
- 152.071 Accessory building
- 152.072 Lot building relationship
- 152.073 Accessory building, basement prohibited as dwelling
- 152.074 Water and sewerage requirements
- 152.075 Greenbelt buffer
- 152.076 Street access
- 152.077 Intersection visibility
- 152.078 Street closure
- 152.079 Height regulations
- 152.080 Fences; walls; screens
- 152.081 Prohibition of oil or gas wells
- 152.082 Shoreline excavation; dredging
- 152.083 Essential services exemption
- 152.084 Swimming pools
- 152.085 Continuing conformance obligation
- 152.086 Off-street parking

152.087 Loading, unloading requirements

R1 Low Density Residential District

152.100 Purpose

152.101 Permitted use

152.102 Conditional use

152.103 Regulations

R2 Medium Density Residential District

152.115 Purpose

152.116 Permitted use

152.117 Conditional use

152.118 Regulations

R3 Multiple-Family Residential District

152.130 Purpose

152.131 Permitted use

152.132 Conditional use

152.133 Area requirements

152.134 Regulations

R4 Mixed Residential District

152.145 Purpose

152.146 Permitted use

152.147 Conditional use

152.148 Regulations

MHP Mobile Home Park District

152.160 Purpose

152.161 Permitted use

152.162 Area requirements

152.163 Regulations

B Business District

152.175 Purpose

152.176 Permitted use

152.177 Conditional use

152.178 Regulations

CS Community Service Commercial District

152.190 Purpose

152.191 Permitted use

152.192 Conditional use

152.193 Regulations

HS Highway Commercial District

152.205 Purpose

152.206 Permitted use

152.207 Conditional use

152.208 Regulations

LI Light Industrial District

- 152.220 Purpose
- 152.221 Permitted use
- 152.222 Conditional use
- 152.223 Regulations

HI Heavy Industrial District

- 152.235 Purpose
- 152.236 Permitted use
- 152.237 Conditional use
- 152.238 Regulations

OAC Open Space, Agricultural, and Waterbody Conservation District

- 152.250 Purpose
- 152.251 Permitted use
- 152.252 Conditional use
- 152.253 Regulations

Conditional Uses

- 152.270 Purpose
- 152.271 Authority to grant permits
- 152.272 Application and fee
- 152.273 Posting of property and public hearing
- 152.274 Findings by the Village Planning Commission
- 152.275 General standards for all conditional use permits
- 152.276 Compliance bond
- 152.277 Conditions, limitations, requirements and safeguards
- 152.278 Continued validity of permit; revocation
- 152.279 Index to conditional uses; applicability to districts
- 152.280 Junk yards
- 152.281 Gasoline sales and convenience centers
- 152.282 Planned unit developments
- 152.283 Essential service buildings
- 152.284 Agri-business
- 152.285 Community facilities, public or non-profit
- 152.286 Telecommunications towers; standards and requirements
- 152.287 Animal hospitals, clinics and commercial kennels
- 152.288 Mini-storage warehouse facilities
- 152.289 Drive-in or drive-through retail service establishments
- 152.290 New and used vehicles, trailer sales
- 152.291 Temporary dwellings
- 152.292 Adult entertainment
- 152.293 Hospitals
- 152.294 Homes for the elderly and retired
- 152.295 Group day-care homes

- 152.296 Child care centers
- 152.297 Adult day-care homes
- 152.298 Adult day-care centers
- 152.299 Warehousing and storage facilities for established retail businesses
- 152.300 Commercial storage rental facilities
- 152.301 Commercial repair facilities for automobiles and other light motor vehicles; general repair
- 152.302 Commercial repair facilities for automobiles and other light motor vehicles; limited repair
- 152.303 Places of amusement and recreation

Nonconforming Uses and Buildings

- 152.325 Nonconforming use of land or building

Sign Regulation

- 152.340 General regulations
- 152.341 Signs permitted, OAC District
- 152.342 Signs permitted, residential districts
- 152.343 Signs permitted, commercial, industrial districts
- 152.344 Outdoor advertising signs
- 152.345 Gasoline service station signs
- 152.346 Nonconforming signs eliminated

Administration and Enforcement

- 152.360 Purpose
- 152.361 Administration

Zoning Inspector

- 152.375 Zoning Inspector duties
- 152.376 Building permits

Enforcement

- 152.390 Fees, charges, costs
- 152.391 Violations
- 152.392 Legal action

Zoning Board of Appeals

- 152.405 Board of Appeals established
- 152.406 Membership; terms of office
- 152.407 Rules of procedure
- 152.408 Meetings and minutes
- 152.409 Powers and duties
- 152.410 Variance
- 152.411 Re-application for variance
- 152.412 Appeal procedure

Appendix A: Lot Regulations

Appendix B: Yard Requirements

Appendix C: Roof Types

Appendix D: Parking Layouts

Appendix E: Types of Lots

Statutory reference:

See, *Michigan Planning Enabling Act, being M.C.L.A. §§ 125.3801 et seq.*

GENERAL REGULATIONS

§ 152.001 PURPOSE.

- (A) Promoting and protecting the public health, safety, and general welfare;
- (B) Protecting the character and the stability of the agricultural, recreational, residential, commercial, and other areas within the village and promoting the orderly and beneficial development of the areas;
- (C) Regulating the intensity of use of land and lot areas and determining the area of open places surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to the property;
- (D) Lessening and avoiding congestion on the public highways and streets;
- (E) Providing for the needs of industry, recreation, residence, commerce, and other land in future growth;
- (F) Fixing reasonable standards to which buildings and structures shall conform;
- (G) Prohibiting uses, buildings, or structures which are incompatible with the character of development or the uses, buildings, or structures permitted within specified zoning districts;
- (H) Preventing the additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder;
- (I) Protecting against fire, explosion, noxious fumes and odors, dust, smoke, glare, noise, and other nuisances and hazards in the interest of the public health, safety, and general welfare;
- (J) Preventing the overcrowding of land and undue concentration of buildings and structures, so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- (K) Conserving the taxable value of land, buildings, and structures throughout the village;
- (L) Providing for the completion, substitution, or elimination of nonconforming uses;
- (M) Creating a Board of Appeals and defining the powers and duties thereof; and
- (N) Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this chapter.

(Prior Code, § 740.01)

§ 152.002 VALIDITY; SEVERABILITY; CONFLICT OF LAWS.

(A) *Validity and severability clause.*

(1) If any court of competent jurisdiction shall declare any part of this code to be invalid, the ruling shall not affect any other provisions of this code not specifically included in the ruling.

(2) If any court of competent jurisdiction shall declare invalid the application of any provision of this code to a particular land, parcel, lot, district, use, building, or structure, the ruling shall not affect the application of the provision to any other land, parcel, lot, district, use, building, or structure not specifically included in the ruling.

(Prior Code, § 740.02)

(B) *Conflict with other laws.*

(1) Where any condition imposed by any provision of this code upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by other provision of this code or by the provisions of a code adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

(2) This code is not intended to abrogate or annul any easement, covenant, or other private agreement, provided that, where any provision of this code is more restrictive or imposes a higher standard or requirement than the easement, covenant, or other private agreement, that provision of this code shall govern.

(Prior Code, § 740.03)

(3) All references to the City and Village Zoning Act, Public Act 207 of 1921, being M.C.L.A. §§ 125.581 through 125.590, as amended, shall now be made reference to as Public Act 110 of 2006, also known as the Michigan Zoning Enabling Act, and being M.C.L.A. §§ 125.3101 through 125.3702, as amended.

(Ord. 06-02, passed 7-17-2006)

§ 152.003 RULES OF CONSTRUCTION.

(A) *Generally.* The following rules of construction apply to the text of this chapter.

(B) *Specifically.*

(1) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(2) The word "building" includes the word "structure."

(3) A "building" or "structure" includes any part thereof.

(4) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

(5) Any word or term not defined herein shall be used with a meaning of common or standard utilization.

(Prior Code, § 741.01)

§ 152.004 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any changes required to the following definitions by change in state law or state code or by decree of a court of competent jurisdiction may be made by the Village Council, with the concurrence of both the Planning Commission and the Zoning Board of Appeals without use of formal amendment procedures. Provided, that the changes, when approved, will be published in the local newspaper.

ACCESSORY BUILDING. A subordinate building, the use of which is clearly incidental to that of the principal building or to the use of the land and which is attached securely to a permanent masonry foundation or similar permanent footings.

ACCESSORY USE. A use subordinate to the principal use on a lot and used for purposes clearly incidental to those of the main use.

AGRICULTURAL. Includes purposes related to agriculture, farming, dairying, pastorage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

ALLEY. A public or legally-established private thoroughfare, other than a street, which affords a secondary means of access to abutting property, and is not more than 20 feet wide.

ALTERATION. Any change, addition, or modification in construction, any change in the structural members of a building, such as walls, or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as **ALTERED** or **RECONSTRUCTED**.

ANIMATED SIGN. Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.

APARTMENT. See **DWELLING, MULTIPLE-FAMILY**.

AREA, NET SIZE. The total area within the property lines of a project excluding external streets rights-of-way.

AUTOMOBILE AND OTHER LIGHT MOTOR VEHICLE REPAIR. General repair and rebuilding or reconditioning of motor vehicles and motor vehicle components, and collision services such as body, frame, or fender straightening and repair; overall painting and undercoating of vehicles when carried on in a completely enclosed room or building.

AUTOMOBILE or TRAILER SALES AREA. Any space used for display, sale, or rental of motor vehicles or trailers, in new or used and operable condition.

BASEMENT. The portion of a building which is below the first story and the average height below the ground line is greater than that above the ground line (see structural terminology diagram).

BILLBOARD. Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. This definition does not include any bulletin boards used to display official court or public office notices.

BUILDING. Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDING COVERAGE. The percentage of the plot or lot area covered by the building area.

BUILDING HEIGHT. The vertical distance measured from the established sidewalk grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided the average elevation shall not exceed the established sidewalk grade at the center of the front of the building by more than one inch for each front foot that the building sets back from the front line (see building heights requirement diagram).

BUILDING PERMIT. A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this chapter.

CARE FACILITIES. Facilities regulated by this chapter providing resident services to more than six and less than 13 individuals in need of supervision or care. This shall include adult foster care and child day-care facilities of more than six persons unrelated to the owner/operator of the facility.

CHURCH. A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with the principal purpose.

CLUB or LODGE, PRIVATE. A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of the premises being restricted to members and their guests. The affairs and management of the **PRIVATE CLUB OR LODGE** are conducted by a board of directors, executive committee, or similar body chosen by the members at a meeting. It shall be permissible to serve food and meals on the premises providing adequate dining room space and kitchen facilities are available and provided all public health and other laws are complied with. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that the sale of the alcoholic beverages is in compliance with the applicable federal, state, and municipal laws.

CONDITIONAL USE. A use which is subject to conditional approval by the Planning Commission. **ACONDITIONAL USE** may be granted when specified by this chapter and for those uses not specifically mentioned. A permitted **CONDITIONAL USE** is not considered to be a nonconforming use.

CONDOMINIUM UNIT. The portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, or any other type of use approved by the State Department of Commerce.

COURT. An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of the building.

COURT, OUTER. A court enclosed on not more than three sides by exterior walls of a building, or by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley, or yard.

DISTRICT. A portion of the incorporated part of the village within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DRIVE-IN. An establishment of the "drive-in" type is one which accommodates the patrons' automobiles in the off-street parking area accessory to the business from which the occupants may receive a service or obtain a product which may be used or consumed, in the vehicle, on the same premises or within the establishment.

DWELLING, MULTIPLE-FAMILY. A building, or portion thereof, designed exclusively or altered for occupancy by three or more families living independently of each other. This shall be established by three or more separate units, or apartments, with each meeting the definition of dwelling unit.

DWELLING, ONE-FAMILY. A building designed exclusively for one dwelling unit.

DWELLING, TWO-FAMILY. A building designed exclusively or altered for two dwelling units.

DWELLING UNIT. A building or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities. The **DWELLING UNIT** shall be attached to and located upon a permanent masonry foundation.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground or overhead gas, electrical, steam, or water, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment, and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by the public utilities or municipal departments or commissions or for the public health or safety or general welfare.

FAMILY. This shall be considered a domestic family of one or more related persons (through marriage or adoption) residing in a single dwelling unit and sharing facilities (such as a kitchen and common entrances). This shall also include a functional **FAMILY** of no more than six unrelated persons who share common facilities and operate as a single nonprofit **FAMILY** unit. This shall exclude those uses where the living arrangement is temporary or seasonal (such as fraternities, sororities, associations, and lodges) and where the persons within the unit are treated as individual occupants for housekeeping purposes.

FARM. All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager, or tenant farmer, by his or her own labor or with the assistance of members of his or her household or hired employees; provided, however, that land being considered a **FARM** hereunder shall include a continuous parcel of ten acres or more in area.

FLOOD PLAIN. The land which is enrolled in the National Flood Insurance Program or is determined to be a wetland as designated by local, state, or national standards.

FLOOR AREA. The number of square feet in a site built house is the sum of the gross horizontal area of the several

floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The **FLOOR AREA** of a building shall include the area of any floor when more than one-half of the room height is above the established curb level, or above the finished lot grade. Within a two-family or multiple-family residence or other building where separate ownership or leasehold interests exist, any interior common areas shall not be included within the determination of **FLOOR AREA**. Calculations used to determine the number of square feet in a manufactured home will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on the site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

FRONTAGE. The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

GARAGE, COMMERCIAL. Any garage other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles, or other motor vehicles.

GARAGE, PRIVATE. An accessory building not over one story or 15 feet in height used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.

GASOLINE SERVICE STATION. Any building, or premises used for the dispensation, sale, or offering for sale at retail of any motor fuels, oils, or lubricants. When the dispensing, sale, or offering for sales is incidental to the conduct of a commercial garage, the premises are classified as a commercial garage.

GRADE. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished **GRADE** is level. If the ground is not level, the **GRADE** shall be determined by averaging the elevation of the ground for each face of the building.

GREENBELT BUFFER. A strip or parcel of land privately restricted or publicly dedicated as open space, located between land uses for the purpose of protecting the character of adjacent residential or other uses. The **GREENBELT BUFFER** shall include, but not be limited to, the following materials: open space with maintained grass cover, evergreens, deciduous trees, shrubs, and bushes.

GROUP HOUSING. Two or more multiple dwellings on a parcel of land under single ownership.

HIGHWAY. See **MAJOR STREET**.

HOSPITAL. An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, related facilities, central services facilities, and staff offices.

HOTEL, MOTEL. A building containing primarily rooming units with the number of dwelling units being not greater than 10% of the total number of rooming units, and with the exception of the unit occupied by the management staff; used only for the accommodations of transients.

INDUSTRIAL PARK. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

JUNK YARD. Any land or buildings where waste, used or second hand materials are bought and sold, exchanged, stored, baled, parked, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A **JUNK YARD** includes automobile wrecking yards and includes any area of more than 50 square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings.

KENNEL. Any lot or premises on which more than four common house pets are kept permanently or are temporarily boarded.

LIVING SPACE. The area within a structure intended, designed, erected, or used for human occupancy; that is, the sum of the gross horizontal area of the floor in question of the building used for the occupancy, measured from the exterior faces of the exterior walls, from the center lines of interior walls, and excluding porches, garages, and breezeways not usable the year around.

LOADING SPACE. An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this chapter including one principal building together with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this chapter. For the purposes of this chapter, **LOTS** are further classified as follows:

(1) **FRACTIONAL LOT.** A parcel of land of lesser area than that established for its zoning district;

(2) **MULTIPLE LOT.** Any combination of contiguous primary, secondary, or fractional lots which exceeds the area prescribed for a primary lot in its zoning district;

(3) **PRIMARY LOT.** A parcel of land established by an original plat, with an area equal to, or exceeding, the minimum prescribed for its zoning district. Some **PRIMARY LOTS** may be irregular in shape; and

(4) **SECONDARY LOT.** A parcel of land with boundaries changed from the original plat by survey or real estate transactions, but still containing the minimum area prescribed for its zoning district.

LOT AREA. The total horizontal area within the lot lines of a lot.

LOT, CORNER. A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than 135 degrees. A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

LOT COVERAGE. The part or percent of the lot occupied by buildings or structures including accessory buildings or structures.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

LOT, INTERIOR. Any lot other than the corner lot.

LOT LINES. The lines bounding a lot as defined below:

(1) **FRONT LOT LINE.** In the case of an interior lot, the line separating the lot from the street, in the case of a corner or double frontage lot, the line separating the lot from that street which is designated as the front street in the plot. Establishment of lot frontage is an integral part of the planning and approval steps in development, requiring approval of the Planning Commission and other agencies. It is not therefore, a prerogative of the owner or builder.

(a) In the case of all future construction, lot frontage will be identified in the preliminary and final platting. In the future development of areas bordering on a lake, river, or canal, the established water or shore line will be designated as the front of the lots.

(b) In the case of areas of one or more blocks already partially developed, the siting of existing primary buildings therein establishes the frontage for the area.

(c) In the case of a request to establish or designate lot frontage as an exception existing frontages in the same area, the request will be reviewed by the Planning Commission and then resolved by the Zoning Board of Appeals on a case-by-case basis.

(2) **REAR LOT LINE.** The lot line opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot; and

(3) **SIDE LOT LINE.** Any lot line other than the front lot line or rear lot line.

LOT OF RECORD. A lot or parcel existing prior to the adoption of this chapter and recorded in the office of the County Register of Deeds. For the purposes of this chapter, land contracts and purchase options not recorded in the County Register of Deeds office, but dated and executed prior to the effective date of this chapter shall also constitute a lot of record.

LOT WIDTH. The horizontal distance between the side lot lines, measured at the two points where the building line or setback intersects the side lot line.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. **MANUFACTURED HOME** does not include recreational vehicles.

MASTER PLAN. The statement of policy by the Village Planning Commission relative to the agreed-upon desirable physical pattern of future community development. Consists of a series of maps, charts, and written material representing in summary form the soundest conception of the community as to how it should grow in order to bring about the very best community living conditions.

MOBILE HOME. See **MANUFACTURED HOME**.

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

MODULAR HOME. A prefabricated structure, transported in one or more sections by flatbed trailer or other means to the site where they are removed from their transporter by crane or other lifting device and assembled on permanent foundations, to form single family dwellings which are either attached in rows or clusters, stacked, or detached.

NONCONFORMING BUILDINGS. A building or portion thereof, existing at the effective date of this chapter, or amendments thereto, and which does not conform to the provisions of this chapter.

NONCONFORMING USE. A use which lawfully occupied a building or land at the time this chapter or amendments thereto became effective, and which does not conform to the use regulations of the district in which it is located.

NURSING or CONVALESCENT HOME. A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.

OFF-STREET PARKING LOT. A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.

OPEN SPACE. Any space suitable for recreation, gardens, or household service activities such as clothes drying. The space must be at least 75% open to the sky, free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is required.

PARKING SPACE. An area of definite length and width, exclusive of drives, aisles or entrances, which is fully accessible for the parking of permitted vehicles. Perpendicular and angle parking spaces shall have a minimum dimension of nine feet by 18 feet. Parallel parking shall be a minimum of eight feet by 20 feet in dimension.

PLANNED UNIT DEVELOPMENT. A tract of land which includes two or more principal buildings, developed under single ownership or control, the development of which is unique and of substantially different character than that of surrounding area, and where the specific requirements of a given district may be modified, and where the minimum area is fixed. The development shall be based on a plan which allows for flexibility of design not available under normal zoning district requirements.

PLANNING COMMISSION. The Village Planning Commission, as set forth in this code, shall have the powers granted under the authority of the Municipal Planning Act, Public Act 285 of 1931, being M.C.L.A. §§ 125.31 through 125.45, and the City and Village Zoning Act, Public Act 207 of 1921, being M.C.L.A. §§ 125.581 through 125.590. If the Village Council has not established a Planning Commission, the authority shall rest with the Village Council, and references to "Planning Commission" in this chapter shall be read as the "Village Council," and references to "Planning Commission" or "Village Planning Commission" in this chapter shall be read as "Village Council."

PRINCIPAL USE. The main use to which the premises are devoted and the main purpose for which the premises exist.

PUBLIC PARK. Any park, playground, beach, outdoor swimming pool, or parkway within the jurisdiction and control of a governmental agency authorized by state statutes to own and maintain parks.

PUBLIC SEWER SYSTEM. A central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating, or otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely affecting the public health; operated and maintained for the general public.

PUBLIC UTILITY. Any person, firm, or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under state or municipal regulations to the public, gas, steam, electricity, sewer disposal, communication, telegraph, transportation, or water.

RECREATIONAL AREA, PRIVATE. All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

RECREATIONAL VEHICLES. All those small mobile units principally designed for recreational pastime.

RESTAURANT. An establishment whose principal business is the sale of food within an enclosed seating area. This shall exclude drive-in restaurants and those uses whose principal business is the sale of alcoholic beverages.

RETAIL and RETAIL STORES. Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

RIGHT-OF-WAY. A street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.

ROADSIDE STAND. A permanent structure which is used seasonally for the sale of produce. The use of a **ROADSIDE STAND** shall not constitute a commercial district.

ROOMING HOUSE. A building, or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

ROOMING UNIT. Any room, or group of rooms, forming a single habitable unit used for living and sleeping, which does not contain cooking or eating facilities.

ROWHOUSE (TOWNHOUSE). An attached house in a row or group, each house containing not more than two dwelling units and each house separated from adjoining houses in the same row or group by common fire walls or fire separation.

SANITARY LANDFILL. A use regulated by the state pursuant to the requirements of Public Act 451 of 1994, being M.C.L.A. §§ 324.11501 *et seq.*

SCHOOLS. A building used for the purpose of elementary or secondary education, which meets all requirements of compulsory education laws of the state, and not providing residential accommodations.

SETBACK. The minimum horizontal distance between the street, rear, or side lines of the lot and the front, rear, or side lines of the building. When two or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining offsets.

SHOPPING CENTER. A group of commercial establishments, planned, developed, owned, and maintained as a unit, with off-street parking provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves.

SIGNS. Any words, numbers, figures, devices, designs, or trademarks by which anything is made known other than billboards, such as are used to show an individual, firm or professional business, and which are visible from the exterior of the structure.

SITE CONDOMINIUM PROJECT. A plan or project consisting of not less than two single-family units established in conformance with the Michigan Condominium Act, Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272.

STORY. The part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STREET. A thoroughfare which affords the principal means of access to abutting property.

STREET, MAJOR. A public way, the principal use of which is to provide an arterial route for through traffic and has as its secondary use the provision of access to abutting properties.

STREET, MINOR. A public way, the principal use of which is to give access to abutting properties.

STRUCTURAL ALTERATION. The erection, strengthening, removal, or other change of the supporting elements of a building, such as footings, bearing walls, beams, columns, and the like.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SWIMMING POOLS. Any artificially constructed, portable or non-portable pool capable of being used for swimming or bathing, having a depth of three feet or more at any point.

UNDEVELOPED LAND. Land which has soil types or a high water condition which presents severe limitations on septic tank and tile fields.

USABLE FLOOR AREA. The area for the purpose of computing parking and off-street loading and unloading space, which is used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. The floor area which is used or intended to be used principally for the storage or processing of merchandise or utilities shall be excluded from this computation of **USABLE FLOOR AREA**. Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

USE. The purpose for which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let, or leased.

VARIANCE. A modification of the literal provisions of this chapter which the Zoning Board of Appeals is permitted to grant when strict enforcement of the provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.

YARD. An open space on the same lot with the main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter.

(1) **FRONT YARD.** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

(2) **REAR YARD.** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

(3) **SIDE YARD.** A yard between the main building and the side lot line, extending from the front yard to the rear yard. The width of the required **SIDE YARD** shall be measured horizontally from the nearest point of the side lot line, to the nearest point of the main building.

ZONING. See **DISTRICT**.

(Prior Code, § 741.02)

OFFICIAL ZONING MAP

§ 152.020 DISTRICT ESTABLISHMENT.

The village is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this chapter:

- (A) R1 Low Density Residential District;
- (B) R2 Medium Density Residential District;
- (C) R3 Multiple-Family Residential District;
- (D) R4 Mixed Residential District;

- (E) MHP Mobile Home Park District;
- (F) B Business District;
- (G) CS Community Service Commercial District;
- (H) HS Highway Commercial District;
- (I) LI Light Industrial District;
- (J) HI Heavy Industrial District; and
- (K) OAC Open Space, Agricultural, and Waterbody Conservation District.

(Prior Code, § 745.01)

§ 152.021 OFFICIAL ZONING MAP.

These districts, so established, are bounded and defined as shown on the map entitled "Zoning District Map of Homer Village," adopted by the Council, and which, with all notations, references, and other information appearing thereon, is hereby declared to be a part of this chapter and of the same force and effect as if the districts shown thereon were fully set forth by metes and bounds herein.

(Prior Code, § 745.02)

§ 152.022 MAP CHANGES.

If, in accordance with the procedures of this chapter and of Public Act 207 of 1921, being M.C.L.A. §§ 125.581 through 125.590, as amended, a change is made in a zoning district boundary, the change shall be made by the Zoning Inspector promptly after the ordinance authorizing the change shall have been adopted and published by the Council. No change of any other nature shall be made unless authorized by the Planning Commission and approved by the Council.

(Prior Code, § 745.03)

§ 152.023 OFFICIAL ZONING MAP LOCATION.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the village offices, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the village.

(Prior Code, § 745.04)

§ 152.024 OFFICIAL ZONING MAP REPLACEMENT.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Council may by ordinance adopt a new official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending this chapter or the prior Official Zoning Map. The new official zoning map shall be identified by the signature of the Village President, attested to by the Village Clerk, and bearing the seal of the village under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Code of Homer Village adopted on the _____ day of ____ which replaces and supersedes the Official Zoning Map which was adopted on _____."

(Prior Code, § 745.05)

§ 152.025 BOUNDARY INTERPRETATION RULES.

(A) *Generally.* Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply.

(B) *Specifically.*

(1) A boundary indicated as approximately following the center line of a highway, street, alley, railroad, or easement shall be construed as following the center line.

(2) A boundary indicated as approximately following a recorded lot line, bounding a parcel, section line, quarter-section line, or other survey line shall be construed as following the line.

(3) A boundary indicated as approximately following the corporate boundary line of a city, village, or township shall be construed as following the line.

(4) A boundary indicated as following a shoreline shall be construed as following the shoreline, and in the event of change in a shoreline, shall be construed as following the actual shoreline.

(5) A boundary indicated as following the center line of a stream, river, canal, lake, or other body of water shall be construed as following the center line.

(6) A boundary indicated as parallel to or an extension of a feature indicated in divisions (B)(1) through (B)(5) above

shall be so construed.

(7) A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

(Prior Code, § 745.06)

§ 152.026 MINIMUM REGULATIONS.

The regulations established by this chapter within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land building, dwellings, and structures throughout each district. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, the Board of Appeals shall have the power in passing on appeals to vary or modify the interpretation of any rules, regulations, or provisions of this chapter so that the intent and purpose of this chapter shall be observed, public safety secured, and substantial justice done. Provided, however, that when any proposed interpretation, in effect, changes the language of this chapter, the Zoning Board of Appeals will first recommend an appropriate amendment to the Planning Commission.

(Prior Code, § 745.07)

AMENDMENT

§ 152.040 AMENDMENT INITIATION; FEES.

The Council may from time to time, on recommendation from the Planning Commission, amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require the amendment. The amendment may be initiated by resolution of the Council, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Council or the Planning Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay a fee in the amount to be set by the Council, no part of which shall be returnable to the petitioner.

(Prior Code, § 744.01)

§ 152.041 PROCEDURE.

(A) *Generally.* The procedure for making amendments to this chapter shall be as follows.

(B) *Specifically.*

(1) Each petition for amendment initiated by one or more owners of property shall be submitted to the Council who shall refer it for recommended action to the Planning Commission. Amendments initiated by resolution of the Council shall also be referred to the Planning Commission for recommended action.

(2) After deliberations on any proposal, the Planning Commission shall conduct a public hearing, notice of the time and place shall be given by publication in a newspaper of general circulation in the village to be printed not less than 15 days before the date of the hearing. The notice shall include the places and times at which the tentative text and any maps of this chapter may be examined.

(3) Upon completion of the public hearings provided above, the petition, resolution, or motion shall be returned to or turned over to the Council by the Planning Commission for action in accordance with M.C.L.A. §§ 125.3101 through 125.3702, as amended.

(4) After receiving the proposed amendment, the Council may adopt the amendment with or without changes in accordance with the provisions and procedures of M.C.L.A. §§ 125.3101 through 125.3702.

(5) All provisions of this subchapter shall be subject to the provisions of the Michigan Zoning Enabling Act, being M.C.L.A. §§ 125.3101 through 125.3702, as the same may be from time to time amended, which Act is incorporated herein by reference.

(Prior Code, § 744.02)

§ 152.042 CONFORMANCE TO DECREE.

Any amendment for the purpose of conforming a provision of this chapter to the decree of a court of competent jurisdiction or to an applicable state law or code, shall be prepared by the Planning Commission and approved by the Council without further referral to other agencies.

(Prior Code, § 744.03)

VARIANCE

§ 152.055 PLANNING COMMISSION RECOMMENDATION.

Where hardships, extraordinary circumstances, or practical difficulties in complying with a certain provision or requirement of this chapter exist, the Village Council may, upon the recommendation of the Planning Commission, vary or modify any of the provisions or requirements herein contained so that the spirit of this chapter and the Land Division Act, being M.C.L.A.

§§ 560.101 through 560.293 shall be observed and an adequate development encouraged.

(Prior Code, § 725.01)

§ 152.056 GUIDELINES.

(A) *Generally.* The Planning Commission shall recommend a variance only if it finds that the following facts exist.

(B) *Specifically.*

(1) The strict application of the provisions of this chapter would clearly be impractical or unreasonable.

(2) The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.

(3) The variance will not violate the provisions of the Land Division Act, being M.C.L.A. §§ 560.101 through 560.293.

(4) The variance will not have the effect of changing a land use under this chapter. Any proposed change in land use shall be in the form of an application requesting an amendment to this chapter.

(Prior Code, § 725.02)

§ 152.057 PLANNING COMMISSION FINDINGS.

The findings of the Planning Commission shall be included in its recommendation to the Village Council.

(Prior Code, § 725.03)

§ 152.058 PROPOSED VARIANCE.

If a proposed variance should be determined by the Zoning Board of Appeals under the provisions of this chapter, the Village Council shall forward the proposed variance, together with the Planning Commission's recommendations, to the Zoning Board of Appeals for decision.

(Prior Code, § 725.04)

SPECIFIC REGULATIONS

§ 152.070 PURPOSE.

There are certain conditions concerning land uses that warrant specific regulations and standards in addition to the requirements of the zoning districts in which they are located.

(Prior Code, § 746.01)

§ 152.071 ACCESSORY BUILDING.

(A) Where an accessory building is attached to the side or front of a principal building, the accessory building shall be considered part of the principal building for purposes of determining required yard dimensions; but if the accessory building is attached to the rear of the principal building in such a manner that it is completely to the rear of all portions of the building, it may be considered a detached accessory building for purposes of determining required yard dimensions.

(B) No detached accessory building shall be located nearer to a side lot line than the permitted distance for the principal building on the same lot, unless the accessory building shall be completely to the rear of all portions of the principal building, in which case it may be located no nearer than five feet to any side lot line.

(C) No detached accessory building shall be located nearer than five feet to any rear lot line, except that when the accessory building shall be a garage which is entered at right angles to an alley, it shall be located no nearer than 12 feet to the rear lot line.

(D) No accessory building shall project into any front yard setback.

(E) No accessory building shall occupy more than 30% of the area of any rear yard.

(F) Where a corner lot adjoins a side boundary of a lot in any residential district, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on the lot.

(Prior Code, § 746.02) Penalty, see § 10.99

§ 152.072 LOT BUILDING RELATIONSHIP.

Hereafter, every building erected, altered, or moved shall be located on a lot of record as defined herein, and except in the case of an approved multiple-dwelling development, there shall be no more than one principal building and its permitted accessory structure located on each lot in a residential district.

(Prior Code, § 746.03) Penalty, see § 10.99

§ 152.073 ACCESSORY BUILDING, BASEMENT PROHIBITED AS DWELLING.

(A) *Accessory building as dwelling.* No accessory building on the same lot as a principal building shall be used for dwelling purposes.

(Prior Code, § 746.04)

(B) *Basement as dwelling.* No basement structure shall be used for occupancy unless a completed story is situated immediately above the basement structure and that story is used as a dwelling.

(Prior Code, § 746.05) Penalty, see § 10.99

§ 152.074 WATER AND SEWERAGE REQUIREMENTS.

(A) *Generally.* In addition to the requirements established by the County Health Department, the following site development and use requirements shall apply.

(B) *Specifically.*

(1) No structure for human occupancy or use shall hereafter be erected, altered, or moved unless it shall be provided with a safe, sanitary, and potable water supply and a safe effective means of collection, treatment, and disposal of wastes, in addition to the requirements of Chapter 51.

(2) No drain field for a septic tank system shall be located nearer than 150 feet from the normal high water line of any surface body of water, nor located in an area where the ground surface is less than four feet above the normal high water table level.

(Prior Code, § 746.06) Penalty, see § 10.99

§ 152.075 GREENBELT BUFFER.

Prior to the commencement of construction of any structure or building in a commercial district or industrial district where the property abuts, adjoins, or is adjacent to a residential zone, a greenbelt shall be established. However, where permitted elsewhere in this chapter, an opaque wall or fence may be built in lieu of a greenbelt. A greenbelt, minimum width of 20 feet, shall be completed within six months from the date of final inspection and shall thereafter be maintained with permanent plant materials.

(Prior Code, § 746.07) Penalty, see § 10.99

§ 152.076 STREET ACCESS.

Any lot of record created prior to the effective date of this chapter without any frontage on a public street or way shall not be occupied, except where access to a public street or way is provided by a public or private easement or other right-of-way no less than 20 feet in width. Public access to commercial or industrial uses shall not be designated so as to pass through the residential neighborhoods.

(Prior Code, § 746.08) Penalty, see § 10.99

§ 152.077 INTERSECTION VISIBILITY.

No fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be higher than three feet above street grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are 30 feet distant from the point of the intersection, measured along the street right-of-way lines.

(Prior Code, § 746.09) Penalty, see § 10.99

§ 152.078 STREET CLOSURE.

Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of the public way shall automatically be extended to the center of the vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which the area is located.

(Prior Code, § 746.10) Penalty, see § 10.99

§ 152.079 HEIGHT REGULATIONS.

The height requirements established by this chapter shall apply uniformly in each zoning district to every building and structure, except that the following structures and appurtenances shall be exempt from the height requirements of this chapter; spires, belfries, penthouses, and domes not used for human occupancy; chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio and television broadcasting and receiving antennas, cellular communications towers and antennas, silos, parables, and other necessary mechanical appurtenances, provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.

(Prior Code, § 746.11) Penalty, see § 10.99

§ 152.080 FENCES; WALLS; SCREENS.

Within the limits of a side or front yard space of a lot within a residential district, no fence, wall, other than a necessary retaining wall, or other screening structure shall be higher than six feet. No fence or wall located within a rear yard shall exceed eight feet in height.

(Prior Code, § 746.12) Penalty, see § 10.99

§ 152.081 PROHIBITION OF OIL OR GAS WELLS.

No oil or gas well shall be drilled within the village limits.

(Prior Code, § 306.01) Penalty, see § 10.99

§ 152.082 SHORELINE EXCAVATION; DREDGING.

No persons shall alter, change, transform, or otherwise vary the edge, bank, or shore of any lake, river, or stream, except in conformance with the following:

(A) In accordance with the requirements of the State Department of Environmental Quality; and

(B) If any edge, bank, or shore of any lake, river, or stream is proposed to be altered in any way by any person, the person shall submit to the Planning Commission all data, exhibits, and information as required by the State Department of Environmental Quality.

(Prior Code, § 746.13) Penalty, see § 10.99

§ 152.083 ESSENTIAL SERVICES EXEMPTION.

(A) *Generally.* For purposes of this chapter, the following provisions shall apply.

(B) *Specifically.*

(1) The surface of land used for a right-of-way for a pipe line or other underground utility shall be restored and maintained to the original condition existing prior to construction, or to an improved condition in conformance with the planned use of the area, if the latter be specified by the building permit.

(2) Essential services shall be exempt from lot area requirements in the Light Industrial, Heavy Industrial, and Open Space, Agricultural, and Waterbody Conservation Districts.

(Prior Code, § 746.14) Penalty, see § 10.99

§ 152.084 SWIMMING POOLS.

All swimming pools shall conform to the requirements of the County Health Department. Swimming pools to be constructed or which are already constructed shall be enclosed by a fence, wall, or other structure which shall be at least four feet in height as measured from the outside. Any opening under the bottom of the fence shall not be more than four inches in height. A fence or wall enclosure shall be of a type that impedes climbing by small children and shall be equipped with a gate that is a self-closing and latching type with the latch on the pool side of the gate. The entrance shall lead to the shallow end of the pool. If the entire premises is enclosed by a fence or a wall, this requirement may be waived.

(Prior Code, § 746.15) Penalty, see § 10.99

§ 152.085 CONTINUING CONFORMANCE OBLIGATION.

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements for a building or use specified within this chapter shall be a continuing obligation of the owner of the building or property on which the building or use is located.

(Prior Code, § 746.16) Penalty, see § 10.99

§ 152.086 OFF-STREET PARKING.

In all districts, in connection with industrial, business, institutional, recreational, residential, or other use, there shall be provided at the time any building is erected, or uses established, enlarged, or increased in capacity, off-street parking spaces for automobiles with the requirements herein specified.

(A) Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, for the above uses, shall be submitted to the Zoning Inspector for review at the time of application for a building permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet thereof, except that this distance shall not exceed 150 feet for single-family and two-family dwellings. The distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that the facility is required to serve.

(B) No parking area or parking space which exists at the time this chapter becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this chapter shall thereafter be relinquished or reduced in any manner below the requirements established by this chapter unless additional parking area or space is provided sufficient for the purpose of complying with this chapter within 300 feet of the proposed or existing uses for which the parking will be

available.

(C) Parking of motor vehicles in residential zones shall be limited to passenger vehicles, one nonresidential-type recreational vehicle, and not more than one commercial vehicle of the light delivery type, not to exceed three-fourths ton, per dwelling unit. The parking of any other type of commercial vehicle, without express permission, is prohibited. Parking spaces for all types of uses may be provided either in garages or parking areas conforming to the provisions of this chapter. Exceptions to the foregoing restrictions are:

- (1) Commercial vehicles or buses parked on school or church property;
- (2) Any vehicle which is parked within an existing garage on residential property; and
- (3) Any vehicle with an approved permit issued by the Village Clerk, after Planning Commission approval, such as:

(a) A truck larger than three-fourths ton or a truck-tractor (without trailer), when the vehicle can be shown to be the prime source of business for the owner/occupant of the residential property, and also his or her prime source of transport to his or her business;

(b) A residential-type recreation vehicle, provided it is not used, or to be used, on the premises as a dwelling unit. This classification includes a self-propelled or towed vehicle, or a trailer, or a truck-mounted vehicular component which is designed, intended, licensed, and used for occasional travel by individuals, families, sportspeople, or other groups, to and from vacation, resort, or other sports areas, with living therein only during the recreational travel. Where doubt as to proper classification exists, the building code will govern;

(c) Visitors to residents or the village, who arrive by any form of residential type recreational vehicle, may park the vehicle at the host's residence for a maximum of 15 days without a permit, provided the vehicle is not to be used as a living quarters during the stay. If a longer stay is contemplated or develops, the regular application for parking permit should be submitted, indicating proposed length of stay;

(d) Final approval of permits is contingent on verification by a member of the Planning Commission that the proposed location of the vehicle does not infringe upon the property rights of the immediate neighbors; and

(e) Permits require annual renewal; however, if the applicant certifies that all conditions of the original application, to include vehicle description and location, are unchanged, the Village Clerk may issue a renewal without reference to the Planning Commission.

(D) Each off-street parking space for an automobile shall not be less than 160 square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of 13 feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of the aisle shall be:

- (1) For 90-degree or perpendicular parking, the aisle shall not be less than 25 feet in width;
- (2) For 60-degree parking, the aisle shall not be less than 13 feet in width;
- (3) For 45-degree parking, the aisle shall not be less than 13 feet in width; and
- (4) For parallel parking, the aisle shall not be less than eight feet in width.

(E) Off-street parking facilities required for churches may be reduced by 50% where churches are located in nonresidential districts and within 300 feet of a usable public or private off-street parking area.

(F) Off-street parking facilities for trucks at restaurants, service stations, and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. The truck space shall not be less than ten feet in width and 55 feet in length.

(G) Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements.

(1) All off-street parking spaces shall not be closer than five feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.

(2) All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.

(3) Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining premises and streets.

(4) Any off-street parking area providing space for five or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact planting not less than four feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.

(5) All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one- or two-family dwellings.

- (6) Combined parking facilities are allowed when two or more uses occur on one property or when building(s) on one

property contain two or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for the various uses and computed in accordance with this chapter. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.

(H) Any sign intended to advertise parking or loading facilities shall be constructed in accordance with the regulations specified in §§ 152.340 through 152.346.

(I) A business involving the repair, service, sale, or display of vehicles is prohibited in areas used for parking or loading.

(J) For the purpose of determining off-street parking requirements, the following units of measurement shall apply.

(1) *Floor area.* In the case of uses where the floor area is the unit for determining the required number of off-street parking spaces, the unit shall mean the gross floor area, except that the floor area need not include any area used for incidental service storage installations of mechanical equipment, penthouses, housing ventilators, and heating systems, and similar uses.

(2) *Places of assembly.* In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 18 inches of the seating facilities shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly areas, requirements shall be computed separately for each type and added together.

(3) *Fractions.* When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction of one-half or more shall require one space.

(K) The minimum required off-street parking spaces shall be set forth as follows:

(1) *Automobile or machinery sales and service garages.* One space for each 200 square feet of showroom floor area plus two spaces for each service bay plus one space for each two employees on the maximum shift;

(2) *Banks; business and professional offices.* Two spaces for each 200 square feet of floor area plus one space for each employee working within the building;

(3) *Barber shops and beauty parlors.* Two spaces for each chair plus one space for each employee;

(4) *Boarding and lodging houses; fraternities.* Two spaces for every three beds;

(5) *Bowling lanes.* Five spaces for each alley plus one space for each employee per shift;

(6) *Churches, auditoriums, stadiums, sports arenas, theaters, dance halls, and assembly halls, other than schools.* One space for each four seats, or for every four persons permitted in the edifice as stated by the Fire Chief;

(7) *Clinics.* Four spaces for each doctor plus one space for each employee per shift;

(8) *Convalescent home, orphanage, or similar use.* One space for each four beds plus one space for each two employees, including nurses, per shift;

(9) *Drive-in banks, cleaners, and similar businesses.* Storage space for five cars between the sidewalk area and the service window and one space for each two employees;

(10) *Drive-in eating establishments.* Ten spaces, plus one space for every 20 square feet of floor area;

(11) *Dwellings (single- and two-family).* Two spaces for each family dwelling unit;

(12) *Dwellings (multiple-family).* Two spaces per dwelling unit;

(13) *Funeral homes and mortuaries.* Four spaces for each slumber room or one space for each 50 square feet of floor area, whichever is greater, plus one space for each fleet vehicle;

(14) *Furniture, appliance stores, household equipment, and furniture repair shops.* One space for each 400 square feet of floor area;

(15) *Gasoline filling and service stations.* One space for each repair and service stall, plus one space for each employee per shift;

(16) *General office building.* One space for each 400 square feet of gross floor area excluding auto parking within or on the building, plus one space per two employees per shift;

(17) *Hospitals.* One space for each bed plus one space for each two employees;

(18) *Hotels, motels, lodging houses, and tourist and boarding homes.* One space for each living unit plus one space for every two employees per shift;

(19) *Libraries, museums, and post offices.* One space for every 800 square feet of floor area plus one space for every two employees per shift;

(20) *Manufacturing, fabricating, processing, and bottling plants; research and testing laboratories.* One space for every two employees on maximum shift;

(21) *Restaurants, beer parlors, taverns, night clubs, and private clubs.* One space for every four patron seats, plus one

space for every two employees per shift;

(22) *Retail stores, except as otherwise specified herein.* One space for every 150 square feet of floor area excluding auto parking space within the building;

(23) *Roadside stands.* Five spaces, plus one space for every 25 square feet of floor area;

(24) *Schools, private or public, elementary and junior high.* One space for each employee normally engaged in or about the building grounds plus one space for every 30 students enrolled;

(25) *Senior high school and institution of higher learning, private or public.* One space for each employee (including teachers and administrators) plus one space for every ten students, in addition to the requirements of the auditorium;

(26) *Self-service laundry or dry cleaning stores.* One space for every two washing and/or dry-cleaning machines;

(27) *Super market, self-service food, and discount stores.* Two spaces for every 200 square feet of floor area plus one space for each two employees per shift; and

(28) *Wholesale establishments and warehouses.* One space for every 400 square feet of floor area plus one space for each two employees.

(L) Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

(M) Permits for temporary stands for seasonal sales (not exceeding 60-days duration) may be issued by the Zoning Inspector after coordinating parking requirements with the police agency having route jurisdiction.

(Prior Code, § 749.01) Penalty, see § 10.99

§ 152.087 LOADING, UNLOADING REQUIREMENTS.

In connection with every building or part thereof hereafter erected, except single- and two-family dwelling unit structures, there shall be provided on the same lot with the buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.

(Prior Code, § 749.02) Penalty, see § 10.99

R1 LOW DENSITY RESIDENTIAL DISTRICT

§ 152.100 PURPOSE.

The purpose of this District is to promote and encourage suitable environments for low density family life until the time as it may be in the public interest to promote development of greater intensity requiring higher levels of public services and utilities.

(Prior Code, § 751.01)

§ 152.101 PERMITTED USES.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this District:

(A) Single-family dwellings (including manufactured homes) and any use, building, or structure accessory thereto;

(B) A sign in accordance with the requirements specified in §152.342;

(C) Essential service structures, except as provided in §152.283;

(D) Customary home occupations such as hair dressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner, provided that the home occupation shall satisfy the following conditions.

(1) The nonresidential use shall be only incidental to the primary residential use of the property.

(2) A home occupation located in the principal structure shall utilize no more than 30% of the total floor area of any one story of the structure so used. A home occupation located in an accessory building shall utilize no more than 50% of the total floor area of the building.

(3) The home occupation shall involve not more than one employee other than members of the immediate family residing on the premises.

(4) All activities shall be conducted indoors.

(5) Limited structural alterations or additions, either interior or exterior, may be permitted in order to accommodate a home occupation, but internal or external alterations or construction features or equipment or machinery not customarily located in residential areas shall not be allowed.

(6) There shall be no external evidence of the occupation except a small announcement sign as specified herein.

(7) No home occupation shall be permitted which is injurious to the general character of the residential district and

which creates hazardous or unhealthy conditions.

(8) No articles or service shall be sold or offered for sale except as are produced by the home occupation.

(9) For the purpose of this provision, principal and accessory farm operations shall not be considered home occupations.

(Prior Code, § 751.02) Penalty, see § 10.99

§ 152.102 CONDITIONAL USE.

The following buildings and structures and uses of parcels, lots, and structures may be allowed in this District, subject to obtaining a conditional use permit as provided in §§ 152.270 through 152.303:

(A) Golf courses, which may include a golf driving range; country club, public swimming pool, swimming and recreation club, public and private park and playground;

(B) Churches and public buildings;

(C) Public and private nurseries; primary and secondary schools;

(D) Temporary buildings or trailer offices;

(E) Planned unit residential developments; and

(F) Camps and lodges.

(Prior Code, § 751.03) Penalty, see § 10.99

§ 152.103 REGULATIONS.

The following regulations shall apply in an R1 Low Density Residential District.

(A) *Lot area.* No single-family dwelling or accessory uses thereto shall be established in the District on any lot less than 13,000 square feet. All other uses shall have a lot not less than one acre.

(B) *Lot width.* The minimum lot width shall be 100 feet.

(C) *Lot coverage.* The maximum lot coverage shall not exceed 20%.

(D) *Yard requirements.*

(1) *Front yard.* Not less than 50 feet from the property line;

(2) *Side yard.* The least width of either side yard shall be 20 feet, except in the case of a corner lot, where the side yard on the road or street shall conform to the average front yard of dwellings on the road or street;

(3) *Rear yard.* Not less than 40 feet from the property line; and

(4) *Application.* The above requirements shall apply to every lot, building, or structure.

(E) *Height.*

(1) For buildings and structures, no building or structure shall exceed a height of two and one-half stories, but not exceeding 35 feet.

(2) For detached accessory buildings, no detached accessory building shall exceed a height of 25 feet.

(F) *Off-street parking.* Off-street parking is as required in §152.086.

(G) *Floor area.* The minimum floor area requirement per dwelling unit is 1,000 square feet.

(H) *Manufactured homes.*

(1) Manufactured homes, when installed, shall compare aesthetically to site-built housing located or allowed in this District. Roofs shall have a minimum pitch of 5/12.

(2) Each manufactured home site shall meet the installation, utility hookup, and anchoring requirements defined in Rules 602, 603, and 605 of the Mobile Home Commission Rules.

(3) Manufactured homes not installed on a basement or a crawl space-type foundation shall be installed on a support system that includes a frost free foundation and a concrete slab supported on the ground encompassing the area under the manufactured home. These components of the support system shall conform to the village construction code.

(4) Towing mechanisms shall be removed from the manufactured home at the time of installation and stored so as not to be visible from the perimeter of the lot on which the home is installed.

(5) Skirting shall be installed around the perimeter of all manufactured homes and shall meet the requirements defined in Rule 604 of the Mobile Home Commission Rules. The skirting shall be compatible aesthetically with the appearance and construction of the manufactured home, and shall be installed prior to the issuance of a certificate of occupancy.

(Prior Code, § 751.04) Penalty, see § 10.99

R2 MEDIUM DENSITY RESIDENTIAL DISTRICT

§ 152.115 PURPOSE.

The purpose of this District is to provide a stable environment for medium to high density residential areas with suitable open space. This District shall generally be located on the fringe of urban type development. This District allows flexibility of lot size dependent upon the availability of public sewer and water services.

(Prior Code, § 752.01)

§ 152.116 PERMITTED USE.

The following buildings and structures, and uses of parcels, lots, buildings, and structures, are permitted in this District:

- (A) Single-family dwellings as specified in § 152.101(A);
- (B) Two-family dwellings and any use, building, or structure accessory thereto;
- (C) A sign in accordance with the regulations specified in §152.342;
- (D) Essential service structures, except as provided in §152.283; and
- (E) Home occupations, as prescribed in § 152.101(D).

(Prior Code, § 752.02) Penalty, see § 10.99

§ 152.117 CONDITIONAL USE.

The following buildings and structures, and uses of parcels, lots, buildings, and structures, may be permitted, subject to obtaining a conditional use permit as provided in §§ 152.270 through 152.303:

- (A) Golf courses;
- (B) Country clubs, public swimming pools, and recreation clubs, private and public parks and playgrounds;
- (C) Churches and public buildings;
- (D) Public and private nurseries; primary and secondary schools;
- (E) Planned unit residential developments; and
- (F) Funeral homes in accordance with §152.086(K)(13).

(Prior Code, § 752.03) (Ord. 2015-001, passed 3-2-2015) Penalty, see §10.99

§ 152.118 REGULATIONS.

The following regulations shall apply in an R2 Medium Density Residential District:

(A) *Lot area.* There shall be provided a minimum of 8,000 square feet of lot area for each single-family dwelling unit and 15,000 square feet of lot area for each two-family dwelling unit. The minimum lot area for all other buildings and structures shall be one acre;

(B) *Lot width.* The minimum lot width shall be 66 feet;

(C) *Lot coverage.* The maximum lot coverage shall not exceed 30%;

(D) *Yard requirements.*

(1) *Front yard.* Not less than 35 feet. Provided that where established primary buildings in the same block have front yards substantially less than the prescribed 35 feet, a new building may be sited with a front yard which is the average of the two established front yards immediately adjacent. Provided further that this amendment will not be interpreted to permit a front yard depth less than 25 feet;

(2) *Side yard.* Least width of either yard shall not be less than eight feet, but the sum of the two side yards shall not be less than 20 feet, except in the case of a corner lot, where the side yard on the road or street side shall not be less than 25 feet;

(3) *Rear yard.* Not less than 35 feet; and

(4) *Application.* The above requirements shall apply to every lot, building, or structure.

(E) *Height.*

(1) For buildings and structures, no building or structure shall exceed a height of two and one-half stories, but not exceeding 35 feet.

(2) For detached accessory buildings, no detached accessory building shall exceed a height of 25 feet.

(F) *Off-street parking.* Off-street parking is as required in §152.086;

(G) *Floor area.* The minimum floor area requirement per dwelling unit is 1,000 square feet; and

(H) *Manufactured homes.* See § 152.103(H).

(Prior Code, § 752.04) Penalty, see § 10.99

R3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

§ 152.130 PURPOSE.

The purpose of this District is to provide for various types of multiple-family residential dwellings and group developments at densities higher than medium, but under specific density controls. The requirements of this District are intended to recognize that various forms of site development are desirable in order to provide a wide range of choices of living environments, but at the same time to regulate the developments in order to prevent congestion of the public streets, reduce hazards to life and property, and provide basic amenities. This District will generally be located in areas of concentrated urban development on or near major streets and will be served by public water and sewage systems and other appropriate urban facilities, particularly fire protection systems. There is no intent to promote through regulations, a district of lower quality or desirability than any other residential district, although a higher density of population and a greater variety of dwelling types are permitted herein. Sites approved by the Planning Commission and the Council, after appropriate petition, public hearing and review, will be rezoned as R3.1 Districts if originally in R1 or OAC Districts, and as R3.2 Districts if in existing R2 Districts. All will be subject to the following regulations.

(Prior Code, § 753.01)

§ 152.131 PERMITTED USE.

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this District:

(A) Two-family dwellings;

(B) A sign in accordance with the requirements specified in §152.342; and

(C) Essential service structures, except as provided in § 152.283.

(Prior Code, § 753.02) Penalty, see § 10.99

§ 152.132 CONDITIONAL USE.

The following buildings and structures and uses of parcels, lots, and structures are permitted in the R3.1 and R3.2 Districts, subject to obtaining a conditional use permit as provided in §§ 152.270 through 152.303:

(A) Multiple dwellings;

(B) Group housing and garden apartment developments;

(C) Golf courses;

(D) Country clubs, public swimming pools and recreation clubs, private and public parks or playgrounds;

(E) Churches and public buildings;

(F) Public and private nurseries; primary and secondary schools; and

(G) Planned unit residential developments.

(Prior Code, § 753.03) Penalty, see § 10.99

§ 152.133 AREA REQUIREMENTS.

In the R3.1 and R3.2 Multiple-Family Residential Districts, every multiple dwelling or group of buildings within a group housing development hereafter constructed or structurally altered shall be located on sites of no less than specified below:

(A) When developed under PURD (§ 152.294), the minimum site will be no less than five acres.

(B) When developed in an R3.1 District, re-zoned from an R1 or OAC District, the minimum site will be no less than two acres.

(C) When developed under either divisions (A) or (B) above, the following prescribes specific area allowances:

(1) Twenty thousand square feet for the first dwelling unit of each multiple dwelling structure;

(2) Two thousand square feet for each additional dwelling unit containing two or more bedrooms; and

(3) One thousand five hundred square feet for each additional dwelling unit containing one bedroom.

(D) When developed in an R3.2 District, rezoned from an R2 District, the minimum site for one apartment building will be four standard R2 lots (66 feet by 132 feet). All plans for apartment units in the R3.2 District will be based on the following

area allowances:

- (1) Fifteen thousand square feet for the first dwelling unit of each multiple dwelling structure;
- (2) One thousand five hundred square feet for each additional dwelling unit containing two or more bedrooms; and
- (3) One thousand square feet for each additional dwelling unit containing one bedroom.

(Prior Code, § 753.04) Penalty, see § 10.99

§ 152.134 REGULATIONS.

(A) *Site coverage.* In determining the net land area for the basis of computing site coverage, only the area used for private access drives will be deducted from the gross area.

(1) For development within the R3.1 District, all buildings, including accessory buildings and conditional use buildings, shall not exceed 35% of their net area of the land.

(2) For development within the R3.2 District, the total area covered by apartment buildings, porches, patios, sidewalks, and parking areas, shall not exceed 40% of the net land area, with the remaining 60% reserved for playground, private lawns, and maintained open space (lawn, shrubs, trees, and the like).

(B) *Yard requirements.*

(1) *Front yard.* There shall be a front yard having a depth of no less than 35 feet, provided that where established buildings on adjacent lots vary from this minimum, a new building shall be constructed with a front yard of no less depth than the average front yard for those buildings located on each side of the proposed building, provided further that this provision shall not be interpreted to require a front yard of more than 40 feet nor less than 25 feet.

(2) *Side yard.* There shall be a minimum side yard of 20 feet, provided that no building shall be located less than 40 feet from the boundary of any R1 Low Density Residential District, except in the case of a corner lot, where the street side yard shall be no less than the minimum residential front yard requirement along the street.

(3) *Rear yard.* There shall be a rear yard of no less than 35 feet.

(C) *Other yard and open space requirements.* The following requirements shall apply to group housing projects when two or more garden apartment buildings or mixture of housing types are located on the same parcel.

(1) The minimum horizontal distance between buildings (that is, front to front, rear to rear, or front to rear, as the case may be) shall be 50 feet for buildings one story in height, and shall be increased by no less than five feet for each additional story in height. The minimum distance between buildings may be decreased by as much as ten feet toward one end if it is increased by an equal distance at the other, or if the buildings are staggered in location so as to allow ample sunlight at ground level.

(2) The horizontal distance between ends of buildings shall be no less than 25 feet. Where the end of one building is opposite the face or rear of another building the minimum horizontal distance between them shall be increased by no less than five feet for each additional story in height of each building.

(3) The horizontal distance between corners of adjacent buildings that do not face one another or overlap in any way shall be no less than 30 feet.

(4) Courts completely enclosed by building walls shall not be permitted, provided that screens or fences not exceeding eight feet in height shall not be deemed enclosing features.

(5) Distance between wings of a building forming an open court shall not be less than the projection of the wings or less than the height of the highest wall of the wings, whichever is the greater. The depth of an open court formed by walls on three sides shall be no greater than one and one-half times the width of the court.

(6) No building shall be closer than 25 feet to any street or private access drive, neither shall any main entrance to a dwelling unit be closer than 15 feet to any street, private access road, driveway, or parking area.

(7) Private access drives shall meet the following minimum requirements for safety and convenience.

(a) All private drives and parking areas shall be paved. Minimum paved width of the streets shall be 22 feet. The paved area for each parking space shall not be less than eight and one-half feet in width nor less than 18 feet in length. There shall be two parking spaces provided for each dwelling unit.

(b) No cul-de-sac shall be more than 300 feet in length. Minimum paved turning diameter of 75 feet shall be provided at the terminus of each cul-de-sac.

(c) No dwelling unit in a development shall be located farther than 125 feet from a street or private access drive.

(8) Consistent modifications of the foregoing requirements may be made by the Planning Commission in order to accommodate site plans which are not conventional in design and to which these provisions do not apply; provided, that the modifications shall not be less restrictive than those specified herein.

(9) The requirements of divisions (C)(6) through (C)(8) above shall also apply to multiple dwelling site development.

(D) *Minimum floor area.* The minimum floor area requirement per dwelling unit is 800 square feet.

(E) *Maximum building height.* No building or structure shall exceed 35 feet in height. Accessory buildings shall not exceed 15 feet in height.

(F) *Minimum interior living space.* The minimum space footage of interior living space, exclusive of any area contained within attached garages, porches, balconies, or common hallways, required for each family shall be as specified below:

(1) *Two-family dwellings.* Five hundred fifty square feet of floor area at ground level per family for single story dwellings, and 360 square feet of floor area at ground level per family for dwellings over one story in height, provided that the total area shall not be less than 550 square feet per family; and

(2) *Multiple-family dwellings of three or more dwelling units.* The minimum square feet of living space shall include the following, in addition to a bath, utility room, storage space, and other general space requirements, and exclusive of closets, halls, or offset entrances:

Number of Bedrooms	Living Room	Dining Space	Kitchen
1	150	40	55
2	160	50	60
3	180	60	65
4	200	80	75

First Bedroom	Second Bedroom	Third Bedroom	Fourth Bedroom
120	–	–	–
120	110	–	–
120	110	90	–
120	110	90	90

(Prior Code, § 753.05) Penalty, see § 10.99

R4 MIXED RESIDENTIAL DISTRICT

§ 152.145 PURPOSE.

The purpose of this District is to provide transition from existing residential uses into those business/commercial uses which naturally occur along highways or highly travelled roads.

(Prior Code, § 754.01)

§ 152.146 PERMITTED USE.

The following buildings, structures, and uses of parcels, lots, buildings, and structures are permitted in this District:

- (A) Single-family dwellings, as specified in § 152.101(A);
- (B) Two-family dwellings;
- (C) A sign in accordance with the requirements specified in §152.342;
- (D) Essential service structures, except as provided in § 152.283; and
- (E) Home occupations, as prescribed in § 152.101(D).

(Prior Code, § 754.02) Penalty, see § 10.99

§ 152.147 CONDITIONAL USE.

The following buildings and structures and uses of parcels, lots, and structures may be allowed in this District subject to obtaining a conditional use permit as provided in §§ 152.270 through 152.303:

(A) Any permitted use in the CS Community Service Commercial or HS Highway Commercial Districts is allowed without condition subject to meeting the requirements for submission of a site plan and meeting the lot requirements within that commercial district;

(B) Any conditional use in the CS Community Service Commercial or HS Highway Service Districts, subject to meeting the specific conditions for that use as provided in §§ 152.270 through 152.303 and meeting the lot regulations within that commercial district;

(C) Any conditional use in the R2 Medium Density Residential District, subject to meeting the specific conditions for that use as provided for in §§ 152.270 through 152.303 and meeting the lot regulations within that district;

(D) Business offices;

(Prior Code, § 754.03)

(E) Commercial storage rental facilities, provided all stored items, equipment, products, and material are enclosed within a building and are to a considerable extent clean and free from any dangerous nuisances or hazardous or objectionable odors; and

(F) Commercial repair facilities for automobiles and other light motor vehicle, and used for general repair, servicing, rebuilding, or reconditioning of motor vehicles and their component parts, but not including collision services such as body, frame, or fender straightening and repair, painting, and undercoating.

(Ord. 02-04, passed 11-18-2002) Penalty, see § 10.99

§ 152.148 REGULATIONS.

(A) For residential uses, those lot requirements as specified in the R2 District;

(B) For commercial uses, those lot requirements as specified in the CS District; and

(C) For manufactured homes, see § 152.103.

(Prior Code, § 754.04)

MHP MOBILE HOME PARK DISTRICT

§ 152.160 PURPOSE.

The purpose of this chapter is to encourage the appropriate location and suitable development of mobile home parks that adheres to the standards of the State Mobile Home Commission Rules for the development.

(Prior Code, § 755.01)

§ 152.161 PERMITTED USE.

The only permitted use in this District is the development of a mobile home park.

(Prior Code, § 755.02) Penalty, see § 10.99

§ 152.162 AREA REQUIREMENTS.

The minimum site size for the development of a mobile home park shall be five acres.

(Prior Code, § 755.03)

§ 152.163 REGULATIONS.

Regulations governing manufactured home installation and park safety, licensing, construction, maintenance, and business practices shall conform to Parts 6, 7, 8, 9, and 10 of the Mobile Home Commission Rules as amended.

(Prior Code, § 755.04)

B BUSINESS DISTRICT

§ 152.175 PURPOSE.

The purpose of the B Business District is to allow for commercial uses in an established central business district, as well as residential uses which are deemed compatible with the development.

(Prior Code, § 756.01)

§ 152.176 PERMITTED USE.

The following buildings and structures, and uses of parcels, lots, buildings, and structures, are permitted in this District:

(A) Business offices;

(B) Hotels;

(C) Public and semi-public buildings;

(D) Single-family residences on the second or third story;

(E) All permitted uses allowed in § 152.191(A) through (E);

(F) A sign in accordance with the regulations specified in §152.343; and

(G) Essential service structures, except as provided in §152.283.

(Prior Code, § 756.02) Penalty, see § 10.99

§ 152.177 CONDITIONAL USE.

Warehousing and storage facilities, the uses of which are wholly incidental to that of an established business within the Business District, but not physically located on the same parcel of land.

(Ord. 02-03, passed 11-18-2002) Penalty, see §10.99

§ 152.178 REGULATIONS.

The following regulations shall apply in this District:

- (A) *Lot area.* A minimum of 3,000 square feet;
- (B) *Lot width.* A minimum of 30 feet;
- (C) *Yard setback requirements.*
 - (1) *Front yard.* A minimum of ten feet;
 - (2) *Side yard.* None; and
 - (3) *Rear yard.* None.
- (D) *Height of buildings and other structures.* A maximum of 45 feet.

(Prior Code, § 756.04) Penalty, see § 10.99

CS COMMUNITY SERVICE COMMERCIAL DISTRICT

§ 152.190 PURPOSE.

It is the purpose of this District to provide for convenient retail and personal service establishments which cater to the day to day needs of families residing within immediately accessible neighborhoods. To this end, certain uses are excluded which would function more effectively in other districts and which would interfere with the uses permitted in this District. It is the basic intent of this District to encourage future commercial development within the planned centers rather than in scattered locations throughout the residential areas, but also to provide for those necessary services which are most appropriately and conveniently located in close proximity to residential neighborhoods.

(Prior Code, § 757.01)

§ 152.191 PERMITTED USE.

The following buildings and structures, and uses of parcels, lots, buildings, and structures, are permitted in this District:

- (A) Clothing and apparel services, including laundry pickup, automatic laundry, dressmaking, millinery, tailor shops, and shoe repair shops;
- (B) Food services, including grocery, meat markets, bakeries, restaurants, delicatessens and fruit markets, ice-o-mats, and similar self serve units, but not including any businesses of a drive-in nature;
- (C) Personal services, including barber shops and beauty salons, medical and dental clinics, music studios, banks, and savings and loan associations;
- (D) Retail services, including drug stores, hardware, gift shops, and dry goods and notions stores;
- (E) A sign in accordance with the regulations specified in §152.343;
- (F) An accessory use, building, or structure; and
- (G) Essential service structures, except as provided in §152.283.

(Prior Code, § 757.02) Penalty, see § 10.99

§ 152.192 CONDITIONAL USE.

The following buildings and structures, and uses of parcels, lots, buildings, and structures, are permitted subject to obtaining a conditional use permit as provided in §§ 152.270 through 152.303:

- (A) Animal hospitals or clinics;
- (B) Drive-in, retail, and service establishments, excluding drive-in amusement establishments;
- (C) Gasoline service stations;
- (D) Planned neighborhood shopping centers;

- (E) Temporary buildings or trailer offices;
- (F) An accessory use, building, or structure; and
- (G) Essential service structures, except as provided in § 152.283.

(Prior Code, § 757.03) Penalty, see § 10.99

§ 152.193 REGULATIONS.

The following regulations shall apply in a CS Community Service Commercial District.

(A) *Lot area.* No building or structure shall be established on any lot less than one acre in area except where a lot is served with a public water supply system and a public sanitary sewerage system, in which case there shall be provided a minimum lot area of 10,000 square feet except where included in a neighborhood planned shopping center of three or more stores.

(B) *Lot width.* The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall be 80 feet. Where a lot is not so served, the minimum lot width shall be 150 feet.

(C) *Lot coverage.* The maximum lot coverage shall not exceed 25%.

(D) *Yard and setback requirements.*

(1) *Front yard.* Not less than 35 feet;

(2) *Side yard.* Least width of either side yard shall not be less than 20 feet, except in the case of a corner lot or parcel, where the side yard on the road or street side shall not be less than 35 feet;

(3) *Rear yard.* Not less than 35 feet; and

(4) *Application.* The above yard requirements shall apply to every lot, building, or structure.

(E) *Height.* No building or structure shall exceed a height of 45 feet.

(F) *Transition strip.*

(1) On every lot in this District which abuts a lot in a residential district there shall be provided a transition strip. The transition strip shall not be less than 15 feet in width, shall be provided along every lot line, except at front lot lines which abut a lot in a residential district, shall not be included as part of the yard required around a building or structure, and shall be improved, when the lot in this District is improved, with an opaque fence, wall, or hedge not less than five feet in height maintained in good condition.

(2) A use or structure on any lot in this District fronting a public road, street, or way shall provide in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land 20 feet or more in depth; the landscaped strip to be defined and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.

(G) *Off-street parking.* Off-street is as required in § 152.086.

(Prior Code, § 757.04) Penalty, see § 10.99

HS HIGHWAY COMMERCIAL DISTRICT

§ 152.205 PURPOSE.

This District is composed of those areas of the village whose principal use is or ought to be retail and service business activities which serve or are meant to serve the motoring public. This District has been located along major regional highways or at intersections of highways and expressways, to permit the development of these business activities, to protect adjacent agricultural, residential, and industrial areas against the encroachment of incompatible uses, and to lessen the congestion on and serve the persons traveling on major through highways. To these ends, certain uses are excluded which would function more effectively in other districts and which would interfere with the operation of the uses permitted in this District.

(Prior Code, § 758.01)

§ 152.206 PERMITTED USE.

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted in this District:

- (A) Souvenir and gift shops, public information booths;
- (B) Gasoline service stations, including minor repair service, provided that all the requirements of this chapter are met;
- (C) Motels and hotels;
- (D) Drive-in retail and service establishments, excluding drive-in amusement establishments;

- (E) A sign in accordance with the regulations specified in §152.343;
- (F) Accessory use, building, or structure;
- (G) Essential service structures, except as provided in §152.283; and
- (H) Sporting goods sales and service.

(Prior Code, § 758.02) Penalty, see § 10.99

§ 152.207 CONDITIONAL USE.

The following buildings and structures, and uses of parcels, lots, buildings, and structures, are permitted subject to obtaining a conditional use permit as provided in §§ 152.270 through 152.303:

- (A) New and used automobile sales and service;
- (B) Places of amusement, entertainment, or recreation such as dance halls, bowling lanes, establishments serving alcoholic beverages, miniature golf, commercial swimming pools, and drive-in theaters; and
- (C) Temporary buildings or trailer offices.

(Prior Code, § 758.03) Penalty, see § 10.99

§ 152.208 REGULATIONS.

The following regulations shall apply in an HS Highway Commercial District:

- (A) *Lot area.* No building or structure shall be established on any lot less than one acre in area, except where a lot is served with a public water supply system and a public sanitary sewerage system, in which case there shall be a minimum lot area of 10,000 square feet;
- (B) *Lot width.* The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall be 80 feet. Where a lot is not so served, the minimum lot width shall be 150 feet;
- (C) *Lot coverage.* The maximum lot coverage shall not exceed 25%;
- (D) *Yard requirements.*
 - (1) *Front yard.* Not less than 35 feet;
 - (2) *Side yard.* Least width of either side yard shall not be less than 20 feet, except in the case of a corner lot or parcel, where the side yard on the road or street side shall not be less than 35 feet; and
 - (3) *Rear yard.* Not less than 20 feet.
- (E) *Transition strip.* See § 152.193;
- (F) *Height.* No building or structure shall exceed a height of 35 feet; and
- (G) *Off-street parking.* As required in § 152.086.

(Prior Code, § 758.04) Penalty, see § 10.99

LI LIGHT INDUSTRIAL DISTRICT

§ 152.220 PURPOSE.

This District is composed of those areas of the village whose principal use is or ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, and other harmful or obnoxious matter. This District has been located within the village to permit the development of these industrial uses, to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public street and highways. To these ends, certain uses are excluded which would function more effectively in other districts and which would interfere with the operation of the uses permitted in this District.

(Prior Code, § 759.01)

§ 152.221 PERMITTED USE.

The following buildings and structures, and uses of parcels, lots, buildings, and structures, are permitted in this District:

- (A) Research-oriented and light industrial park uses, banks;
- (B) The manufacturing, compounding process, or treatment of the products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical toiletries, and frozen food lockers;
- (C) Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature;

(D) Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth, or other similar materials;

(E) Printing, lithographic, blueprinting, and similar uses;

(F) Wholesale warehousing and material distribution centers, provided all products and materials are enclosed within a building;

(G) Light manufacturing industrial use which by nature of the materials, equipment, and process utilized are to a considerable extent clean, quiet, and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials: drugs, jewelry, musical instruments, sporting goods, glass products, small household appliances, electronic products, printed matter, baked and dairy products, advertising displays, tents and awnings, brushes and brooms, cameras and photographic equipment and supplies, wearing apparel, leather products and luggage but not including tanning products from the finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell, or yarn;

(H) Research and testing facilities;

(I) An accessory use, building, or structure;

(J) A sign in accordance with the regulations specified in §152.343;

(K) Essential service structures and buildings; and

(L) Storage facilities, provided all stored items/materials are enclosed within a structure.

(Prior Code, § 759.02) Penalty, see § 10.99

§ 152.222 CONDITIONAL USE.

The following buildings and structures, and use of parcels, lots, buildings, and structures, are permitted subject to obtaining a conditional use permit as provided in §§ 152.270 through 152.303:

(A) Restaurants and cafeteria facilities for employees;

(B) Bus, truck, taxi, and rail terminals;

(C) Open air display areas for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, small tools, pneumatic tired two- and four-wheeled utility trailers, such as household equipment, pneumatic transit cement mixers, wheelbarrows, rollers and similar products or equipment;

(D) Heliports;

(E) Gasoline service stations; and

(F) Temporary buildings or trailer offices.

(Prior Code, § 759.03) Penalty, see § 10.99

§ 152.223 REGULATIONS.

The following regulations shall apply to an LI Light Industrial District:

(A) *Lot area.* No building or structure shall be established on any lot less than one acre in area, except where a lot is served with a central water supply system and a central sanitary sewerage system, in which case there shall be a provided a minimum lot area of 20,000 square feet;

(B) *Lot width.* The minimum lot width for lots served with a public water supply system and a public sanitary sewerage system shall be 80 feet. Where a lot is not so served, the minimum lot width shall be 150 feet;

(C) *Lot coverage.* The maximum lot coverage shall not exceed 25%;

(D) *Yard requirements.*

(1) *Front yard.* Not less than 85 feet;

(2) *Side yard.* Least width of either side yard shall not be less than 20 feet, except in the case of a corner lot or parcel, where the side yard on the road or street side shall not be less than 35 feet;

(3) *Rear yard.* Not less than 35 feet; and

(4) *Application.* The above requirements shall apply to every lot, building, or structure.

(E) *Height.* Except as is otherwise provided in this chapter, no building or structure should exceed a height of 45 feet;

(F) *Off-street parking.* As required in § 152.086; and

(G) *Minimum floor area.* The minimum floor area requirement per building is 1,000 square feet.

(Prior Code, § 759.04) Penalty, see § 10.99

HI HEAVY INDUSTRIAL DISTRICT

§ 152.235 PURPOSE.

This District is designed to provide the location and space for all manner of industrial uses, wholesale, commercial, and industrial storage facilities. It is the purpose of these regulations to permit the development of certain functions; to protect the abutting residential and commercial properties from incompatible industrial activities; to restrict the intrusion of non-related uses such as residential, retail business, and commercial; and to encourage the discontinuance of uses presently existing in the district, which are nonconforming by virtue of the type of use. To these ends, certain uses are excluded which would function more effectively in other districts and which would interfere with the operation of the uses permitted in this District.

(Prior Code, § 760.01)

§ 152.236 PERMITTED USE.

The following buildings, structures, and uses of parcels, lots, buildings, and structures are permitted in this District:

- (A) All permitted uses allowed in the LI Light Industrial District, as provided in §152.221;
- (B) Contractor's establishments;
- (C) Manufacturing;
- (D) Trucking and cartage facilities, truck and industrial equipments storage yards, repairing and washing equipment and yards;
- (E) Manufacturing product warehousing, exchange and storage centers and yards;
- (F) Open industrial uses or industrial products or materials storage, provided that any activity in which products or material being processed or stored are located, transported, or treated outside of a building and are not within enclosed apparatus vessels, or conduits, the use shall be provided with an opaque permanently maintained wall or fence, no lower than the subject use or storage, and constructed to provide firm anchoring of fence posts to concrete set below the frost line; if a wall is provided, its foundations likewise shall extend below the frost line;
- (G) Wholesale businesses, including warehouse and storage, commercial laundries, dry cleaning establishments, ice and cold storage plants, lumber, fuel and feed yards, automobile repair garages, construction and farm equipment sales and contractor's equipment yards;
- (H) An accessory use, building, or structure; and
- (I) A sign in accordance with the regulations specified in §152.343.

(Prior Code, § 760.02) Penalty, see § 10.99

§ 152.237 CONDITIONAL USE.

Any industrial use not specified in §152.236 shall be considered a conditional use and subject to obtaining a conditional use permit, as provided in §§ 152.270 through 152.303.

(Prior Code, § 760.03)

§ 152.238 REGULATIONS.

The following regulations shall apply in an HI Heavy Industrial District:

- (A) *Lot area.* No building or structure shall be established on any lot less than five acres in area;
- (B) *Lot width.* The minimum lot width shall be 200 feet;
- (C) *Lot coverage.* The maximum lot coverage shall not exceed 25%;
- (D) *Yard requirements.*
 - (1) *Front yard.* Not less than 85 feet;
 - (2) *Side yard.* Least width of either side yard shall not be less than 50 feet, except in the case of a corner lot, where the side yard or the road or the street side shall not be less than 60 feet; and
 - (3) *Rear yard.* Not less than 50 feet.
- (E) *Height.* No building or structure shall exceed a height of 50 feet; and
- (F) *Off-street parking.* As required in § 152.086.

(Prior Code, § 760.04) Penalty, see § 10.99

OAC OPEN SPACE, AGRICULTURAL, AND WATERBODY CONSERVATION DISTRICT

§ 152.250 PURPOSE.

It is recognized by this chapter that the principal use of certain open areas within the village is and ought to be the development, management, and utilization of the natural resources base possessed by this area. In order that this value may be maintained and this use encouraged, this chapter has established, based upon a well considered plan, a zoning district design to regulate the location of buildings and structures and the use of parcels and lots in order to protect the natural resources, natural habitats of wildlife, waterways and waterbodies, agricultural capabilities, public and private recreation areas, and the public health, safety, and welfare, by reducing the hardships and burdens imposed upon the people of the village by the wanton destruction of resources, the improper and wasteful use of open land, wooded areas and the periodic flooding and overflow of creeks and streams. In addition, this District will help protect human life, prevent or minimize material losses, and reduce the cost to the public of rescue and relief efforts occasioned by unwise occupancy or construction of buildings in areas subject to periodic inundation, the areas being shown as flood plain by soil types as compiled by the U.S. Soil Conservation Service.

(Prior Code, § 761.01)

§ 152.251 PERMITTED USE.

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this District:

(A) Public and private conservation areas for the development, protection, and conservation of open space, watersheds, water, soil, forest, and wildlife resources;

(B) General and specialized farming and agricultural activities including the raising or growing of crops, products, and foodstuffs, and provided that any lot that is kept as idle crop land shall be so treated as to prevent soil erosion by wind or water;

(C) The raising or growing of plants, trees, shrubs, and nursery stock;

(D) Drives and parking areas;

(E) A sign in accordance with the regulations specified in §152.341;

(F) Essential service structures, except as provided in §152.283;

(G) Single-family dwellings, as specified in §152.101(A); and

(H) Home occupations, as prescribed in §152.101(D).

(Prior Code, § 761.02) Penalty, see § 10.99

§ 152.252 CONDITIONAL USE.

The following buildings and structures, and uses of parcels, lots, buildings, and structures, are permitted in this District subject to obtaining a conditional use permit as provided in §§ 152.270 through 152.303:

(A) Public or private forest preserves, game refuges, golf courses, parks, camping grounds, playgrounds or other recreation purpose;

(B) The growing, stripping, and removal of sod, provided that the lot or portion thereof shall be seeded after stripping by fall of the same year in which it was stripped so as to reduce the actual or potential erosion of soil by water or wind;

(C) The removal of soil, sand, gravel, and other materials;

(D) Country clubhouses, swimming pools, bath houses, and the sale of food, beverages, and recreation equipment which is incidental and accessory to a recreational use;

(E) Landfills;

(F) All buildings and structures accessory and incidental to permitted uses in this District; and

(G) Cellular communications towers, including antennas.

(Prior Code, § 761.03) Penalty, see § 10.99

§ 152.253 REGULATIONS.

The following regulations shall apply in an OAC Open Space, Agricultural, and Waterbody Conservation District:

(A) *Lot area.* No building or structure shall be established on any lot less than one and one-half acres in area;

(B) *Lot width.* The minimum lot width shall be 200 feet;

(C) *Lot coverage.* The maximum lot coverage shall not exceed 10%;

(D) *Yard and setback requirements.*

- (1) *Front yard.* Not less than 60 feet from the right-of-way line;
- (2) *Side yard.* Least width of either side yard shall not be less than 30 feet, except in the case of a corner lot where the side yard on the road or street side shall not be less than 60 feet;
- (3) *Rear yard.* Not less than 50 feet; and
- (4) *Application.* The above requirements shall apply to every lot, building, or structure.
- (E) *Height.* No building or structure shall exceed three stories or 40 feet;
- (F) *Off-street parking.* Required off-street parking as required in §152.086;
- (G) *Manufactured homes.* See § 152.103(H); and
- (H) *Preservation of environmental quality.* As required in §§ 152.070 through 152.087, and in a flood plain as indicated by soil types, the construction or location of bridges, outdoor equipment, bleachers, and similar outdoor equipment or appurtenances, storage of materials and equipment is prohibited unless the elements would not cause any significant obstruction to the flow or reduction in the impoundment capacity of the flood plain.

(Prior Code, § 761.04) Penalty, see § 10.99

CONDITIONAL USES

§ 152.270 PURPOSE.

The formulation and enactment of this chapter is based upon the division of the village into districts, each of which are permitted specified uses which are mutually compatible. In addition to permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but which on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the village. Such uses, on account of their peculiar location, need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

(Prior Code, § 750.01) (Ord. -, passed 3-20-2004)

§ 152.271 AUTHORITY TO GRANT PERMITS.

The Village Council with recommendations from the Village Planning Commission shall have the authority to grant conditional use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all conditional uses specified in the various district provisions of this subchapter.

(Prior Code, § 750.02) (Ord. -, passed 3-20-2004)

§ 152.272 APPLICATION AND FEE.

(A) Application for any conditional use permit permissible under the provisions of this subchapter shall be made by the owner of the property to the Village Manager, who shall refer it for review and recommendations to the Zoning Administrator. The application shall contain the applicant's name, address in full, telephone number, a statement that the applicant is the owner involved and where applicable, appointing a person to act on the owner's behalf at any meetings with village officials relative to the application, the address of the property involved, property ID number, site plan or sketch plan, proof of any required federal, state and county licenses, other required data, exhibits and information as may be deemed necessary by the Planning Commission, and the deposit of a non-refundable fee in accordance with the requirements of division (B), below.

(B) After processing the application as prescribed in division (A), above, the Zoning Administrator shall forward his or her recommendations to the Planning Commission, who shall conduct a site plan review that conforms to the requirements of this chapter.

(Prior Code, § 750.03) (Ord. -, passed 3-20-2004)

§ 152.273 POSTING OF PROPERTY AND PUBLIC HEARING.

(A) If the site plan is approved by the Planning Commission, and the application for a the conditional use permit, requires a decision on discretionary grounds, one notice that an application for conditional use permit has been received shall be published in a newspaper which circulates in the village, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than five, nor more than 15 days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, then one occupant of each unit or spatial area shall receive a notice. In the case of a single structure containing more than four dwelling units or other distinct spatial area owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

(B) The notice shall:

- (1) Describe the nature of the application for the conditional use permit;
- (2) Indicate the property which is the subject of the application for the conditional use permit;
- (3) State when and where the application for the conditional use permit will be considered;
- (4) Indicate when and where written comments will be received concerning the application; and

(5) Indicate that a public hearing on the application for the conditional use permit may be requested by any property owner or the occupant of any structure located within 300 feet of the boundary of the property being considered for a conditional use permit.

(Prior Code, § 750.04) (Ord. -, passed 3-20-2004)

§ 152.274 FINDINGS BY THE VILLAGE PLANNING COMMISSION.

The Village Planning Commission, following the public hearing called for above, shall review the particular circumstances and facts of each application, shall record adequate data, information and evidence, based upon the data, exhibits and information supplied by the applicant, with respect to each item set forth in the general standards set forth in § 152.275 of this subchapter and the specific standards for those uses listed in § 152.279. The Planning Commission shall submit its report thereof to the Village Council together with its recommendation of the issuance or denial of a conditional use permit and if a recommendation of the issuance of a conditional use permit is made, the specific terms and conditions which must be complied with by the owner of the property.

(Prior Code, § 750.05) (Ord. -, passed 3-20-2004)

§ 152.275 GENERAL STANDARDS FOR ALL CONDITIONAL USE PERMITS.

No conditional use permit shall be issued unless, based upon the report supplied by the Planning Commission, the Village Council determines that:

(A) The parcel will, according to the plans and specifications, data, exhibits and information supplied to the Planning Commission by the applicant, meet the specific requirements and regulations, as set forth in this subchapter, applicable to the conditional use in the zoning district in which the use is to be located and shall be lawful under all federal, state and local laws, ordinances and regulations applicable thereto.

(B) The property will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures and refuse disposal, or that the persons who will own or operate the property shall be able to provide any such service on a non-public basis. In this regard, the plans and specifications for which a conditional use permit has been applied may be submitted by the Village Planning Commission to the local police and fire department and to the County Health Department with a request for a written determination that the building will comply with applicable village, state and federal laws, ordinances and regulations applicable thereto.

(C) The parcel will not be hazardous or disturbing to existing or future neighborhood uses.

(D) The property will not create excessive additional requirements at public cost for public facilities and services.

(E) The property will be harmonious with and in accordance with the general objectives or with any specific objectives of the Village Master Plan then in effect.

(F) The property will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the conditional use will not change the essential character of the general vicinity.

(G) The property will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

(H) The property will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors.

(Prior Code, § 750.06) (Ord. -, passed 3-20-2004)

§ 152.276 COMPLIANCE BOND.

In issuing a conditional use permit, the Village Council may require a surety or cash bond to be furnished by the owner to insure compliance with the provisions of this subchapter applicable thereto and with the specific terms, conditions or limitations of the conditional use permit issued by the Village Council. The amount of the bond shall be determined by the Village Council.

(Prior Code, § 750.07) (Ord. -, passed 3-20-2004)

§ 152.277 CONDITIONS, LIMITATIONS, REQUIREMENTS AND SAFEGUARDS.

The Village Planning Commission may recommend, and the Village Council may impose, such additional conditions,

limitations, requirements and safeguards deemed necessary for the protection of the general welfare of the village and for the protection of the individual property owners in the vicinity and to insure that the intent and objectives of this subchapter will be observed.

(Prior Code, § 750.08) (Ord. -, passed 3-20-2004)

§ 152.278 CONTINUED VALIDITY OF PERMIT; REVOCATION.

(A) The issuance of a conditional use permit by the Village Council shall entitle the owner to continue to operate the conditional use so long as he or she remains in compliance with the terms and conditions, limitations, requirements, and safeguards set forth in the conditional use permit, and if such a conditional use permit is granted, does expressly grant to the village, for the enforcement of this subchapter, the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of this subchapter or of the terms of the conditional use permit.

(B) In the event the owner or occupant of the property for which a conditional use permit has been issued, violates any provision of this subchapter or any term, condition, limitation, regulation or safeguard contained in the conditional use permit, the conditional use permit may be revoked and become null and void and the owner or occupant shall be deemed to be in violation of this subchapter. In addition to all other remedies provided herein, in the event that such conditional use permit shall become null and void, the compliance bond, if any, given by the owner under the provisions of this subchapter shall be forfeited.

(Prior Code, § 750.09) (Ord. -, passed 3-20-2004)

§ 152.279 INDEX TO CONDITIONAL USES; APPLICABILITY TO DISTRICTS.

In addition to the general standards outlined in §152.275, each conditional use shall comply with the sign regulations established within §§ 152.340 through 152.346 and the parking regulations established in §§152.086 and 152.087. For each use identified below, there shall be additional specific standards as required in the section pertaining to that use.

Conditional Use	District(s)	Section
Conditional Use	District(s)	Section
Junk yards	LI, H1	152.280
Gasoline sales and convenience centers	R4c, CS, LI	152.281
Planned unit developments	R1, R2, R3, R4r, R4c, CS	152.282
Essential service buildings	ALL DISTRICTS	152.283
Agri-business	LI, CS, OAC	152.284
Community facilities (public or non-profit)	R1, R2, R4r, R4c	152.285
Telecommunications towers	OAC	152.286
Animal hospitals, clinics, and commercial kennels	R1, CS, OAC	152.287
Mini-storage warehouse facilities	HI, LI, CS	152.288
Drive-in or drive-through retail service establishments	LI, CS, R4c	152.289
New and used vehicles, trailer sales	LI, CS, R4c	152.290
Temporary dwellings	R1, R2, R4r	152.291
Adult entertainment	LI	152.292
Hospitals	R1, R2, R4c	152.293
Homes for the elderly and retired	R1, R2, R3, R4r	152.294
Group day-care homes	R1, R2, R3, R4r	152.295
Child care centers	R1, R2, R3, R4r	152.296
Adult day-care homes	R1, R2, R3, R4r	152.297
Adult day-care centers	R1, R2, R3, R4r	152.298
Warehousing and storage facilities for established retail businesses	B, CS, LI, HI	152.299
Commercial storage rental facilities	LI, HI, R4c, CS	152.300

Commercial repair facilities for automobiles and other light motor vehicles, general repair	LI, HI	152.301
Commercial repair facilities for automobiles and other light motor vehicles, limited repair	LI, CS, R4c	152.302
Places of amusement and recreation	R4c	152.303

(Prior Code, § 750.10) (Ord. -, passed 3-20-2004)

§ 152.280 JUNK YARDS.

In addition to and as an integral part of development, the following provisions shall apply:

(A) Junk yards shall be established and maintained in accordance with applicable State of Michigan Statutes.

(B) (1) It is recognized that the location in the open of such materials included in this chapter's definition of junk yard will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, an opaque fence or wall at least seven feet in height, and not less in height than the materials located on the lot on which a junk yard shall be operated, shall be located on the lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors and access ways though the fence or wall shall be of solid, un-pierced material. In no event shall any materials included in this chapter's definition of junk yard be located on the lot on which a junk yard shall be operated in the area between the lines of the lot and the opaque fence or wall located on the lot.

(2) In addition to the foregoing requirements, the Planning Commission may require a greenbelt complying with the provisions of § 152.075.

(C) All traffic ingress or egress shall be on major streets, and there shall be not more than one entrance way to the lot on which a junk yard shall be operated from each public road which the lot abuts.

(D) On the lot on which a junk yard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall be paved, or chemically treated so as to limit the nuisance caused by windborne dust onto adjoining lots and public roads.

(Prior Code, § 750.11) (Ord. -, passed 3-20-2004)

§ 152.281 GASOLINE SALES AND CONVENIENCE CENTERS.

Any gasoline sales and convenience center in any district shall conform at least to the following regulations. Where the setback and lot coverage regulations for any district in which a gasoline sales and convenience center is located are more restrictive than the regulations contained hereinafter, all gasoline sales and convenience centers shall conform to the more restrictive dimensional requirements.

(A) *General.* No part of the parcel shall be used for the storage of dismantled vehicles or junk.

(B) *Frontage and area.* The parcel shall have a minimum frontage of 120 feet and a minimum area of 12,000 square feet.

(C) *Setback.* Every structure shall have a minimum setback from the street right-of-way of 35 feet and a minimum setback from all property lines of 25 feet. A greenbelt area in accordance with the regulations specified in § 152.075 may be required by the Village Council.

(D) *Construction standards.* The facility shall be constructed to conform to the following standards:

(1) Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumpers, wheel guards or traffic islands. Where the portion of the property used for vehicular traffic abuts a street, that portion shall be separated from the street line by a curb at least six inches high.

(2) The entire area used for vehicle ingress, egress, fueling, service, and customer parking shall be paved, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.

(3) Hydraulic hoist, lubricating, greasing, washing and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repairs may be carried on outside of the building.

(4) The maximum widths of all driveways at the sidewalk shall be no more than 30 feet.

(5) The minimum angle of driveway intersection with the street from the curb line to lot line shall be no less than 60 degrees.

(6) The minimum distance between curb cuts shall be no less than 40 feet.

(E) *Lighting.* All lighting shall be accomplished in a manner such that no illumination source causes nuisance to adjacent

properties.

(F) *Off-street parking*. Shall conform to the regulations specified in §152.086.

(G) *Signs*. Shall conform to the regulations specified in §152.343.

(Prior Code, § 750.12) (Ord. -, passed 3-20-2004)

§ 152.282 PLANNED UNIT DEVELOPMENTS.

In addition to the planned unit development procedures contained in §§152.130 through 152.134 and the standards contained in §§ 152.145 through 152.148, the following specific conditions and requirements shall apply to the following planned unit developments.

(A) *Planned unit residential developments*.

(1) Shall occupy a site of not less than five acres.

(2) The maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the underlying district or districts in which the planned unit residential development site is located. Net development area is determined by subtracting water, muck, and peat areas, and areas set aside for churches, schools and similar facilities and the area proposed for streets from the gross development area.

(3) The area of land set aside for common land, open space, or recreation, except as above indicated, shall be included as a part of the net development area.

(B) *Planned neighborhood shopping centers*. Shall occupy a site of not less than three acres.

(C) *Planned community and regional shopping centers*. Shall occupy a site of not less than ten acres.

(Prior Code, § 750.13) (Ord. -, passed 3-20-2004)

§ 152.283 ESSENTIAL SERVICE BUILDINGS.

Essential service buildings, and other major essential service installations (which may or may not involve buildings) including, without limitation, structures and facilities such as electric substations and gas regulator stations and substations, may be allowed as a conditional use provided that the Planning Commission shall give consideration to the architecture, landscaping, setbacks, enclosures and other features of the building or installation and may impose reasonable conditions as deemed necessary to protect the neighborhood.

(Prior Code, § 750.14) (Ord. -, passed 3-20-2004)

§ 152.284 AGRI-BUSINESS.

(A) An agri-business and buildings, structures, lots, parcels, or parts thereof which provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities may be permitted as a conditional use.

(B) An agri-business may include, but is not limited to:

(1) Farm machinery, sales, service, rental and repair;

(2) Grain elevators for storage, drying and sales;

(3) Bulk feed and fertilizer outlets and distribution centers;

(4) Grain and livestock trucking and cartage facilities; and/or

(5) Dairy products, production and processing operations.

(Prior Code, § 750.15) (Ord. -, passed 3-20-2004)

§ 152.285 COMMUNITY FACILITIES, PUBLIC OR NON-PROFIT.

(A) *Churches, public buildings, public, parochial and private nonprofit schools and colleges (not operated as commercial enterprises), public swimming pools and public parks*. All buildings shall be located at least 50 feet from any adjoining lot line.

(B) *Publicly-owned athletic grounds and golf courses, and athletic grounds, country clubs and golf courses owned by non-profit entities (not operated as commercial enterprises)*. The use shall be conducted on property of at least ten acres and all buildings shall be located at least 50 feet from any adjoining lot line.

(Prior Code, § 750.16) (Ord. -, passed 3-20-2004)

§ 152.286 TELECOMMUNICATIONS TOWERS; STANDARDS AND REQUIREMENTS.

(A) *Purpose*. Regulation of commercial wireless communication service towers is necessary to protect the public health, safety and welfare while meeting the communications needs of the public. The intent of this section is to minimize adverse

visual effects of towers and avoid damage to adjacent properties, while adequately serving the community.

(B) *Towers permitted in zoning districts.* Towers are permitted by right within the (OAC)-open space and waterbody districts. All towers shall be subject to the following general standards for approval:

(1) In order to contain falling ice or debris from tower failure on site, and to minimize conflict with adjacent properties, the base of a freestanding (lattice or monopole) or guy-wired (lattice) tower shall be set back 150% of the height of the tower from any property line or road right-of-way as measured from the tower base.

(2) For leased sites, a legally described parcel shall be established which provides suitable location and size to meet the requirements of this subchapter.

(3) The maximum tower height shall be 300 feet as measured from the ground elevation.

(4) The tower base shall be enclosed by a security fence, consisting of a six foot tall chain link fence topped with three strands of barbed wire or an eight foot tall chain link fence. All towers shall be equipped with an anti-climbing device.

(5) A six foot tall landscape screen is required to screen around the exterior perimeter of the fenced area.

(6) The use of guy wires is strictly prohibited unless approved by the Planning Commission. Approval shall be based upon the wire anchors for guyed towers being set back 75 feet from all property lines, that they be located on the same parcel as the tower and that these provisions are subject to approval of the site plan.

(C) *Lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. If lighting is required, a dual lighting system shall be employed to minimize the impact at night.

(D) *Signs.* The use of any portion of a tower for signs other than warning or equipment information is prohibited.

(E) *Application requirements.* Application must be made for a building permit, and the following information must be submitted:

(1) (a) A site plan of the proposed tower location showing all existing and proposed features of the site. This shall identify all buildings which are on the subject property as well as any buildings and residences on adjacent properties within 350 feet of the tower base.

(b) The site plan shall also identify the location of the maintenance buildings, which are to be located within the secured fence area, including the pads needed to support such facilities for any future carrier needs. The site plan shall also indicate the height of the proposed tower above grade, and any other improvements.

(2) Documentation of the purpose of the tower, the number and type of joint users to be served at the site, Federal Aviation Administration approval and an engineer's certification of structural and electrical safety. The village may require that any information that is submitted be certified by a licensed professional engineer.

(3) A description of the appearance and color of the tower, with the intent to camouflage the tower to an extent possible to reduce the visual impacts of the tower.

(F) *Location and separation requirements.* All commercial wireless telecommunications towers erected, constructed or located within Homer Village shall comply with the following requirements:

(1) A new commercial wireless telecommunications tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or similar device within the village. The applicant must provide information related to their investigation of the potential for co-location on all other towers within the village and within a one-mile area surrounding the village. This provision may be waived should the applicant produce and justify data related to the tower's or building's structural inadequacy, negative impact from other communications devices or services, insufficient height or other verifiable reason.

(2) Any proposed commercial wireless telecommunications service tower shall be designed to accommodate both the applicant's equipment and that of at least two other users. Any developer of a tower site must have a firm commitment (lease agreement) from the property owner and from at least one carrier to locate on the tower at the time of the application.

(G) *Abandoned or unused towers or portions of towers* Abandoned or unused towers or portions of towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Village Council. A copy of the relevant documents (including, but not limited to, the signed lease, deed or land contract restrictions which requires the applicant to remove the tower and associated facilities upon cessation of the operations) shall be submitted at the time of application. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities shall be removed by the village and the costs of removal assessed against the real property. The Village Clerk shall be notified of any change in the status of the tower, including a change in ownership, terms of the lease or removal of a carrier co-locating on that tower.

(H) Antennas or towers may be located on property owned, leased, or otherwise controlled by the village provided a license or lease authorizing such antenna or tower has been approved by the Village Council.

(Prior Code, § 750.17) (Ord. -, passed 3-20-2004)

§ 152.287 ANIMAL HOSPITALS, CLINICS AND COMMERCIAL KENNELS.

(A) An application to construct a commercial kennel for the purpose of boarding five or more domesticated animals shall require any necessary permits and approvals from the county and the State of Michigan before an application for a conditional use permit may be considered.

(B) Commercial kennels shall be subject to the following specific conditions:

(1) There shall exist a 100-foot setback from any adjacent property line for any exterior area used for boarding of animals or animal exercise (such as a dog run).

(2) Any buildings constructed for interior boarding shall be soundproofed and located no closer than 50 feet to any adjoining property line.

(3) Perimeter landscaping and/or fencing shall be utilized to screen those areas from such adjacent property.

(Prior Code, § 750.18) (Ord. -, passed 3-20-2004)

§ 152.288 MINI-STORAGE WAREHOUSE FACILITIES.

Mini-storage warehouse facilities shall be subject to the following specific conditions:

(A) The entire site perimeter shall be secured with a fence at least six feet in height. Where the site abuts a residential zone, there shall be screening through use of greenbelt buffers meeting the requirements in § 152.075 or an opaque fence.

(B) Drive aisles and parking areas shall be paved and properly drain, with storm water managed on site. There shall be no outside storage permitted.

(C) Adequate lighting shall be installed in a manner to provide for required security, with no stray illumination onto any adjoining properties. No use of storage facilities shall be allowed for retail purposes.

(Prior Code, § 750.19) (Ord. -, passed 3-20-2004)

§ 152.289 DRIVE-IN OR DRIVE-THROUGH RETAIL SERVICE ESTABLISHMENTS.

Drive-in or drive-through retail establishments shall be subject to the following conditions:

(A) Where the use is proposed adjacent to a residential zone, the drive-through lane or parking area providing for drive-in service, shall be properly screened and landscaped in order to minimize noise and conflict with the adjoining use. (See greenbelt buffer requirements, § 152.075).

(B) The drive-through lane shall have at least a 12-foot width and shall accommodate the stacking of at least five vehicles or roughly 100 feet in length. Where conflict may exist with pedestrian movement from parking areas, this access shall be clearly marked for safety purposes.

(Prior Code, § 750.20) (Ord. -, passed 3-20-2004)

§ 152.290 NEW AND USED VEHICLES, TRAILER SALES.

The following conditions shall apply to any facility providing for the sale of new or used vehicles, trailers or manufactured homes and any related service, including repair:

(A) The standards associated with the parking of vehicles for sale shall include all parking and loading requirements contained in §§ 152.086 and 152.087, and the sign requirements contained in §§152.340 through 152.346.

(B) A greenbelt buffer meeting the requirements in §152.075 shall be established on all sides where vehicle parking is adjacent to an adjoining property line and on any side adjoining a residential district.

(C) A 20-foot landscaped area shall be established within the front yard setback where vehicle parking is within the front yard setback. This same standard shall apply for corner lots where two front yards are created.

(D) There shall be no inoperable vehicles stored outside and no vehicle repair to occur other than within an enclosed building.

(E) There shall be lighting for security purposes, with no stray illumination onto any adjoining property.

(Prior Code, § 750.21) (Ord. -, passed 3-20-2004)

§ 152.291 TEMPORARY DWELLINGS.

Single-family manufactured homes not otherwise satisfying the minimum width and/or floor area requirements for single story dwelling units may be used as temporary dwellings subject to the following specific conditions:

(A) The manufactured home may be used by the property owner and his or her family as a temporary dwelling during the construction of a home to be occupied by the property owner and may continue to be used as a temporary dwelling until such time as an occupancy permit is issued for the home under construction, but not to exceed one year.

(B) The manufactured home shall be connected to an adequate water supply and sewage disposal system approved by the County Health Department.

(C) The manufactured home shall be removed from the premises within 30 days from the expiration of the conditional use permit.

(D) The manufactured home meets all other requirements of this district.

(Prior Code, § 750.22) (Ord. -, passed 3-20-2004)

§ 152.292 ADULT ENTERTAINMENT.

(A) *Purpose.* Regulation of adult entertainment uses is directed at protection of the health, safety and welfare of village residents through the establishment of conditions by which such uses may be approved. The intent is to minimize the negative impacts of the use, including potential blight and possible criminal activity associated with adult uses. It is not the intent of this subchapter to regulate the content of materials associated with the use, rather the separation of incompatible uses that may result in loss of property value.

(B) *District.* Adult entertainment uses are conditional uses within the LI-Light Industrial District. Such uses are deemed to be incompatible with uses permitted within the agricultural, residential and commercial districts and the site development regulations provide for increased setback and lot area to further reduce the incompatibility.

(C) *Definitions.* The uses defined are not intended to be an exclusive list of adult entertainment. Any use required to be licensed or inspected shall be included within this definition of adult entertainment even if not specifically listed under this division:

ADULT BOOTH, ARCADE, MOTION PICTURE or MINI-MOTION PICTURE THEATER (or similar use). Presents material which displays images emphasizing matter depicting or describing **SPECIFIED SEXUAL ACTIVITIES** or **SPECIFIED ANATOMICAL AREAS** as defined in this division. Such uses shall be within an enclosed building or enclosed room within the building and shall not be viewed or displayed immediately upon entering the building or room.

ADULT BOOK STORE, ADULT NOVELTY STORE or ADULT VIDEO STORE (or similar use). Offers for rent or sale material which displays images emphasizing matter depicting or describing **SPECIFIED SEXUAL ACTIVITIES** or **SPECIFIED ANATOMICAL AREAS** as defined in this division. Such stores that limit the concentration of such material to an "adult only" section, encompassing less than 25% of the usable floor area and less than 25% of the gross receipts from sales or rentals, shall not be considered under this definition or regulated as adult entertainment.

ADULT CABARET, NIGHTCLUB, THEATER (or similar establishment). Features live performances by dancers (topless, go-go or exotic as examples), strippers or similar entertainers, where the performers feature live display of **SPECIFIED ANATOMICAL AREAS** or describe **SPECIFIED SEXUAL ACTIVITIES**, as defined in this division.

ADULT MOTEL or ADULT LODGING ESTABLISHMENT (or similar use). Provides materials for sale or rent, including in-room videos, which displays images emphasizing matter depicting or describing **SPECIFIED SEXUAL ACTIVITIES** or **SPECIFIED ANATOMICAL AREAS**, as defined in this division. Such facilities shall clearly advertise the availability of such adult entertainment.

ADULT PERSONAL SERVICE or ATYPICAL CULTURE BUSINESS (or similar uses). Includes massage parlors, health spas, saunas or steam baths where the person providing the service is nude or partially nude, which is defined as having attire which reveals **SPECIFIED ANATOMICAL AREAS**.

SPECIFIED ANATOMICAL AREAS. Areas of the body, less than completely or opaquely covered, including human genitals, the pubic region, buttock or female breast area below a point immediately above the top of the areola. This definition shall also include human male genitals in a discernibly turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Includes human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse, sodomy or fondling or other erotic touching of human genitals, the pubic region, buttock or female breast.

(D) *Conditions.* In order to reduce or mitigate the incompatibility of such uses with surrounding uses, the following conditions shall apply for adult entertainment:

(1) All such facilities shall meet any state licensing requirements, fire regulations or other state or local requirements for operation.

(2) All such facilities shall provide for separate male and female restrooms and such restrooms shall be free to the public.

(3) The entrance to such facilities shall be clearly posted "For Adults Only" and anyone entering the facility shall be asked for permanent identification to determine that no person under the age of 18 is allowed.

(4) Signage shall adhere to the village sign regulations and no advertisement shall be visible from the exterior of the facility related to the display or description of materials defined as specified sexual activities or specified anatomical areas, or any language considered slang providing for the same description.

(5) A site plan shall be submitted which meets the village's standards for site plan review, including landscaping and lighting that will decrease the incompatibility with surrounding uses. The site plan shall also indicate any existing uses, buildings or structures within 500 feet of the property.

(6) The site for such adult entertainment use shall not be located within 500 feet of any community facilities, including churches, schools, public parks, daycare facilities or any public buildings.

(7) The site for such adult entertainment use shall not be located within 300 feet of any residence or from a residential zoning district.

(8) The site for such adult entertainment use shall not be located within 1,000 feet of any other adult entertainment use as defined in this subsection.

(9) Parking areas shall be well lit and no loitering or congregation of patrons outside of the facility shall be allowed by the proprietor of the business.

(E) *Exempt uses.* Any use that is licensed or certified for purposes of other professional service, including barbers or beauticians, massage or physical therapists, athletic trainers or other professions where bodily contact is anticipated as part of the service, shall be exempt from these provisions so long as the use does not extend to providing services similar to those identified under this section.

(Prior Code, § 750.23) (Ord. -, passed 3-20-2004; Ord. 04-05, passed - -)

§ 152.293 HOSPITALS.

The following shall be required in connection with any approval granted for a general or specialized hospital to provide care for human beings:

(A) Such hospital shall be owned and operated by a non-profit corporation;

(B) No building or buildings shall be erected or used for such purposes except on a parcel of ground containing a minimum of ten acres;

(C) The minimum size of any project must provide hospital beds for not less than 100 patients in the first phase of construction;

(D) Off-street parking shall be provided for at a ratio of at least three spaces for each hospital bed plus one space for the maximum number of employees who might be on the premises at any one time;

(E) No part of the hospital or of any building used for hospital purposes shall be closer than 100 feet to any adjacent lot.

(Prior Code, § 750.24) (Ord. -, passed 3-20-2004)

§ 152.294 HOMES FOR THE ELDERLY AND RETIRED.

The following shall be required in connection with any approval granted for convalescent homes or homes for the elderly or retired:

(A) No building or buildings shall be erected, converted or used for such purposes except on a lot or parcel of ground containing a minimum of ten acres of land;

(B) There is a minimum lot area for each tenant, elderly or retired person of 2,500 square feet;

(C) There is provided one off-street parking space for each two tenants, elderly or retired persons;

(D) No part of the building or buildings so used is closer than 100 feet to an adjacent lot line, except that the Planning Commission may reduce this setback requirement to not less than 25 feet if it finds that such reduction in the set back will not be injurious to the use or enjoyment of nearby properties, will not result in traffic or other safety hazards, will not result in visual blight, distraction, or clutter, and will not materially impair the intent and purpose of this chapter or the public's interest. In modifying set back requirements, the Planning Commission may attach conditions regarding the location, character, landscaping, or treatment of the buildings or premises or other such matters as are reasonable necessary to the furtherance of the intent and spirit of this chapter and the public's interest;

(E) There is provided for each tenant, elderly or retired person in the building or buildings so used a minimum floor area exclusive of basement or attic space of 400 square feet; and

(F) A child care facility may be permitted as an accessory use to a home for the elderly or retired ("home"), subject to review and approval by the Planning Commission as otherwise provided for special land uses by this chapter, and subject to all of the following additional conditions and requirements:

(1) The child care facility may receive infants, preschool and elementary-school age children for care (including, without limitation, supervision, training or educational instruction) for periods of less than 24 hours a day.

(2) The child care facility shall provide care primarily to children of employees of the home while those employees are engaged in carrying out their employment with the home. The requirements of this paragraph shall be deemed satisfied so long as preference in admission to the facility shall be given to children of employees prior to the admission of any children of persons who are not employees of the home.

(3) The principal functions of the child care facility shall be to provide opportunities for the interaction of, and to foster an inter-generational relationship between, the elderly residents of the home and the children attending the child care facility, and to provide child care for the children of employees of the home.

(4) The child care facility shall be located on the same property as the home to which the facility is an accessory.

(5) The child care facility shall provide appropriate fencing, child drop-off and pick-up areas, and other facilities, design elements or operational characteristics for the safety of the children attending the facility, as determined necessary by the Planning Commission.

(6) The child care facility shall be registered and licensed as required for child care centers or day-care centers under the Child Care Organizations Act (Act No. 116 of the Public Acts of 1973, as amended; M.C.L.A. §§ 722.111 *et seq.*).

(Prior Code, § 750.25) (Ord. -, passed 3-20-2004)

§ 152.295 GROUP DAY-CARE HOMES.

The following shall be required in connection with any approval granted for a group day-care home:

(A) The minimum lot size shall conform to the minimum lot size regulations applicable in the district in which the group day-care is located.

(B) Setbacks and required yard areas shall conform to the setback and yard regulations applicable in the district in which the group day-care home is located.

(C) (1) A group day-care home shall provide and maintain on the lot a minimum of one square foot of outdoor play area per one square foot of gross building area with not less than 5,000 square feet of outdoor play area per facility. For purposes of this section, **OUTDOOR PLAY AREA** means the area located on the lot behind the established front yard setback of the facility which is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool. The outdoor play area shall be free from sharp gravel, glass or cinder, and shall be well drained. The outdoor play area shall be completely enclosed by a chain link or solid fence of at least four feet in height.

(2) In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum area is not necessary to the proper and safe functioning of the operation. In making this determination, the Planning Commission shall consider the amount of outdoor play area proposed, the number of children, the hours of operation and the types of recreation activities provided in and outdoors.

(D) Signs shall conform to the sign regulations applicable in the district in which the group daycare home is located.

(E) The property shall be maintained consistent with the visible characteristics of the neighborhood.

(F) Child drop-off and pick-up areas, and other facilities, design elements and operational requirements shall be provided or complied with as determined necessary by the Planning Commission for the safety of the children attending the group day-care home.

(Prior Code, § 750.26) (Ord. -, passed 3-20-2004)

§ 152.296 CHILD CARE CENTERS.

Any approval granted for a child care center shall be subject to all of the standards and requirements applicable to group day-care homes as provided by § 152.295, and shall also be subject to the following standards and requirements:

(A) (1) Parking shall conform to the parking regulations applicable in the district in which the child care center is located, except that additional off-street parking for the facility shall be provided according to the following schedule:

Number of children	Additional off-street parking spaces
1-12	1
13-18	2
19-26	3
27-30	4

(2) In addition, at least one off-street parking space shall be provided for each on-duty employee of the child care center.

(B) If the child care center is located on a major arterial street, an off-street drop-off/pick-up area must be provided, including an on-site vehicle turn-around or separate entrance and exit points.

(C) The child care center shall be registered and licensed as required for child care centers, or day-care centers under the Child Care Organizations Act (Act No. 116 of the Public Acts of 1973, M.C.L.A. §§ 722.111 *et seq.*, as amended).

(Prior Code, § 750.27) (Ord. -, passed 3-20-2004)

§ 152.297 ADULT DAY-CARE HOMES.

Any approval granted for an adult day-care home shall be subject to all of the standards and requirements applicable to group day-care homes as provided by § 152.295, and shall also be subject to the following standards and requirements:

(A) (1) Adult day-care homes shall provide and maintain on the lot a minimum of one square foot of outdoor open space per one square foot of gross building area with not less than 5,000 square feet of outdoor area per facility. For purpose of this section, outdoor open space area means the area located on the lot behind the established front yard set-back of the facility which is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool. The outdoor open space area shall be free from sharp gravel, glass or cinder, and shall be well drained. The outdoor open space area shall be completely enclosed by a chain link or solid fence of at least four feet in height, and may be screened from any abutting residential use by vegetation having a height when planted of at least five feet.

(2) In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum area is not necessary to the proper and safe functioning of the operation. In making this determination, the Planning Commission shall consider the amount of outdoor play area proposed, the number and age of the adults for which care is provided, the hours of operation and the types of recreation activities provided in and outdoors.

(B) Drop-off/pick-up areas for adults receiving care, and other facilities, design elements and operational requirements shall be provided or complied with as determined by the Planning Commission for the safety of the adults attending the facility.

(Prior Code, § 750.28) (Ord. -, passed 3-20-2004)

§ 152.298 ADULT DAY-CARE CENTERS.

Any approval granted for an adult day-care center shall be subject to all of the standards and requirements applicable to group day-care homes as provided by § 152.295, except for § 152.295(C) and (F), and shall also be subject to the following standards and requirements:

(A) (1) Parking shall conform to the parking regulations applicable in the district in which the adult day-care center is located, except that additional off-street parking for the facility shall be provided according to the following schedule:

Number of adults	Additional off-street parking spaces
1-12	1
13-18	2
19-26	3
27-30	4

(2) In addition, at least one off-street parking space shall be provided for each on-duty employee of the adult day-care center.

(B) If the adult day-care center is located on a major arterial street, an off-street drop-off/pick-up area must be provided, including an on-site vehicle turn-around or separate entrance and exit points.

(Prior Code, § 750.29) (Ord. -, passed 3-20-2004)

§ 152.299 WAREHOUSING AND STORAGE FACILITIES FOR ESTABLISHED RETAIL BUSINESSES.

Warehousing and storage facilities, the use of which is solely incidental to that of an established retail business, but not physically located on the same parcel of land shall be subject to the following specific conditions:

(A) The established business shall be physically located within the village limits.

(B) All stored items, equipment, products and materials shall be enclosed within a building and shall be to a considerable extent clean and free from any dangerous nuisance or hazardous or objectionable odors.

(C) Where the site abuts a residential zone, there shall be screening through the use of greenbelt buffers meeting the requirements of § 152.075.

(D) Adequate lighting shall be installed in a manner to provide for required security, with no stray illumination onto any adjoining property.

(Prior Code, § 750.30) (Ord. -, passed 3-20-2004)

§ 152.300 COMMERCIAL STORAGE RENTAL FACILITIES.

Commercial storage rental facilities shall be subject to the following specific conditions:

(A) All stored items, equipment, products and materials shall be enclosed within a building and shall be to a considerable extent clean and free from any dangerous nuisance or hazardous or objectionable odors.

(B) Where the site abuts a residential zone, there shall be screening through the use of greenbelt buffers meeting the requirements of § 152.075.

(C) Adequate lighting shall be installed in a manner to provide for required security, with no stray illumination onto any

adjoining property.

(Prior Code, § 750.31) (Ord. -, passed 3-20-2004)

§ 152.301 COMMERCIAL REPAIR FACILITIES FOR AUTOMOBILES AND OTHER LIGHT MOTOR VEHICLES; GENERAL REPAIR.

Such facilities shall be subject to the following specific conditions:

(A) Commercial repair facilities for automobiles and other light motor vehicles shall be limited to general repair, servicing, rebuilding or reconditioning of motor vehicles and their component parts, including collision services such as body, frame, or fender straightening and repair, painting and undercoating.

(B) The operation shall be to a considerable extent clean and free from any dangerous nuisance or hazardous or objectionable odors and shall meet all federal, state and local environmental quality standards.

(C) There shall be no vehicle components, parts or inoperable or unlicensed vehicles stored outside and no vehicle repair to occur other than within an enclosed building.

(D) A greenbelt buffer meeting the requirements in §152.075 shall be established on any side abutting a residential zoned district.

(Prior Code, § 750.32) (Ord. -, passed 3-20-2004)

§ 152.302 COMMERCIAL REPAIR FACILITIES FOR AUTOMOBILES AND OTHER LIGHT MOTOR VEHICLES; LIMITED REPAIR.

Such facilities shall be subject to the following specific conditions:

(A) Commercial repair facilities for automobiles and other light motor vehicles shall be limited to general repair, servicing, rebuilding or reconditioning of motor vehicles and their component parts, but not including collision services such as body, frame, or fender straightening and repair, painting and undercoating.

(B) The operation shall be to a considerable extent clean and free from any dangerous nuisance or hazardous or objectionable odors and shall meet all federal, state and local environmental quality standards.

(C) There shall be no vehicle components, parts or inoperable or unlicensed vehicles stored outside and no vehicle repair to occur other than within an enclosed building.

(D) A greenbelt buffer meeting the requirements in §152.075 shall be established on any side abutting a residential zoned district.

(Prior Code, § 750.33) (Ord. -, passed 3-20-2004)

§ 152.303 PLACES OF AMUSEMENT AND RECREATION.

This use shall be conducted within an enclosed building, or within a fenced area, with such activity limited to no less than 100 feet from any residential zoned district.

(Prior Code, § 750.34) (Ord. -, passed 3-20-2004)

NONCONFORMING USES AND BUILDINGS

§ 152.325 NONCONFORMING USE OF LAND OR BUILDING.

(A) *Nonconforming uses of land.* Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, the use may be continued, so long as it remains otherwise lawful, subject to the following provisions.

(1) No nonconforming use shall be enlarged or increased to occupy a larger area, nor moved in whole or in part to any other portion of the lot or parcel occupied at the effective date of adoption or amendment of this chapter.

(2) Any nonconforming use of land abandoned for a period of more than 90 days shall be subsequently conformed to the requirements of this chapter.

(Prior Code, § 747.01)

(B) *Nonconforming uses of buildings.* Where a lawful building exists at the effective date of this chapter, or amendment thereto, that could not be built under this chapter by reason of its location on the lot, lot coverage, height, yard, or other characteristics, the structure may be continued, subject to the following.

(1) Any structure existing at the effective date of this chapter, devoted to a use not permitted by this chapter in the district in which it is located shall not be altered, enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(2) When a nonconforming use of a building is vacated or abandoned for six consecutive months, the building shall not be used thereafter except in conformance with the regulations of the district in which it is located.

(Prior Code, § 747.02)

(C) *Nonconforming buildings.* Where a lawful structure exists at the effective date of adoption or amending of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

(1) No structure may be enlarged or altered in any way which increases its nonconformity.

(2) All lots of record at the effective date of this chapter shall be exempt from §152.238.

(3) Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(4) Should the structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. The repairs shall be initiated within 90 days.

(Prior Code, § 747.03)

(D) *Illegal nonconforming uses and buildings.* Those alleged nonconforming uses of land, uses of buildings and buildings which cannot be proved conclusively to have been existing prior to the effective date of this chapter, or any amendment thereto, shall be declared illegal nonconforming uses of land, nonconforming uses of buildings and nonconforming buildings and shall be discontinued upon written notification from the Zoning Inspector.

(Prior Code, § 747.04) Penalty, see § 10.99

SIGN REGULATION

§ 152.340 GENERAL REGULATIONS.

No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device so as to interfere with, mislead, or confuse traffic. Consideration of traffic visibility and injurious effects on adjacent properties is essential. All signs shall be designed, constructed, and maintained so as not to change the essential character of the area.

(Prior Code, § 748.01) Penalty, see § 10.99

§ 152.341 SIGNS PERMITTED, OAC DISTRICT.

(A) In the OAC Open Space, Agricultural, and Waterbody Conservation District, only one sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein.

(B) The following signs are permitted:

(1) A non-illuminated sign advertising the sale or rental of the building or premises not exceeding six square feet in area and placed no nearer to the street line than one half the required yard depth;

(2) Non-illuminated trespassing, safety, directional, caution, or announcement signs each not exceeding two square feet in area;

(3) A non-illuminated sign announcing a home occupation, service, or product offered on the premises, provided that such a sign shall not exceed 12 square feet in area; and shall be located no closer to the street line than one half the required frontage yard; and

(4) A sign or bulletin board identifying a church, school park, or other authorized use not to exceed 12 square feet in area and placed no nearer than 15 feet to any property line. The sign may be illuminated by a non-flashing reflective light and the source of illumination shall not be visible.

(Prior Code, § 748.02) Penalty, see § 10.99

§ 152.342 SIGNS PERMITTED, RESIDENTIAL DISTRICTS.

(A) In any residential district, only one sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein.

(B) The following signs are permitted:

(1) A non-illuminated sign advertising the sale or rental of the building or property not exceeding six square feet in area and placed no nearer to the street line than one-half of the required front yard depth;

(2) A non-illuminated sign announcing a home occupation or service that is offered on the premises provided that the sign shall not exceed two square feet in area and shall be attached flat against a building wall;

(3) One sign advertising a recorded subdivision or development not to exceed 18 square feet in area and placed no closer to any street right-of-way than one-third the minimum authorized front yard depth, the sign shall be removed within one year after the sale of 90% of all lots or units within the subdivision or development;

(4) One sign identifying a multiple-family building, subdivision, or development, not having commercial connotations, not to exceed 18 square feet in area and placed no closer to any street right-of-way line than one-third the minimum authorized front yard depth; and

(5) A sign or bulletin board identifying a church, school, or other authorized use, not to exceed 12 square feet in area and placed no nearer than 15 feet to any property line. The sign may be illuminated by a non-flashing reflected light and the source of illumination shall not be visible.

(Prior Code, § 748.03) Penalty, see § 10.99

§ 152.343 SIGNS PERMITTED, COMMERCIAL, INDUSTRIAL DISTRICTS.

(A) A sign in any commercial or industrial district is permitted only where it advertises a business occupying the same lot of land upon which the sign is erected.

(B) Signs shall conform to the building setback and height requirements and, in addition, shall conform to the requirements provided below:

(1) In any commercial or industrial district, a sign may be affixed flat against the wall of the building, or may project therefrom not more than 48 inches, provided that the signs do not project over a sidewalk or public right-of-way. Projecting signs shall be at least 12 feet above finished grade. The total sign area shall not exceed one square foot for each foot in length or height of the wall, whichever is greater, to which it is affixed. No sign shall extend more than four feet in height above the building to which it is affixed;

(2) One freestanding identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area for the sign shall be based on one square foot for each foot of building frontage, however, it shall not exceed 200 square feet in area, not be closer to the front, side, or rear property line than one-third the distance of the required building setback;

(3) One freestanding identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. The sign shall not exceed 80 square feet in area, except in the CS Community Service Commercial District. The signs shall not exceed 36 square feet in area, nor be closer to the front, side, or rear property line, than one-third the distance of the required building setback; and

(4) All signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that the illumination shall not be placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or light. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.

(Prior Code, § 748.04) Penalty, see § 10.99

§ 152.344 OUTDOOR ADVERTISING SIGNS.

Outdoor advertising signs (billboards) shall be permitted under the following conditions.

(A) Outdoor advertising signs (billboards) are permitted only in the commercial and industrial districts.

(B) Outdoor advertising signs are required to have the same setback as other principal structures or buildings in the zone in which they are situated.

(C) Where two or more outdoor advertising signs are along the frontage of a single street or highway, they shall not be less than 1,000 feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.

(D) The total surface area, facing in the same direction of any outdoor advertising sign, shall not exceed 200 square feet.

(E) No outdoor advertising sign shall be erected on the roof of any building, nor have one sign above another sign.

(F) Outdoor advertising signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that the illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.

(G) Outdoor advertising signs shall be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and so as the use will not change the essential character of the same area.

(H) Outdoor name or identification signs are exempt from the provisions of this section, provided that all the signs shall be flush with the building wall or roof.

(I) Outdoor advertising signs located along a state primary highway shall be regulated by the provisions specified in M.C.L.A. §§ 252.301 through 252.325.

(Prior Code, § 748.05) Penalty, see § 10.99

§ 152.345 GASOLINE SERVICE STATION SIGNS.

(A) One permanently installed sign shall be permitted for each service station and shall be installed in such a manner that vision shall not be obstructed in any way other than by necessary supports to a height of 16 feet, but no sign shall exceed 25 feet in height or 60 square feet in area.

(B) All appropriate legends may be attached against the main building or on gasoline pumps.

(Prior Code, § 748.06) Penalty, see § 10.99

§ 152.346 NONCONFORMING SIGNS ELIMINATED.

All signs and billboards erected after the effective date of this chapter shall conform to the regulations as set forth in this chapter and its amendments.

(Prior Code, § 748.07) Penalty, see § 10.99

ADMINISTRATION AND ENFORCEMENT

§ 152.360 PURPOSE.

It is the purpose of this chapter to provide the procedures for administering this chapter, conducting on-site inspection of properties, and enforcing the provisions of this chapter and amendments thereto.

(Prior Code, § 742.01)

§ 152.361 ADMINISTRATION.

(A) The provisions of this chapter shall be administered by the Village Planning Commission and the Village Council in accordance with the State Municipal Planning Commission Act, Public Act 285 of 1931, being M.C.L.A. §§ 125.31 through 125.45, as amended, and the State City and Village Zoning Act, Public Act 207 of 1921, being M.C.L.A. §§ 125.581 through 125.590, as amended.

(B) The Village Manager shall appoint, subject to Village Council approval, a resident of the village as Zoning Inspector, to act as the officer to effect proper administration of this chapter. The Village Council shall, upon the recommendation of the Village Manager, establish the rate of compensation for the Zoning Inspector. For the purpose of this chapter, the Zoning Inspector shall have the powers and duties of a police officer.

(C) In the absence of the Zoning Inspector, the Village Clerk or other officer appointed by the Village Manager, subject to Council approval, shall assume all the powers and duties of the Zoning Inspector.

(Prior Code, § 742.02)

ZONING INSPECTOR

§ 152.375 ZONING INSPECTOR DUTIES.

(A) Review all applications for building permits, conduct on-site inspections, and recommend approval or disapproval of the applications based on compliance with the provisions of this chapter;

(B) Review all applications for conditional use permits; conduct field inspections, surveys, and investigations; prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations to the Planning Commission; and notify the applicant, in writing, of any decision of the Planning Commission;

(C) Review all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this chapter; conduct field inspections, surveys, and investigations; prepare maps, charts, and other pictorial materials when necessary or desirable; and otherwise process applications so as to formulate recommendations to the Zoning Board of Appeals for determination;

(D) Review all applications for amendments to this chapter to include petitions for rezoning; conduct field inspections, surveys, and investigations; prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; and report to the Planning Commission all the applications together with recommendations;

(E) In coordination with the Planning Commission, be responsible for updating the Official Zoning Map and keep it current;

(F) Maintain written records of all actions taken; and

(G) Be responsible for providing the forms necessary for the various applications to the Zoning Inspector, Planning Commission, Council, or Zoning Board of Appeals, as required by this chapter, and be responsible for what information is necessary on those forms for the effective administration of this chapter, subject to the general policies of the Council, Planning Commission, and Zoning Board of Appeals.

(Prior Code, § 742.03)

§ 152.376 BUILDING PERMITS.

(A) The Zoning Inspector shall review each application to ensure that a site plan conforming to the requirements of the building code of the village, as amended, is attached and that the site plan complies with the provisions of this chapter.

(B) The Zoning Inspector shall conduct an inspection of the building site to determine whether the location of the proposed building(s), as indicated by the corners staked, conforms to that shown in the site plan, and is in accordance with the yard setbacks and all other requirements of this chapter.

(C) The Zoning Inspector shall acknowledge compliance or noncompliance with the requirements of this chapter in the space provided on the building permit application.

(D) If any of the requirements of this chapter are not met, the Zoning Inspector shall return the building permit application to the village office without action and shall describe, in writing, the reasons for the rejection.

(Prior Code, § 742.04)

ENFORCEMENT

§ 152.390 FEES, CHARGES, COSTS.

The Council shall establish, by resolution, a schedule of fees, charges, and costs, and a collection procedure for appeals and other matters pertaining to this chapter. The schedule of fees shall be posted in the village office and may be altered or amended only by the Council. No certificate, conditional use or approval, or variance shall be issued until the fees, charges, and costs have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals until the fees, charges, and costs have been paid in full.

(Prior Code, § 742.05)

§ 152.391 VIOLATIONS.

(A) Any building or structure, including a tent or manufactured home, which is erected, constructed, reconstructed, altered, converted, maintained, or used, or any use of land or premises which is begun, maintained, or changed in violation of any provision of this chapter, is hereby declared to be a nuisance per se.

(B) It is the responsibility of the Zoning Inspector, through continuing surveillance, to identify and report violations; however, any citizen may report actual violations to either the Council or the Zoning Inspector.

(Prior Code, § 742.06)

§ 152.392 LEGAL ACTION.

The Village Attorney, or any owner or owners of real estate within the district in which the building, structure, or land is situated, may institute injunction, mandamus, abatement, or any other appropriate action, actions, or proceeding to prevent, enjoin, abate, or remove the unlawful erection, construction, alteration, maintenance, or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

(Prior Code, § 742.07)

ZONING BOARD OF APPEALS

§ 152.405 BOARD OF APPEALS ESTABLISHED.

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Public Act 110 of 2006, also known as the Michigan Planning Enabling Act, being M.C.L.A. §§ 125.3101 through 125.3702, as amended, in such a way that the objectives of this code shall be enforced, the public health and safety secured, and substantial justice done.

(Prior Code, § 743.01)

§ 152.406 MEMBERSHIP; TERMS OF OFFICE.

(A) The Zoning Board of Appeals shall consist of no less than three regular members, each to be appointed for a term of three years; provided that appointments for the first years shall be for a period of one, two, and three years respectively, so as nearly may be to provide for the appointment of an equal number each year, depending in the number of members; thereafter, each member to hold office for the full three-year terms. Of the membership of the Zoning Board of Appeals, one member shall be a member of the Planning Commission.

(B) The Council may appoint not more than two alternate members for the same term as regular members of the Zoning Board of Appeals. The alternate members may be called on a rotating basis to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

(C) The Council may, during the unavailability of the Zoning Board of Appeals, act for it upon all appropriate questions arising under this chapter.

(Prior Code, § 743.02) (Ord. 06-02, passed 7-17-2006; Am. Ord. -, passed 2-6-2017)

§ 152.407 RULES OF PROCEDURE.

The Board shall adopt its own rules of procedure as may be necessary to properly conduct its meetings. The concurring vote of two-thirds of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this chapter or to effect any variation in this chapter.

(Prior Code, § 743.03)

§ 152.408 MEETINGS AND MINUTES.

(A) Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board in its rules of procedure may specify.

(Prior Code, § 743.04)

(B) All meetings of the Zoning Board of Appeals shall be open to the public. Minutes shall be recorded on all proceedings which shall contain evidence and the final disposition of each case. The grounds of every determination shall be so stated and the determination from which the appeal is taken. The minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. The minutes shall be filed in the office of the Village Clerk and shall be sent promptly to the applicant or appellant and to the Zoning Inspector. The Village Clerk may act as Secretary to the Zoning Board of Appeals. The Village Attorney shall act as legal counsel for the Board and shall be present at all meetings upon the request of the Board. Other knowledgeable persons may also be utilized in an advisory capacity.

(Prior Code, § 743.05)

§ 152.409 POWERS AND DUTIES.

(A) The Board of Appeals shall have the power to interpret the provisions of this chapter, and grant variances from the strict application of any provisions of this chapter.

(B) Where a proposed interpretation of this chapter effectually changes the language herein, the Zoning Board will recommend an appropriate amendment to the Planning Commission.

(Prior Code, § 743.06)

§ 152.410 VARIANCE.

A variance from the terms of this chapter shall not be granted by the Board of Appeals unless and until:

(A) A written application for a variance is submitted, demonstrating that:

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter; and

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same district.

(B) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance;

(C) The Board of Appeals shall make findings that the requirements of this chapter have been met by the applicant for a variance;

(D) The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(E) The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;

(F) In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under § 152.392;

(G) Under no circumstances shall the Board of Appeals grant a variance to allow a use not permitted under the terms of this chapter in the district; and

(H) The Zoning Board of Appeals when considering a variance must provide notice of the consideration to all residences

within 300 feet and provide notice in a newspaper of general circulation 15 days in advance of the variance consideration.
(Prior Code, § 743.07) (Ord. 06-02, passed 7-17-2006)

§ 152.411 RE-APPLICATION FOR VARIANCE.

- (A) *Generally.* The following provisions shall apply.
- (B) *Specifically.*

(1) Each variance granted under the provisions of this chapter shall become null and void unless the construction authorized by the variance or permit has been commenced within 90 days after the granting of the variance and pursued diligently to completion.

(2) No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of 365 days from the denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

(Prior Code, § 743.08)

§ 152.412 APPEAL PROCEDURE.

(A) *Appeals; how taken.* Appeals from the ruling of the Zoning Inspector may be made to the Board of Appeals in the following manner.

(1) The person, firm, or agent thereof making the appeal shall file in writing to the Zoning Inspector a letter stating what the specific appeal is and the reasons for the appeal.

(2) The Zoning Inspector shall submit the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.

(B) *Who may appeal.* Appeals to the Board of Appeals may be taken by any person aggrieved, or by an officer, department, board, agency, or bureau of the village, county, or state.

(C) *Fee for appeal.* A fee prescribed by the Council shall be submitted to the Clerk at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Village General Fund.

(D) *Effect of appeal; restraining order.* An appeal shall stay all proceeding in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(E) *Hearing by the Board of Appeals; requests; notice; hearing.* When a request for appeal has been filed in proper form with the Board of Appeals, the Secretary or Village Clerk shall immediately place the request for appeal upon the calendar for hearing, and cause notice, stating the time, place, and object of the hearing to be served personally or by registered return receipt mail at least ten days prior to the date of the hearing, upon the party or parties making the request for appeal.

(F) *Representation at hearing.* At the hearing, any party or parties may appear in person or by agent or by attorney.

(G) *Decisions of the Board of Appeals and appeals to the Circuit Court.* The Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Inspector from whom the appeal is taken. The Board of Appeals decision of the appeal shall be in the form of a resolution containing a full record of the findings and determinations of the Board of Appeals in each particular case and the signatures of each member of the Board of Appeals affixed thereon. Any persons having an interest affected by the resolution shall have the right to appeal to the Circuit Court on questions of law and fact.

(Prior Code, § 743.09)

APPENDIX A: LOT REGULATIONS

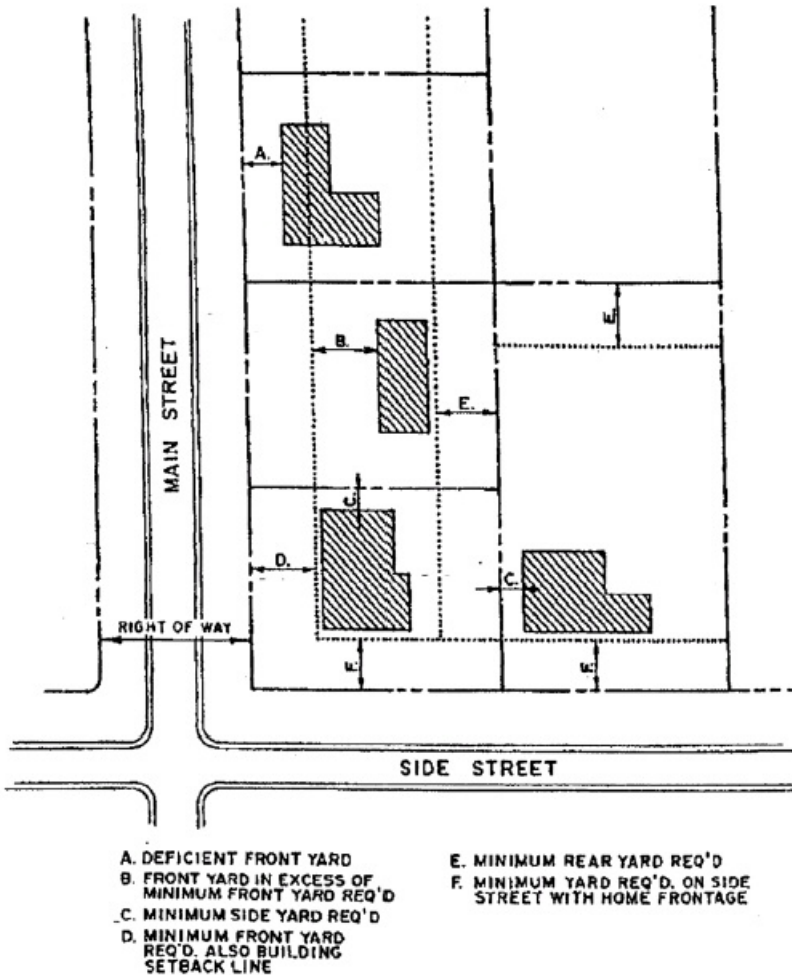
	R1	R2	R3	R4	MHP	B	CS	HS	LI	HI	OAC
	R1	R2	R3	R4	MHP	B	CS	HS	LI	HI	OAC
Lot Area	13,000 sq. feet	8,000 sq. feet	*	8,000 sq. feet	*	3,000 sq. feet	10,000 sq. feet*	10,000 sq. feet*	20,000 sq. feet*	5 acres	1.5 acres
Lot Width	100 feet	66 feet	*	66 feet	*	30 feet	80 feet	80 feet	80 feet	200 feet	200 feet

Lot Coverage	20 feet	30 feet	35 feet	30 feet	*	90 feet	25 feet	25 feet	25 feet	25 feet	10 feet
Front Setback	50 feet	35 feet	35 feet	35 feet	*	10 feet	35 feet	35 feet	85 feet	85 feet	60 feet
Rear	40 feet	35 feet	35 feet	35 feet	*	*	35 feet	20 feet	35 feet	50 feet	50 feet
Each Side Total	20 feet	8 feet, 20 feet	20 feet	8 feet, 20 feet	*	*	20 feet	20 feet	20 feet	50 feet	30 feet
Height Principal	35 feet	35 feet	*	35 feet	*	45 feet	45 feet	35 feet	45 feet	50 feet	40 feet
Height Access	25 feet	25 feet	*	25 feet	*	*	*	*	*	*	8 feet

NOTES TO TABLE:
 * - Consult Chapter 152.

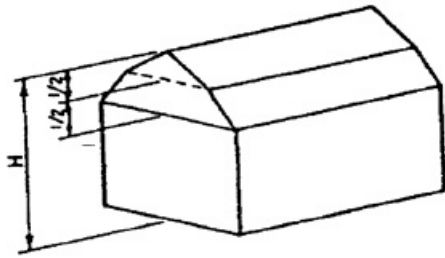
(Prior Code, App. 1)

APPENDIX B: YARD REQUIREMENTS

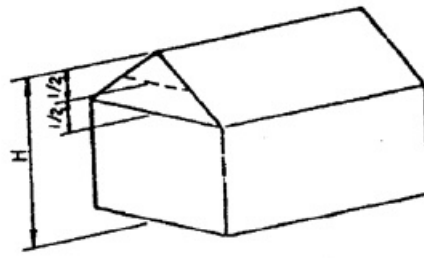


(Prior Code, App. 2)

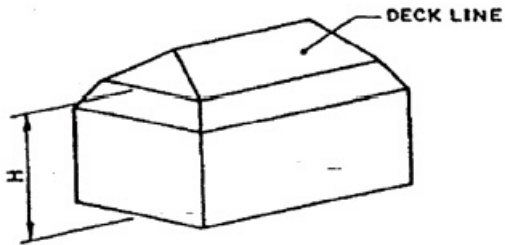
APPENDIX C: ROOF TYPES



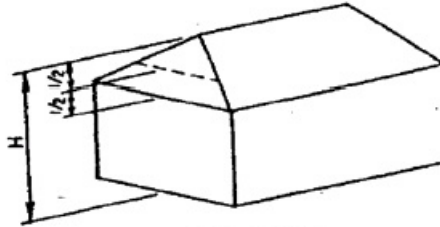
GAMBREL ROOF



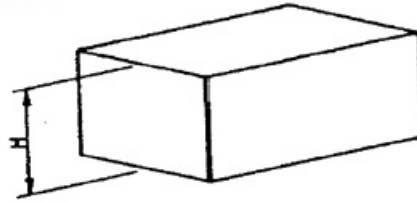
GABLE ROOF



MANSARD ROOF



HIP ROOF



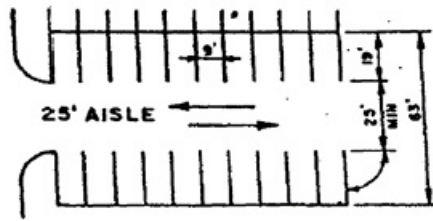
FLAT ROOF

H = HEIGHT OF BUILDING

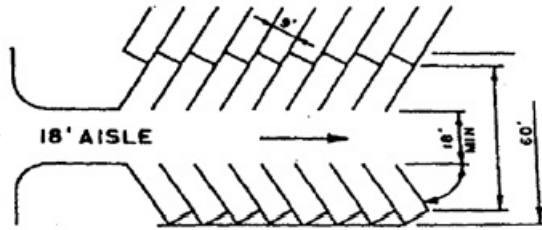
(Prior Code, App. 3)

APPENDIX D: PARKING LAYOUTS

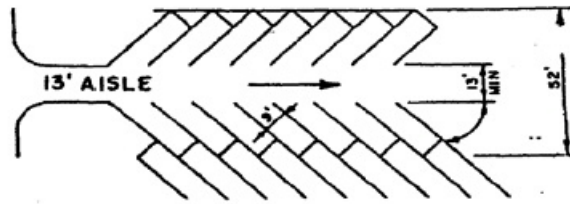
90° PARKING



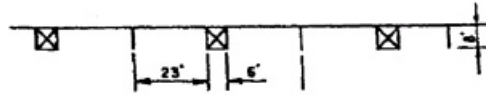
60° PARKING



45° PARKING



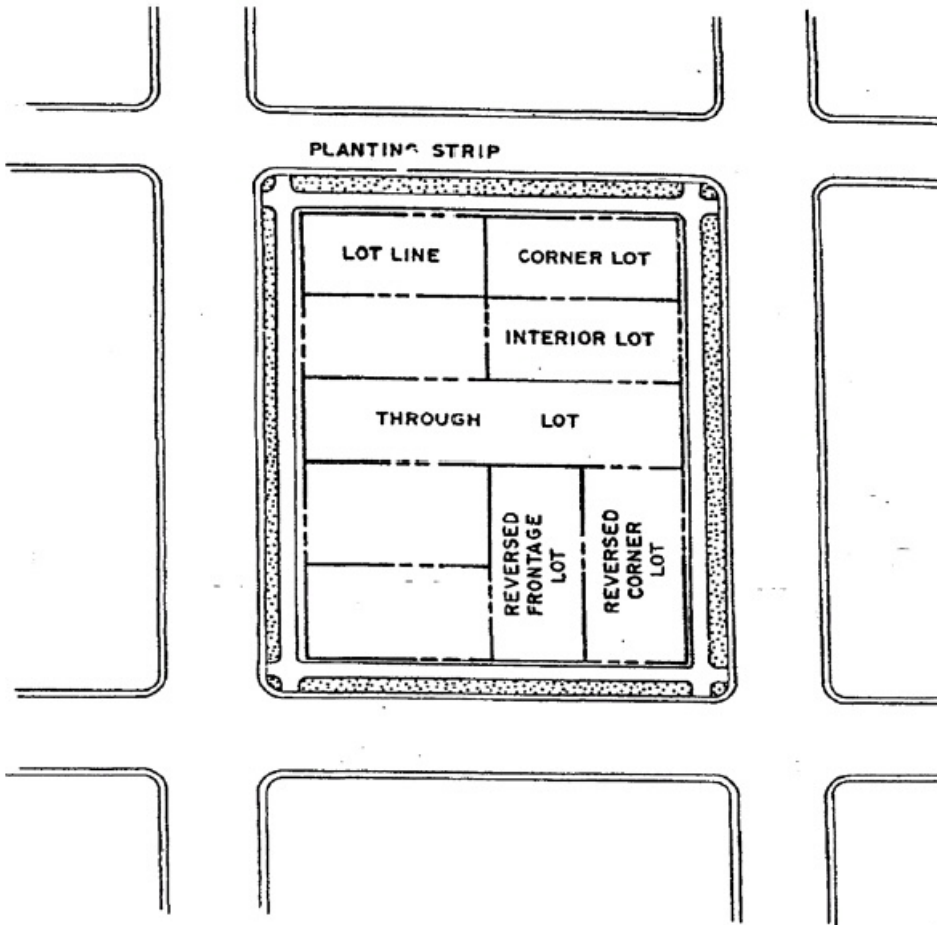
PARALLEL PARKING



SCALE: 1" = 40'

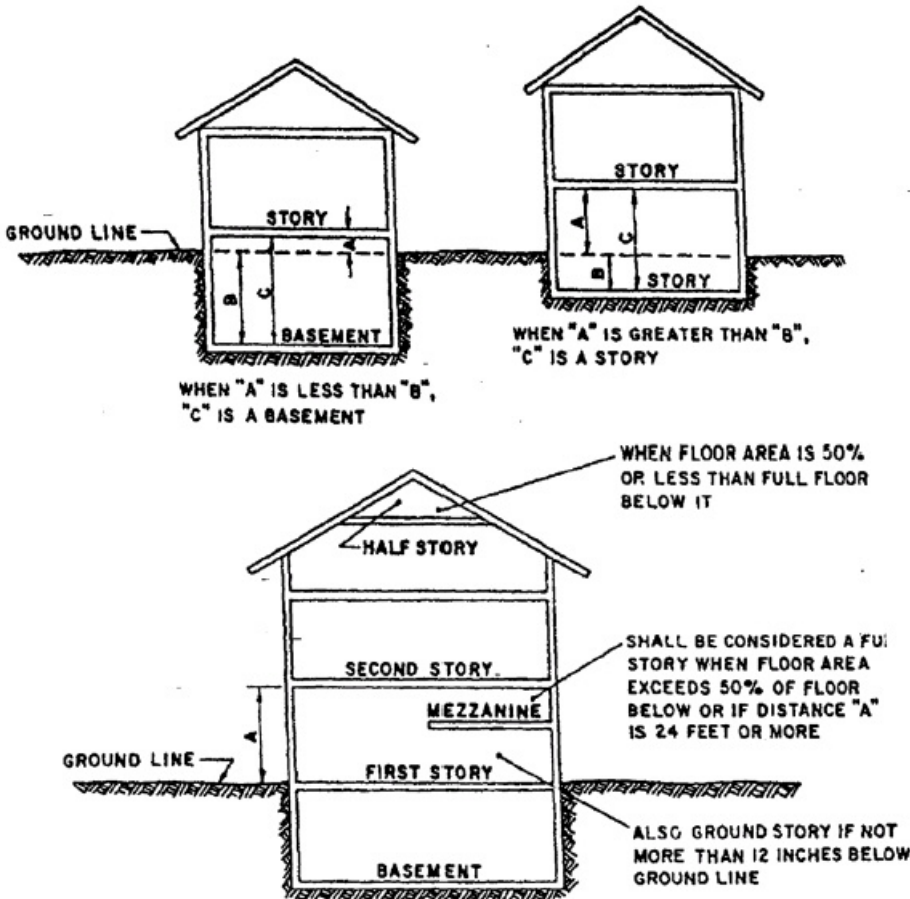
(Prior Code, App. 4)

APPENDIX E: TYPES OF LOTS



(Prior Code, App. 5)

APPENDIX F: STRUCTURAL TERMINOLOGY



(Prior Code, App. 6)