

Chapter 15

ZONING*

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* **Editors Note:** Printed herein is the city's comprehensive zoning regulations, as adopted by Ord. of 8-30-99, Arts. 1--16, on August 30, 1999 which amended the village's zoning regulations in its entirety. The ordinance has been adopted by the Village Council of the Village of Elsie, Clinton County, Michigan. Amendments are indicated by parenthetical history notes following amended provisions. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets. See the Code Comparative Table.

Cross References: Fire prevention and protection, Ch. 6; streets, sidewalks and other public places, Ch. 11; utilities, Ch. 13.

State Law References: Authority to regulate land use, MCL 125.581 et seq., MSA 5.2931 et seq.

ARTICLE I.**PURPOSE**

An ordinance to amend the present zoning ordinance in its entirety and to regulate and restrict the location and use of structures and land for residence, trade, industry and other purposes; to regulate the height and size of structures, and the size of yards, courts and other open spaces; to regulate the density of population; to create districts for the above purpose and establish district boundaries; to provide for amendments to regulations; restrictions and boundaries of such districts; to define certain terms used in this chapter; to provide for enforcement and administration of this chapter; and provide for the repeal of all ordinances in conflict with this chapter.

Pursuant to the authority conferred by Act 207, Public Acts of 1921, as amended State of Michigan, now therefore:

The Village of Elsie ordains:

Sec. 15-101. Name.

This chapter shall be known as the Village of Elsie, Clinton County Zoning Ordinance.

(Ord. of 8-30-99, art. 1)

Sec. 15-102. Interpretation of provisions.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of public health, safety and general welfare. Whenever any provisions of this chapter impose more restriction than are imposed by state law or other ordinance of the Village, the provisions of this chapter shall govern. Where the provisions of the state housing code or any ordinance or regulation of the village impose more strict regulations than are imposed by this chapter, the provisions of the state housing code or other ordinance or regulation shall govern. It is not intended by this chapter to interfere or abrogate or annul any easements, covenants or other agreements between the parties; provided, however, that where this chapter imposes greater restriction upon the use of a building or land than existing easements, covenants or other agreements, the provisions of this chapter shall control or govern.

(Ord. of 8-30-99, art. 1)

Secs. 15-103--15-200. Reserved.

ARTICLE II.**DEFINITIONS****Sec. 15-201. Construction.**

Unless otherwise specifically stated in the chapter, for the purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

- A. The word *person* includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word *shall* is mandatory, the word *may* is permissive.
- D. The words *used* or *occupied* include the words intended, designed, or arranged to be used or occupied.
- E. For terms which are not defined in this article, the definition of the term shall be its generally accepted meaning.
- F. The particular shall control the general.
- G. In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.

(Ord. of 8-30-99, art. 2)

Sec. 15-202. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building portion of the main building, the use of which is purely incidental to that of the main building, or a building detached from the main building.

Adult foster care family home means a private residence licensed under PA 218 of 1979 for six (6) or fewer adults to be provided with foster care for five (5) or more days a week for two (2) or more consecutive weeks. The adult foster care family home licensee is a member of the household and an occupant of the residence.

Adult foster care large group home means a facility licensed under PA 218 of 1979 to provide foster care for at least thirteen (13) but not more than twenty (20) adults.

Adult foster care medium group home means a facility licensed under PA 218 of 1979 to provide foster care for at least seven (7) but no more than twelve (12) adults.

Adult foster care small group home means a facility licensed under PA 218 of 1979 to provide foster care for six (6) or fewer adults.

Adult uses means any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting "specified sexual activities" or "specified anatomical areas".

1. Adult entertainment use shall include, but not be limited to the following:
 - a. An adult motion picture theater is an enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
 - b. An adult-mini motion picture theater is an enclosed building with a capacity for less than fifty (50) persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing or presenting "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
 - c. An adult motion picture arcade is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where a significant portion of images so displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."
 - d. An adult book store is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a significant portion of its content or exhibit matter or actions depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" or an establishment with a substantial segment or section devoted to the sale or display of such material.

- e. An adult cabaret is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict or describe "specified sexual activities" or "specified anatomical areas."
 - f. An adult motel is a motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."
 - g. An adult massage parlor is any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation or service related thereto exposes "specified anatomical areas."
 - h. An adult model studio is any place where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar education institution.
 - i. An adult sexual encounter center is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in "specified sexual activities" or exposing "specified anatomical areas."
2. *Significant portion*--As used in the above definitions, the phrase "significant portion" shall mean and include:
- a. Any one (1) or more portions of the display having continuous duration in excess of five (5) minutes; and/or,
 - b. The aggregate of portions of the display having a duration equal to ten (10) percent or more of the display; and/or,
 - c. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10) percent or more of

the display.

3. *Display*--As used in the above definitions, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, computer generated images, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.
4. *Specified sexual activities*--As used in the above definitions, the phrase "specified sexual activities" shall mean and include:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
5. *Specified anatomical areas*--As used in the above definitions, the phrase "specified anatomical areas" shall mean and include:
 - a. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and, 3) female breast below a point immediately above the top of the areola;
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Agricultural operations means the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of generally accepted agricultural activity.

Auto sales and display rooms means any interior space used for display, sale or rental of motor vehicles or trailers.

Auto sales places means any space used for display, sale or rental of motor vehicles or trailers, in operable condition.

Automobile repair garage means a building used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work.

Automobile wrecking establishments means the dismantling or wrecking of used

motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.

Basement means a story partly underground but having at least one-half (1/2) its height above the highest level of the adjoining ground (see "cellar" definition).

Bed and breakfast inns means a dwelling having one (1) kitchen and used for the purpose of providing one (1) meal daily; that being breakfast, and lodging for pay or compensation of any kind to any persons other than members of the family occupying such said dwelling.

Boardinghouses (including lodging houses and dormitories) means an establishment with lodging for three (3) or more people and where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

Building means any structure or part thereof usable for the shelter of persons, animals or chattels.

Cabin means a small dwelling unit designed or used for renting to tourists, transients or others for temporary accommodations.

Cellar means a story having more than one-half (1/2) of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement.

GRAPHIC UNAVAILABLE:

Child care facility means a facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care facilities include operations which provide care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

Club means the room, building or other facilities used for the meetings of a group of people organized for a common purpose such as a fraternal organization or a society.

Communication antenna means any system of wires, poles, rods, reflecting disks, or similar devices used for the provision of cellular, broadband PCS, wide area SMR, satellite system and other wireless transmitting and receiving services. Communication antennae may be attached to the top of a structure or to a communication tower which is affixed to the ground.

Communication tower means a structure affixed to the ground which functions to provide an elevated base for one (1) or more communication antennae.

Condominium definitions:

1. Condominium--The individual ownership of a unit or parcel of real property within a multi-unit parcel or structure.
2. Condominium subdivision plan--Drawings and information prepared pursuant to Section 66 of the Condominium Act, PA 59 of 1978.
3. Condominium unit--That portion of the condominium project designed and intended for separate ownership and use.
4. Contractible condominium--A condominium project from which any portion of the submitted land or building may be withdrawn in accordance with this act.
5. Conventional condominium project--A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area.

GRAPHIC UNAVAILABLE:

6. Conversion condominium--A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act, PA 59 of 1978.
7. Expandable condominium--A condominium project to which additional land may be added in accordance with the Condominium Act, PA 59 of 1978.
8. General common areas--Portions of the condominium development owned and maintained by the condominium association.
9. Limited common areas--Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development.
10. Master deed--The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act, PA 59 of 1978.
11. Owner occupied condominium--Ownership and occupancy of a single dwelling unit within a multiple unit structure or structures by a single-

family.

12. Site condominium project--A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area, constitutes the equivalent of a lot.

GRAPHIC UNAVAILABLE:

District means each part, or parts, of the village for which specific zoning regulations are prescribed.

Essential public services means the phrase "essential service" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, but not including buildings other than such buildings, as are primarily enclosures or shelters of the mentioned equipment.

Family means one (1) or more persons occupying a building and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house or motel.

Family day care home means a private home in which not more than six (6) children are received for care and supervision for a period of less than twenty-four (24) hours per day. The six-child limitation includes children under seven (7) years old in the resident family and shall not include more than two (2) children under one (1) year old.

Flag means a piece of cloth or bunting attached to a pole attached to and perpendicular to the ground, bearing the official design of any unit of government, education institution, fraternal benefit societies, order or organization, or any organization operated exclusively for religious, charitable, scientific, literary, or educational purposes, except when displayed in connection with commercial promotion.

Floor area means the habitable first floor area.

Frontage means the front or frontage is that side of a lot abutting on a public street and ordinarily regarded as the front of the lot.

Garage, private means a garage used for storage purposes only and having a

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capacity of not more than three (3) autos, or not more than one (1) auto per family, housed in a building to which such garage is accessory, whichever is the greater.

Gasoline filling stations and service stations means any building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles and for the washing or polishing of such vehicles, but not including the use of space or facilities for the refinishing of motor vehicles or for the dismantling, for the purposes of reuse or resale of motor vehicles or parts thereof, or for the outdoor storage or repair of motor vehicles or parts thereof.

Grade means the average finished ground level on a given side of a building.

Group day care home means a private home in which not less than seven (7) or more than twelve (12) children are received for care and supervision for a period of less than twenty-four (24) hours per day, and shall not include more than two (2) children under two (2) years old.

Height of building means the vertical distance from the mean elevation of the finished grade along the front of the building to the highest part of a flat roof or to the deck line of a mansard roof, or to the mean height between eaves and ridge, for gable or gambrel roof.

GRAPHIC UNAVAILABLE: Building Height

Height of a sign means the vertical distance measured from the ground immediately beneath the sign to the highest point of its structure.

Home occupation means an occupation for gain or support conducted as a use accessory to a residential dwelling.

Institutions of an educational nature means a public or non-profit operations which provide learning opportunities and training.

Kennel, commercial means any premises on which dogs, cats or other household pets are maintained, boarded, bred or cared for, in return for remuneration or are kept for the purpose of sale.

Land use plan means a plan developed and adopted by the Elsie Village Council to guide future development within the village.

Lot means a parcel, tract or portion of land separated from other parcels or portions of land by description on a recorded plat or by metes and bounds description.

Lot coverage means determined by dividing that area of a lot which is occupied or

covered the total horizontal projected surface of all principal and accessory structures by the gross area of the lot.

Lot, corner means a lot or portion of a lot abutting upon two (2) or more intersecting streets.

Lot, depth of means the mean horizontal distance between the front and rear lot lines, measured at the midpoint of the front lot line and the midpoint of the rear lot line.

Lot, interior means a lot other than a corner lot.

Lot line means the line of demarcation between the properties of two (2) different owners, or between any privately owned property in any street, alley, park or other public land, as recorded in the office of the register of deeds.

Lot width means the straight line distance between the side lot lines, measured at the two (2) points where the minimum front yard setback intersects the side lot lines.

Lot line, front means the line separating the lot from the street; in the case of a corner lot, the line separating the narrowest side of the lot from the street.

Mini-warehouse means a facility consisting of a building or a group of buildings in a controlled access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares.

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

Mobile home park means a lot, parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational 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 mobile home.

Multi-family dwelling building means a building or portion thereof used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking in their independent section thereof.

Non-conforming lot means a lot, the area, width, depth or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was conforming prior to enactment of the zoning chapter.

Non-conforming sign means any sign which does not conform with the provisions of this chapter but which was lawfully existing and maintained within the village prior to

and at the time this chapter became effective [September 21, 1999].

Non-conforming use means the use of a building or land that does not conform with the use regulations of the district in which it is situated.

Plot plan means a basic sketch submitted as part of a zoning application that is used to determine compliance with zoning means provisions.

Projecting sign means any sign attached to and perpendicular to a building, which extends more than six (6) inches beyond any vertical surface of the building which supports it.

Public right-of-way means a strip of land under public ownership occupied or intended to be occupied by a street, crosswalk, railroad, transmission line, utility main or other special use, but not including driveways.

Reverse frontage lot means a lot other than a corner lot which has two (2) or more sides fronting upon a road.

Roof sign means any sign which is attached to a building and any part of which extends above either the top of the building silhouette or any portion of the roof surface.

Setback means the distance from the right-of-way lines of streets to the building line for the purpose of defining limits within which no building or structure; or any part thereof, shall be erected or permanently maintained.

Sign means any device designed or intended to inform or attract the attention of any person.

Sign area means the area of a sign consisting of the entire surface of any regular geometric form, including words, letters and symbols, or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area. In the case of canopy and marquee signs the sign area shall consist of the area covered by any lettering, symbols, logos or other identifying markings. The sign area shall include all of the area within a box formed by the highest part of the message and extending the full length of the message, and shall include all area within and between these identifying markings.

Sign, canopy means a display located on a canopy or awning.

Sign, freestanding means a sign permanently supported by one (1) or more up-right poles, columns or braces placed in or on the ground and not attached to any building or structure. Freestanding signs include pole mounted and ground mounted signs.

Sign, marquee means a display on a marquee or extending above or below a

marquee, awning or canopy (see illustration below)..

GRAPHIC UNAVAILABLE:

Sign, off-premise means a sign which does not relate in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

Sign, on-premise means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

Signs, portable means any sign which is not permanently affixed to a building, other unmovable object, or the ground.

Sign, temporary means any sign which is fabricated of paper, plywood, fabric, wood or other temporary material, with or without a structural frame, not permanently and securely attached to either the ground, a structure or a wall, and intended for a limited period of display. Signs not permanently attached, including but not limited to signs affixed to a permanent structure by an electrical extension, portable signs with the wheels removed, or signs staked to the ground, shall be considered temporary signs.

Sign, wall means a sign painted to or affixed and parallel to the exterior of a building.

Sign, window means any sign which is permanently or temporarily applied, affixed, or attached to the interior or exterior of any building window.

Single-family dwelling means a detached building designed or occupied exclusively by one (1) family.

Story means that portion of a building, other than a basement, included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it; provided, that if space under a sloping roof is counted as a full story, the line of intersection of roof decking and wall face shall be more than three (3) feet above the top floor level.

GRAPHIC UNAVAILABLE: Story

Story, half means a space under a sloping roof which has the line of intersection of roof decking and wall face less than three (3) feet above the top floor level.

Street means a public or private thoroughfare which affords the principal means of access to abutting property.

Street line means the line of demarcation between the streets as defined in this section and private property abutting thereon.

Structure means anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. The word "structure" shall include the word "building".

Two-family dwelling means a building designed or occupied exclusively by two (2) families living independently of each other.

Variance means a modification of the required provisions of the physical development standards of the zoning chapter granted by the zoning board of appeals when strict enforcement of the zoning chapter would cause practical difficulty or undue hardship owing to circumstances unique to the individual property on which the variance is granted.

1. Use variance--A use variance allows uses not specifically listed as permitted uses in a given district. The crucial points of a use variance is undue hardship.
2. Non-use variance--A non-use variances allow for departures from non-use requirements of the chapter including parking space requirements and dimensional requirements such as lot size, depth or width, building setbacks, etc. The crucial points of a non-use variance is practical difficulty.

Village council means the Village Council of the Village of Elsie, Clinton County, Michigan.

Yard, front means an open or unoccupied space in the same lot with the main building extending the full width of the lot and situated between the front line of the lot and the front line of the building project to the side line of the lot. If the lot is a corner lot, one of the two (2) yards fronting on the street shall be considered the front yard and the other shall be considered the side yard.

Yard, rear means an open space on the same lot with the main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side line of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building.

Yard, required means a yard determined by the minimum setback requirements of the chapter.

Yard, side means an open space unoccupied, on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If there is no front yard, the front boundary of the side yard shall be the front line of the lot, and if there is no rear yard, the rear boundary of the side yard shall be the rear line of the lot.

GRAPHIC UNAVAILABLE:

Zoning administrator means a person appointed by the village president to administer the provisions of the Village of Elsie Zoning chapter.

Zoning board of appeals (ZBA) means a group of people known as the zoning board of appeals of the Village of Elsie. The board of appeals shall have the authority to hear appeals of administrative decisions, to interpret the zoning text and map, and to decide on variance requests.

Zoning permit means a permit required prior to the erection, demolition, moving, reconstruction, extension, enlarging, altering, or the changing of building use or change in land use.

(Ord. of 8-30-99, art. 2)

Secs. 15-203--15-260. Reserved.

Sec. 15-261. Transfer Responsibility to the County

An ordinance to repeal Village of Elsie Ordinance 15-261.1 and transfer responsibility for the administration and enforcement of its “Michigan Building, Electrical, Plumbing, and Mechanical Codes” to the County of Clinton, MI under the provisions of the State Construction Code Act of 1972 (Act 230 of the Public Acts of 1972, as amended).

The Village of Elsie ordains:

Section 1. Pursuant to the provisions of Section 8b(7) of the State Construction Code Act of 1972, as amended, the Village of Elsie hereby transfers responsibility for the administration and enforcement of its “Michigan Building, Electrical, Plumbing, and Mechanical Codes” provisions to the County of Clinton, MI.

Section 2. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

(Ord. of 10-08-07, art. 2)

Sec. 15-262. Addressing Floodplain Management Provisions of the State Construction Code

Section 1.0 Agency Designated.

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the County of Clinton is hereby designated as the enforcing agency to discharge the responsibility of the Village of Elsie under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The County of Clinton assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this Ordinance.

Section 2.0 Code Appendix Enforced

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the Village of Elsie.

Section 3.0 Designation of Regulated Flood Prone Hazard Areas.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled “Clinton County, Michigan (All Jurisdictions)” and dated 5/3/11 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26037C; 0082D, 0083D, and 0084D and dated 5/3/11 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

Section 4.0 Repeals

All Ordinances Inconsistent With The Provisions Of This Ordinance Are Hereby Repealed.

Secs. 15-263--15-300. Reserved.

ARTICLE III.**DISTRICT REGULATIONS****Sec. 15-301. Zoning map.**

The areas comprising the zoning districts and the boundaries of those districts are hereby established as shown on the official zoning map entitled ZONING MAP, VILLAGE OF ELSIE, MICHIGAN.

- A. The zoning map, together with any explanatory matter written upon it, is hereby adopted by reference and declared to be a part of this chapter.
- B. The zoning map shall be maintained in the Elsie Village Hall and shall show all changes which are made in district boundaries according to procedures set forth in this chapter.
- C. District boundary lines as shown on the zoning map, unless otherwise indicated, shall be construed as following lot lines, Elsie corporate limit lines, centerlines of highways, streets, roads, alleys, easements, railroads, streams, rivers, lakes or those centerlines extended or projected.
- D. Questions concerning district boundary lines as shown on the zoning map shall be decided by the zoning board of appeals.

(Ord. of 8-30-99, art. 3)

Sec. 15-302. Annexed areas and vacated streets.

A. Where property, not now within the corporate limits, shall be annexed to the municipality, said property shall be deemed to be zoned in the same district as the property in the Village of Elsie which is adjacent to and contiguous to the property annexed. The village clerk shall change the zoning map on file in the village clerk's office to include the lands annexed and shall designate the zoning classification of said lands provided by this section of the zoning chapter.

B. When a street within the Village of Elsie is vacated and the previous right-of-way becomes part of parcels adjacent to the vacated street, the newly vacated street property shall be deemed to be part of the same zoning district as the property to which it is attached.

(Ord. of 8-30-99, art. 3)

Sec. 15-303. District regulations.

A. Every building or structure erected, any use of land, building, or structure, any structural alteration or relocation of an existing building or structure and any

enlargement of, or addition to, an existing use of land, building or structure, and any creation or splitting of a lot, occurring after the effective date of this chapter [September 21, 1999] shall be subject to all regulations of this chapter which are applicable within the zoning district in which such land use, building or structure shall be located.

B. Uses are permitted by right only if specifically listed as uses permitted by right in the various zoning districts. Accessory uses are permitted as indicated in the various zoning districts, and if such uses are clearly incidental to the permitted principal uses. Uses permitted by special use permit are permitted as listed and if the required conditions are met.

C. A use of land, buildings, or structures not specifically mentioned in the provisions of this chapter shall be classified upon appeal or by request of the zoning administrator by the zoning board of appeals (ZBA). In making this determination, the ZBA shall not interpret a general category (such as general commercial uses) to include a specific use (such as convenience store) if the specific use is listed separately somewhere else under district regulations.

D. No part of a setback area, or other open space, or off-street parking or loading space required in connection with any use of land, building, or structure, for the purpose of complying with this chapter shall be included as part of a setback area, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.

(Ord. of 8-30-99, art. 3)

Sec. 15-304. A Agricultural district.

The purpose of this district is to provide an area primarily reserved in the short term for the continuation of existing agricultural operations, which are protected from the encroachment of nonagricultural activities which can lead to nuisance complaints. To protect this area from nonagricultural uses, and to ensure that future development is coordinated with and does not outstrip the utilities available, current nonagricultural uses shall be limited to low density single-family residential development.

A. *Permitted uses and structures.* In the A Agricultural district, no building, structure or land shall be used, and no building shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for the following uses:

1. Uses permitted by right:
 - a. Adult foster care family home.
 - b. Adult foster care small group home.
 - c. Agricultural operations, excluding farm animals.

- d. One-family dwellings.
 - e. Essential public services.
 - f. Keeping of household pets.
 - g. Publicly owned and operated facilities.
 - h. Accessory uses and structures normally incidental to the principal use.
2. Uses permitted by special use permit:
- a. For-profit recreational facilities, subject to the conditions of section 15-1218.
 - b. Home occupations, subject to the conditions of section 15-1223.
 - c. Golf courses and country clubs subject to the conditions of section 15-1220.
 - d. The keeping of farm animals for non-commercial purposes, subject to the conditions of section 15-1225.
 - e. Communication antennas, when located on existing structures such as water towers, building copulas and existing towers.
 - f. Accessory uses and structures normally incidental to the principal use.
- B. *Height of buildings.* No building, structure or part thereof shall be erected or altered in the A Agricultural district to a height exceeding two and one half (2 1/2) stories or thirty-five (35) feet, except as provided in section 15-417E.
- C. *Lot area.* No building shall be erected in the A Agricultural district on a lot which has less than twenty thousand (20,000) square feet of area. The maximum density of single-family residences shall be one (1) dwelling unit per twenty (20) acres. Existing lots less than twenty (20) acres in size in the A district are also allowed one (1) dwelling. Determination of maximum density will be based on the parcels as they existed on the date of the adoption of this chapter [September 21, 1999].

- D. *Lot frontage.* Every lot used in the A Agricultural district for building shall have a frontage of not less than seventy (70) feet along a public road.
- E. *Front yard.* Every lot in the A Agricultural district shall have a front yard of not less than twenty five (25) feet.
- F. *Rear yard.* Every lot in the A Agricultural district shall have a rear yard of not less than fifty (50) feet.
- G. *Side yard.* Every lot in the A Agricultural district shall have two (2) side yards, neither of which shall be less than one-fourth (1/4) of the height of the building or structure adjacent to that yard, nor less than ten (10) feet in width. The sum of the two (2) side yards shall be not less than one-half (1/2) of the height of the buildings or structures erected on the lot nor less than twenty (20) feet.
- H. *Building floor area.* There shall be no building floor area requirements under this section, except for residential uses which shall comply with the requirements of section 15-404 of this chapter.
- I. *Lot coverage.* No lot in the A Agricultural district shall be occupied by buildings to an extent greater than thirty-five (35) percent of the total lot area.

(Ord. of 8-30-99, art. 3)

Sec. 15-305. R-1 Low Density Residential district.

The purpose of the Low Density Residential district is to provide adequate land for single family development on larger lots than generally exist in the built up area of the village. Development in this district will not conflict with established medium density residential patterns, since it will be in areas away from the village center where larger sized lots are available. Single family residential development is the principal use in the area available and other incompatible uses are excluded or regulated.

- A. *Permitted uses and structures.* In the R-1 Residential district, no building, structure or land shall be used, and no building shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for the following uses:
 - 1. Uses permitted by right:
 - a. Adult foster care family home.
 - b. Adult foster care small group home.
 - c. Cemeteries.

- d. Churches and convents (child care facilities as an accessory use in churches are permitted subject to the conditions of section 15-1212.
 - e. Family day care homes.
 - f. One-family dwellings.
 - g. Essential public services.
 - h. Keeping of household pets.
 - i. Parks and playgrounds not conducted for profit.
 - j. Publicly owned and operated facilities.
 - k. Accessory uses and structures normally incidental to the principal use.
2. Uses permitted by special use permit:
- a. Group day care homes subject to the conditions of section 15-1221.
 - b. Schools, museums, libraries, art galleries and institutions of an educational nature, subject to the conditions of section 15-1229.
 - c. Home occupations, subject to the conditions of section 15-1223.
 - d. Bed and breakfast operations, subject to the conditions of section 15-1209.
 - e. Accessory uses and structures normally incidental to the principal use.
- B. *Height of buildings.* No building, structure or part thereof shall be erected or altered in the R-1 Residential district to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet, except as provided in section 15-417E.
- C. *Lot area.* No building shall be erected in the R-1 Residential district on a lot which has less than twenty thousand (20,000) square feet of area. The minimum lot area per family in this district shall be two thousand five

hundred (2,500) square feet.

- D. *Lot frontage.* Every lot used in the R-1 residential district for building shall have a frontage of not less than ninety (90) feet along a public road.
- E. *Front yard.* Every lot in the R-1 Residential district shall have a front yard of not less than twenty-five (25) feet.
- F. *Rear yard.* Every lot in the R-1 Residential district shall have a rear yard of not less than thirty-five (35) feet.
- G. *Side yard.* Every lot in the R-1 Residential district shall have two (2) side yards, neither of which shall be less than one-fourth (1/4) of the height of the building or structure, nor less than ten (10) feet in width. The sum of the two (2) side yards shall be not less than one-half (1/2) of the height of the buildings or structures erected on the lot nor less than twenty (20) feet.
- H. *Building floor area.* There shall be no building floor area requirements under this section, except for residential uses which shall comply with the requirements of section 15-404 of this chapter.
- I. *Lot coverage.* No lot in the R-1 Residential district shall be occupied by buildings to an extent greater than thirty-five (35) percent of the total lot area.

(Ord. of 8-30-99, art. 3)

Sec. 15-306. R-2 Medium Density Residential district.

The purpose of the Medium Density Single Family Residential district is to provide for medium density single family residential development. In this area single family development is the principal use and other incompatible uses are excluded or regulated. This area primarily consists of older residential neighborhoods that were part of the original plat of the Village of Elsie, and its early additions. Conversion of large homes into duplex or triplex apartments is permitted subject to special use permit. The district shall provide a desirable residential environment which is free from disruptive influences, such as incompatible surrounding land uses or significant traffic.

- A. *Permitted uses and structures.* In the R-2 Residential district, no building, structure or land shall be used, and no building shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for the following uses:
 - 1. Uses permitted by right:
 - a. Adult foster care family home.

- b. Adult foster care small group home.
 - c. Churches and convents (child care facilities as an accessory use in churches are permitted subject to the conditions of section 15-1212).
 - d. Family day care homes.
 - e. One-family dwellings.
 - f. Essential public services.
 - g. Keeping of household pets.
 - h. Parks and playgrounds not conducted for profit.
 - i. Publicly owned and operated facilities.
 - j. Accessory uses and structures normally incidental to the principal use.
2. Uses permitted by special use permit:
- a. Bed and breakfast operations subject to the conditions of section 15-1209.
 - b. Group day care homes, subject to the conditions of section 15-1221.
 - c. Schools, museums, libraries, art galleries and institutions of an educational nature, subject to the conditions of section 15-1229.
 - d. Home occupations, subject to the conditions of section 15-1223.
 - e. Conversion of one-family residences into apartments, subject to the conditions of section 15-1216.
 - f. Accessory uses and structures normally incidental to the principal use.
- B. *Height of buildings.* No building, structure or part thereof shall be erected or altered in the R-2 Residential district to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet, except as provided in section 15-417E.

- C. *Lot area.* No building shall be erected in the R-2 Residential district on a lot which has less than six thousand (6,000) square feet of area. The minimum lot area per family in this district shall be two thousand five hundred (2,500) square feet.
- D. *Lot frontage.* Every lot used in the R-2 Residential district for building shall have a frontage of not less than fifty (50) feet along a public road.
- E. *Front yard.* Every lot in the R-2 Residential district shall have a front yard of not less than twenty-five (25) feet.
- F. *Rear yard.* Every lot in the R-2 Residential district shall have a rear yard of not less than thirty-five (35) feet.
- G. *Side yard.* Every lot in the R-2 Residential district shall have two (2) side yards, neither of which shall be less than one-fourth (1/4) of the height of the building or structure, nor less than ten (10) feet in width. The sum of the two (2) side yards shall be not less than one-half (1/2) of the height of the buildings or structures erected on the lot nor less than twenty (20) feet.
- H. *Building floor area.* There shall be no building floor area requirements under this section, except for residential uses which shall comply with the requirements of section 15-404 of this chapter.
- I. *Lot coverage.* No lot in the R-2 Residential district shall be occupied by buildings to an extent greater than thirty-five (35) percent of the total lot area.

(Ord. of 8-30-99, art. 3)

Sec. 15-307. R-3 Multi-Family Residential district.

The purpose of the Multi-Family Residential district is to provide for alternative residential development at a higher density than single family residential neighborhoods. These developments will provide a wider range of housing opportunities to village residents, including single income households or households living on fixed incomes.

- A. *Permitted uses and structures.* In the R-3 Residential district, no building, structure or land shall be used, and no building shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for the following uses:
 - 1. Uses permitted by right:
 - a. Adult foster care family home.
 - b. Adult foster care small group home.

- c. Adult foster care medium group home subject to the conditions of section 15-1203.
 - d. Adult foster care large group home subject to the conditions of section 15-1202.
 - e. Churches and convents (child care facilities as an accessory use in churches are permitted subject to the conditions of section 15-1212).
 - f. Family day care homes.
 - g. One-family, two-family and multi-family dwellings.
 - h. Essential public services.
 - i. Keeping of household pets.
 - j. Parks and playgrounds not conducted for profit.
 - k. Publicly owned and operated facilities.
 - l. Nursing homes.
 - m. Accessory uses and structures normally incidental to the principal use.
2. Uses permitted by special use permit:
- a. Boardinghouses, lodging houses and dormitories, subject to the conditions of section 15-1210.
 - b. Group day care homes, subject to the conditions of section 15-1221.
 - c. Schools, museums, libraries, art galleries and institutions of an educational nature, subject to the conditions of section 15-1229.
 - d. Home occupations, subject to the conditions of section 15-1223.
 - e. Conversion of one-family residences into apartments, subject to the conditions of section 15-1216.

- f. Residential PUD's subject to the conditions of section 15-1228.
 - g. Accessory uses and structures normally incidental to the principal use.
- B. *Height of buildings.* No building, structure or part thereof shall be erected or altered in the R-3 Residential district to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet, except as provided in section 15-417E.
- C. *Lot area.* No building shall be erected in the R-3 Residential district on a lot which has less than six thousand (6,000) square feet of area. The minimum lot area per family in this district shall be two thousand five hundred (2,500) square feet.
- D. *Lot frontage.* Every lot used in the R-3 Residential district for building shall have a frontage of not less than fifty (50) feet along a public road.
- E. *Front yard.* Every lot in the R-3 Residential district shall have a front yard of not less than twenty-five (25) feet.
- F. *Rear yard.* Every lot in the R-3 Residential district shall have a rear yard of not less than thirty-five (35) feet.
- G. *Side yard.* Every lot in the R-3 Residential district shall have two (2) side yards, neither of which shall be less than one-fourth (1/4) of the height of the building or structure, nor less than ten (10) feet in width. The sum of the two (2) side yards shall be not less than one-half (1/2) of the height of the buildings or structures erected on the lot nor less than twenty (20) feet.
- H. *Building floor area.* There shall be no building floor area requirements under this section, except for residential uses which shall meet the following floor area requirements:
- 1. Duplex and town house units shall comply with the square footage requirements of section 15-404 of this chapter.
 - 2. Apartments shall comply with the following minimum square footage requirements:
 - a. Efficiency apartments--Three hundred (300) sq. ft.
 - b. One (1) bedroom apartments--Three hundred fifty (350) sq. ft.

- c. Two (2) bedroom apartments--Five hundred fifty (550) sq. ft.
- d. Three (3) bedroom apartments--Six hundred eighty (680) sq. ft.
- e. Apartments with four (4) or more bedrooms--Seven hundred eighty (780) sq. ft. plus one hundred (100) sq. ft. for each bedroom over four (4).

- I. *Lot coverage.* No lot in the R-3 Residential district shall be occupied by buildings to an extent greater than thirty-five (35) percent of the total lot area.

(Ord. of 8-30-99, art. 3)

Sec. 15-308. R-4 Mobile Home Park Residential district.

The purpose of the Mobile Home Residential classification is to provide for alternative residential development at a higher density than single family residential neighborhoods. These mobile home park developments will provide a wider range of housing opportunities to village residents, including young families or retired households. All mobile home park development shall meet the minimum standards established by the Manufactured Housing Commission.

- A. *Permitted uses and structures.* In the R-4 Residential district, no building, structure or land shall be used, and no building shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for the following uses:
 - 1. Uses permitted by right:
 - a. Mobile home parks which meet the minimum standards established by the Manufactured Housing Commission.
 - b. Essential public services.
 - c. Keeping of household pets.
 - d. Parks and playgrounds not operated for profit.
 - e. Publicly owned and operated facilities.
 - f. Accessory uses and structures normally incidental to the principal use.
 - 2. Uses permitted by special use permit:

- a. Home occupations, subject to the conditions of section 15-1223.
- b. Accessory uses and structures normally incidental to the principal use.

(Ord. of 8-30-99, art. 3)

Sec. 15-309. C-1 Downtown Commercial district.

The purpose of the Downtown Commercial district is to provide for commercial uses in Elsie's established downtown development district that will strengthen the downtown's position as a viable commercial center. This will occur with the establishment of a wide range of commercial, retail, and service businesses that will provide needed products and services to the area. The pedestrian nature of this area will be maintained by the number of both on and off-street public and private parking spaces adjacent to downtown businesses. Residential uses above commercial uses is encouraged in the downtown area to expand the range of housing opportunities and increase the economic base of the downtown.

- A. *Permitted uses and structures.* In the C-1 Downtown Commercial district, no building, structure or land shall be used, and no building or structure shall be hereafter erected or structurally altered other than the following uses:
 - 1. Uses permitted by right:
 - a. Any generally recognized retail or wholesale business, no part of which consists of manufacturing or processing on the premises.
 - b. Armory and legion or other veterans' halls.
 - c. Auto sales and display rooms and sales places, new or used subject to the conditions of section 15-1205.
 - d. Automobile repair garages, subject to the conditions of section 15-1207.
 - e. Bakeries, confectioneries, dressmaking, tailoring, upholstering and similar establishments subject to the conditions of section 15-1208.
 - f. Child care facilities, subject to the conditions of section 15-1211.
 - g. Clubs, except those which the chief activity of which is a

service customarily carried on as a business, subject to the conditions of section 15-1213.

- h. Community buildings and utility offices.
- i. Essential public services.
- j. Hospitals and clinics other than institutions for the old or mentally ill, subject to the conditions of section 15-1224.
- k. Hotels and motels.
- l. Schools, museums, libraries, art galleries and institutions of an educational nature, subject to the conditions of section 15-1229.
- m. Laundry and dry-cleaning establishments.
- n. Office uses.
- o. Parks and playgrounds not conducted for profit.
- p. Personal service shops.
- q. Publicly owned and operated facilities.
- r. Resale shops.
- s. Restaurants, tea rooms and similar establishments serving food or beverages.
- t. Stores and shops for the conducting of any retail business, financial institutions, and studios.
- u. Undertaking establishments.
- v. Video rental stores.
- w. Apartments as accessory uses on the second and third floor of a commercial building.
- x. Accessory uses and structures normally incidental to the principal use.

2. Uses permitted by special use permit:
- a. Veterinary clinics and hospitals, subject to the conditions of section 15-1231.
 - b. Communication antenna, when located on existing structures such as water towers, building copulas and existing towers.
 - c. Accessory uses and structures normally incidental to the principal use.
- B. *Height of buildings.* No building, structure or part thereof shall be erected or altered in the C-1 Downtown Commercial district to a height exceeding two and one-half (2 1/2) stories, or thirty-five (35) feet except as provided in section 15-417E.
- C. *Lot area.* No building shall be erected on a lot in the C-1 Downtown Commercial district which has less than three thousand seven hundred fifty (3,750) square feet of area.
- D. *Lot frontage.* No building in the C-1 Downtown Commercial district shall be erected on a lot which has less than twenty-five (25) feet along a public street.
- E. *Front yard.* There shall be no front yard requirements under this section except for residential uses.
- F. *Rear yard.* Every lot in the C-1 Downtown Commercial district shall have a rear yard of not less than twenty-five (25) feet.
- G. *Side yard.* There shall be no side yard requirements under this section except that parcels with side lot lines adjacent to residential uses or residential districts shall have side yards of fifteen (15) ft.
- H. *Building floor area.* There shall be no floor area requirements under this section except for residential uses, except as provided in this chapter.

(Ord. of 8-30-99, art. 3)

Sec. 15-310. C-2 General Commercial district.

The purpose of the General Commercial district is to provide locations for uses which either generate significant automobile traffic or require parking, storage or building space not otherwise available in the downtown area.

- A. *Permitted uses and structures.* In the C-2 General Commercial district, no

building, structure or land shall be used and no building or structure shall be hereafter erected or structurally altered for other than the following uses.

1. Uses permitted by right:
 - a. Any generally recognized retail or wholesale business, no part of which consists of manufacturing or processing on the premises.
 - b. Armory and legion or other veterans' halls.
 - c. Auto sales and display rooms and sales places, new or used, subject to the conditions of section 15-1205.
 - d. Automobile repair garages, subject to the conditions of section 15-1207.
 - e. Bakeries, confectioneries, dressmaking, tailoring, upholstering and similar establishments subject to the conditions of section 15-1208.
 - f. Child care facilities subject to the conditions of section 15-1211.
 - g. Clubs, except those which the chief activity of which is a service customarily carried on as a business, subject to the conditions of section 15-1213.
 - h. Community buildings and utility offices.
 - i. Essential public services.
 - j. Hospitals or clinics other than institutions for the old or mentally ill, subject to the conditions of section 15-1224.
 - k. Hotels and motels.
 - l. Schools, museums, libraries, art galleries and institutions of an educational nature., subject to the conditions of section 15-1229.
 - m. Laundry and dry-cleaning establishments.
 - n. Office uses.
 - o. Parks and playgrounds not conducted for profit.

- p. Personal service shops.
 - q. Publicly owned and operated facilities.
 - r. Resale shops.
 - s. Restaurants, tea rooms and similar establishments serving food or beverages.
 - t. Stores and shops for the conducting of any retail business, financial institutions and studios.
 - u. Undertaking establishments.
 - v. Video rental stores.
 - w. Accessory uses and structures normally incidental to the principal use.
2. Uses permitted by special use permit:
- a. Communication towers, subject to the conditions of section 15-1215.
 - b. Drive-in and drive-thru facilities, subject to the conditions of section 15-1217.
 - c. Gasoline filling stations and service stations, subject to the conditions of section 15-1219.
 - d. Group day care homes, subject to the conditions of section 15-1221.
 - e. Commercial kennels, subject to the conditions of section 15-1214.
 - f. Mini-warehouse facilities, subject to the conditions of section 15-1227.
 - g. Veterinary clinics and hospitals, subject to the conditions of section 15-1231.
 - h. Adult uses, subject to the conditions of section 15-1204.
 - i. Communication antennae, when located on existing structures such as water towers, building copulas and

existing towers.

- j. Accessory uses and structures normally incidental to the principal use.
- B. *Height of buildings.* No building, structure or part thereof shall be erected or altered in the C-2 General Commercial district to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet except as provided in section 15-417E.
 - C. *Lot area.* No building shall be erected on a lot in the C-2 General Commercial district which has less than ten thousand (10,000) square feet of area, except for residential uses.
 - D. *Lot frontage.* No building in the C-2 General Commercial district shall be erected on a lot which has less than one hundred (100) feet along a public street, except for residential purposes.
 - E. *Front yard.* Every lot in the C-2 General Commercial district shall have a front yard of not less than twenty-five (25) feet measured at right angles with and from the front lot line to the nearest vestibule or porch, either open, covered or enclosed.
 - F. *Rear yard.* Every lot in the C-2 General Commercial district shall have a rear yard of not less than twenty-five (25) feet.
 - G. *Side yard.* Every lot in the C-2 General Commercial district shall have two (2) side yards, neither of which shall be less than fifteen (15) feet in width.
 - H. *Building floor area.* There shall be no floor area requirements under this section except for residential uses, and except as provided in this chapter.
(Ord. of 8-30-99, art. 3)

Sec. 15-311. I Industrial district.

The purpose of the Industrial District is to provide locations for wholesale activities, manufacturing activities, warehouses, and other industrial opportunities, thereby expanding the economic base of the village's industrial activities and the employment opportunities available to area residents.

- A. *Permitted uses and structures.* In the I Industrial district, no building, structure or land shall be used and no building or structure shall be hereafter erected or structurally altered for other than the following uses:
 - 1. Uses permitted by right:

- a. Warehouses and storage buildings, not including mini-warehouses facilities.
 - b. Storage yards.
 - c. Storage facilities, including bulk storage and liquid fuel, gaseous fuel, grain elevators, and feed and flour mills.
 - d. Truck storage and storage for used cars and used car lots.
 - e. Terminal facilities for railroad and truck lines.
 - f. Stockyards and sale barns, subject to the conditions of section 15-1230.
 - g. Publicly owned and operated facilities.
 - h. Machine shops.
 - i. Meat packing plants.
 - j. Community buildings and utility offices.
 - k. Blacksmith shops.
 - l. Auto wrecking establishments and junk yards, subject to the conditions of section 15-1206.
 - m. Essential public services.
 - n. Dairies.
 - o. Light manufacturing such as garment making, woodworking, tool and die shops, small part precision instruments.
 - p. Lumberyards, building material storage yards, coal yards and contractor equipment storage, subject to the conditions of section 15-1226.
 - q. Mini-warehouse facilities, subject to the conditions of section 15-1227.
 - r. Accessory uses and structures normally incidental to the principal use.
2. Uses permitted by special use permit:

- a. Heavy industrial uses including the following uses and other similar uses, subject to the conditions of section 15-1222:
 - Abattoir.
 - Corrosive acid manufacture.
 - Cement, lime, gypsum or plaster of paris manufacture
 - Distillation of bones, coal, tar, petroleum, refuse, grain or wood.
 - Fat rendering, fertilizer manufacture and distribution.
 - Garbage, offal or animal reduction.
 - Glue manufacture.
 - Petroleum or asphalt refining or manufacture.
 - Proxylene or refining of metals or ores.
 - Tanning, curing or storage of raw hides or skins and other similar uses.
 - b. Communication towers, subject to the conditions of section 15-1215.
 - c. Accessory uses and structures normally incidental to the principal use.
- B. *Height of buildings.* No building, structure or part thereof shall be erected or altered in the industrial district to a height exceeding three (3) stories or fifty (50) feet, except as provided in section 15-417E.
- C. *Lot area.* There shall be no lot area requirements under this section except for residential uses.
- D. *Lot frontage.* There shall be no lot frontage requirements under this section except for residential uses.
- E. *Front yard.* There shall be no front yard requirements under this section except for residential uses.
- F. *Rear yard.* There shall be no rear yard requirements under this section

except for residential uses and for lots which border on residential zones or parcels with single family residences, in which case a rear yard of not less than twenty (20) feet shall be provided.

- G. *Side yard.* There shall be no side yard requirements under this section except for residential uses and for lots which border on residential zones or parcels with single family residences, in which case a side yard of not less than twenty (20) feet shall be provided on the side and adjacent to such residential district.
- H. *Building floor area.* There shall be no floor area requirements under this section except for residential use.
- I. *Lot coverage.* No lot in the Industrial district shall be occupied by buildings or structures to an extent greater than seventy-five (75) percent of the total lot area. Twenty-five (25) percent of the area shall be left open for parking and loading and open storage requirements. Lots adjacent to the residential zone or used for residential purposes shall be governed by residential yard restrictions.

(Ord. of 8-30-99, art. 3)

Sec. 15-312. Table of dimensional requirements.

Zoning district	Minimum lot size (sq. ft.)	Maximum dwelling density (du/acre)	Minimum lot width (ft.)	Maximum building height (stories/ft.)	Front yard setback (ft.)	Side yard setback (ft.)	Rear yard setback (ft.)	Minimum floor area for residence (sq. ft.)	Maximum lot coverage (% of total lot area)
A Agricultural	20,000	1/20	50	2.5/35	25	10 (b)	35	(a)	35
R-1 Low Density Residential	20,000	N/A	90	2.5/35	25	5 (least) 20 (total)	35	(a)	35
R-2 Medium Density Residential	6,000(c)	N/A	50	2.5/35	25	5 (least) 20 (total)	35	(a)	35
R-3 Multi-Family Residential	6,000 (c)	N/A	50	2.5/35	25	10 (b)	35	(d)	35

R-4 Mobile Home Park Residenti al	A mobile home park shall comply with the requirements established by the Manufactured Housing Commission								
C-1 Downto wn Commer cial	3,750	N/A	25	2.5/35	-0-	-0-(e)	25	N/A	N/A
C-2 General Commer cial	10,000	N/A	100	2.5/35	25	15	25	N/A	N/A
I Industrial	-0-	N/A	-0-	3/50	-0-	-0- (f)	-0- (f)	N/A	75

FOOTNOTES:

- (a) Single family residences shall comply with requirements of section 15-404.
- (b) Setback shall also not be less than one-fourth (1/4) the height of the building or structure adjacent to it, and the sum totals of the side yards shall be at least one-half (1/2) the height of the building.
- (c) Lot size shall be not less than two thousand five hundred (2,500) sq. ft. per dwelling unit.
- (d) Efficiency apartments--Three hundred (300) sq. ft., One (1) bedroom apartments--Three hundred fifty (350) sq. ft., Two (2) bedroom apartments--Five hundred fifty (550_ sq. ft., Three bedroom apartments--Six hundred eighty (680) sq. ft., Apartments with four (4) or more bedrooms--Seven hundred eighty (780) sq. ft. plus one hundred (100) sq. ft. for each bedroom over four (4).
- (e) Lots bordering a residential zone or parcel with a single family residence on their side yard must have a fifteen (15) ft. side yard on that side.
- (f) Lots bordering a residential zone or parcel with a single-family residence on their rear or side yard must have a twenty (20) ft. side yard on that side.

(Ord. of 8-30-99, art. 3)

Sec. 15-313. Schedule of uses (Uses permitted by right (P) and by special use permit (S)).

Type of use	A	R-1	R-2	R-3	R-4	C-1	C-2	I
Accessory uses and structures normally incidental to the principal use	P	P	P	P	P	P	P	P
Adult foster care family home	P	P	P	P				
Adult foster care small group home	P	P	P	P				
Adult foster care medium group home				P				
Adult foster care small large home				P				
Adult uses							S	
Agricultural operations	P							

ZONING

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Any generally recognized retail or wholesale business, no part of which consists of manufacturing or processing on the premises						P	P	
Apartments on the second and third floor of commercial buildings						P		
Armory and legion or other veterans' halls						P	P	
Auto sales and display rooms and sales places, new or used						P	P	
Auto wrecking establishments and junk yards								P
Automobile repair garages						P	P	

Bakeries, confectioneries, dressmaking, tailoring, upholstering and similar establishments						P	P	
Bed and breakfast operations		S	S					
Blacksmith shops								P
Boarding houses, lodging houses and dormitories				S				
Cemeteries		P						
Child care facilities						P	P	
Churches and convents		P	P	P				
Clubs, except those which the chief activity of which is a service customarily carried on as a business						P	P	
Communication antenna	S					S	S	

ZONING

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Communi- cation towers							S	S
Communit- y buildings and utility offices						P	P	P
Conversio- n of single family residences into apartment s			S	S				
Dairies							P	
Drive-in and drive- thru facilities							S	
Essential public services	P	P	P	P	P	P	P	P
Family day care homes		P	P	P				
For-profit recreation- al facilities	S							
Gasoline filling stations and service stations							S	
Golf courses and country clubs	S							
Group day care homes		S	S	S			S	

<p>Heavy industrial uses including the following uses and other similar uses may: Abattoir; corrosive acid manufacture; cement, lime or plaster of Paris manufacture; distillation of bones, coal, tar, petroleum, refuse, grain or wood; fat rendering, fertilizer manufacture and distribution; garbage; offal or animal reduction; glue manufacture, petroleum or asphalt refining or manufacture; propylene or refining of metals or ores; tanning, curing, or</p>				870				S
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ZONING

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Home occupatio ns	S	S	S	S	S			
Hospitals and clinics other than institution s for the old or mentally ill						P	P	
Hotels						P	P	
Institution s of an educationa l nature		S	S	S		P	P	
Junkyards								S
Keeping of farm animals for non- agricultura l purposes	S							
Keeping of household pets	P	P	P	P	P			
Kennels, commerci al							S	
Laundry and dry- cleaning establishm ents						P	P	

Light manufacturing such as garment making, woodworking, tool and die shops, small part precision instruments								P
Lumberyards and building storage yards, coal yards and contractor equipment storage								P
Machine shops								P
Meat packing plants								P
Mini-warehouse facilities							S	P
Mobile home parks					P			
Motels						P	P	
Multifamily dwellings				P				
Museums, libraries and art galleries		S	S	S		P	P	
Nursing homes				P				
Office uses						P	P	

ZONING

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One-family dwellings	P	P	P	P	P			
Parks and playgrounds not conducted for profit		P	P	P	P	P	P	
Personal service shops						P	P	
Publicly owned and operated facilities	P	P	P	P	P	P	P	P
Resale shops						P	P	
Residential PUD				S				
Restaurants, tea rooms and similar establishments						P	P	
Schools		S	S	S				
Stockyards and sale barns								P
Stores and shops for the conducting of any retail business, financial institutions, and studios						P	P	

Terminal facilities for railroad and truck lines								P
Storage facilities including bulk storage and liquid fuel, gaseous fuel, grain elevators, and feed flour mills								P
Storage yards								P
Truck storage and storage for used cars and used car lots								P
Two-family dwellings				P				
Undertaking establishments						P	P	
Veterinary clinics and hospitals						S	S	
Video rental stores						P	P	

Warehouses and storage buildings, not including mini-warehouse facilities								P
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(Ord. of 8-30-99, art. 3)

Secs. 15-314--15-400. Reserved.

ARTICLE IV.

GENERAL PROVISIONS

Sec. 15-401. Building and lands affected.

Except as is hereafter provided, no buildings are to be erected or altered, and no lands or buildings are to be used for any purpose other than the uses permitted in the district in which such lands or buildings are located. All structures erected, altered or moved into the village shall conform to all the requirements of this chapter including setbacks and minimum or maximum size unless otherwise provided for by the chapter.
(Ord. of 8-30-99, art. 4)

Sec. 15-402. Yard areas.

A. No required open space or required front, side or rear yard surrounding any principal building shall be encroached upon in any manner except by condemnation of a portion of the property, nor shall any such areas serve as required yard space for more than one (1) building.

B. Rear yard space required in any residential zoning district may be occupied by necessary buildings or structures for accessory uses permitted in this article, provided such buildings are not over fifteen (15) feet high nor occupy more than thirty-five (35) percent of the required rear yard area.
(Ord. of 8-30-99, art. 4)

Sec. 15-403. Lot frontage on public street.

No structures shall be erected on a lot which does not abut on a public street for a width equal to at least the minimum lot width required for the district in which it is located.

Sec. 15-404. Temporary single-family dwellings.

A. No structures such as basements, trailer coaches or transient cabins shall be used as a temporary dwelling located in any district of the village.
(Ord. of 8-30-99, art. 4)

Sec. 15-405. Single-family dwelling regulations.

Single-family dwellings shall not hereafter be located in any district of the village that do not meet the following requirements:

- A. Minimum required floor area per unit building or structure as measured at ground level:
 - a. One (1) story (ranch) 960 sq. ft.
 - b. One and one-half (1 1/2) story (cape cod) 750 sq. ft.
 - c. Two (2) story 700 sq. ft.
 - d. Split level 900 sq. ft.

- B. The single-family dwelling, including mobile homes and manufactured housing, shall have a minimum exterior breadth/caliper/width of twenty (20) feet (this is to imply that the minimum dimension between any two (2) opposing exterior walls, measured at any point on the horizontal, shall be at least twenty (20) feet). Breezeways, garages, porches and other appurtenances shall not be considered part of the required twenty (20) feet. The minimum dimension requirements is not intended to prohibit unusual, creative or unique architecture and design.

- C. All single-family dwellings shall comply with the pertinent building code. If the dwelling is a mobile home, all construction, plumbing, electrical apparatus and insulation within and connected to the mobile home shall comply with the Mobile Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, 24 C.F.R. 3280, as amended. Additionally, all dwellings shall comply with applicable roof snow load and strength requirements.

- D. The dwelling shall be placed upon and secured to a permanent foundation in accordance with the village building code and, where applicable, the manufacturer's installation instructions.

- E. If the dwelling is a mobile home, skirting shall be installed in accordance with Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq.), as amended, the Mobile Home Commission Act.

- F. If the dwelling is manufactured off the site, it shall be installed with the wheels removed. In addition, a dwelling shall not have an exposed towing mechanism, undercarriage or chassis.
- G. It shall be aesthetically compatible in design and appearance to homes in the neighborhood in which it is located. In the first instance, it shall be the responsibility of the zoning administrator to determine whether this standard is met. The Village of Elsie Zoning Administrator may at his/her discretion, refer the matter to the zoning board of appeals for their determination. Any party aggrieved by an adverse decision by the village zoning administrator may appeal to the zoning board of appeals, which shall make the determination, with findings, without reference to the standards for the granting of variances. The determination of compatibility shall be based upon the character, design and appearance of residential dwellings located outside of mobile home parks within three hundred (300) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of the lots situated within said area; or where said area is not so developed, by the character, design, and appearance of the residential dwellings generally found throughout the village. The determination of compatibility shall also be based upon compliance with the following standards:
1. The dwelling shall have a combination of roof overhang and pitch comparable to the overhang and pitch of homes typically found in the neighborhood in which it is to be located.
 2. The dwelling shall have a chimney that is constructed of a material and style similar to those of other dwellings typically found in the neighborhood in which it is to be located.
 3. The dwelling shall have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the structure, and which are comparable to steps and/or porches of homes typically found in the neighborhood in which it is located.
 4. The dwelling and roof shall be covered with a material which is in composition, color, texture, malleability, direction of joints, and method of fastening to the structure comparable to those typically found in the neighborhood in which it is to be located.
 5. The dwelling shall have windows located on the front sides, and exterior doors either on the front and rear or front and side as generally found in homes in the neighborhood in which it is to be located.
 6. The dwelling shall not have a detached garage, if attached garages

are typically found in homes in the neighborhood in which it is to be located.

7. The orientation of the dwelling's front entrance shall be similar to the orientation of homes in the neighborhood in which it is located.
8. A dwelling may be approved as aesthetically compatible in design and appearance to homes in the neighborhood in which it is to be located, even if all of the above conditions do not exist, provided it is determined that the dwelling and/or its site has other design features which make it aesthetically compatible to homes in the district. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour or relief from the common or standard designed home.

(Ord. of 8-30-99, art. 4)

Sec. 15-406. One (1) principle building per lot.

No more than one (1) principle building may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this ordinance, such as a multiple-family development or a planned unit development.

(Ord. of 8-30-99, art. 4)

Sec. 15-407. On-site sewage disposal systems.

Before any zoning permit shall be issued under the terms of this chapter for a development which generates additional sewer usage the applicant shall document connection with the village sewer service.

(Ord. of 8-30-99, art. 4)

Sec. 15-408. Water supply.

Before any zoning permit shall be issued under the terms of this chapter for a development which generates additional water demand, the applicant shall document connection with the village water supply system.

(Ord. of 8-30-99, art. 4)

Sec. 15-409. Structure completion.

All structures shall be completed on the outside in conformance with the building code and with finish materials such as wood, brick, or brick veneer, shingle, concrete or similar material, and an occupancy permit granted, within one (1) year after construction is started unless an extension for not more than one (1) additional year is granted by the zoning administrator as provided elsewhere in this chapter.

(Ord. of 8-30-99, art. 4)

Sec. 15-410. Commercial and recreational vehicles in residential districts.

In all residential zoning districts, the parking or storage of any commercial vehicle with a rated capacity exceeding one (1) ton is prohibited; provided, however, that one (1) such vehicle may be parked or stored within a building.

Recreational vehicles, except those licensed as commercial vehicles, may be parked or kept on any lot or parcel in any residential zoning district, subject to the following requirements:

1. Recreational equipment parked or stored shall not have fixed connections to electricity, water, gas, or a sanitary sewer, and at no time shall such equipment be used for living, sleeping, or housekeeping purposes, except as provided for as temporary use in section 15-417(G).
2. Any recreational vehicle not parked or stored in a garage shall be parked or stored in the rear yard or side yard, provided that it complies with the side, front and rear setbacks for accessory buildings. Vehicles may occupy a front yard for loading and unloading purposes for up to twenty-four (24) hours, so long as such location does not obstruct the view of driveways or vehicular and pedestrian traffic of adjoining properties.
3. The storage of recreational vehicles on a residential lot or parcel shall be limited to only those vehicles owned by, and licensed or registered to, the occupant of the residential lot or parcel on which the vehicle is stored.

(Ord. of 8-30-99, art. 4)

Sec. 15-411. Lot grades.

A. All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures.

B. Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems such as to provide adequate drainage and not jeopardize such existing drainage systems, and shall be approved by the zoning administrator and such other authorities having jurisdiction over such system.

(Ord. of 8-30-99, art. 4)

Sec. 15-412. Exterior lighting.

All outdoor lighting in all use districts other than residential shall be shielded to reduce glare and shall be so arranged as to orient lights from all adjacent residential districts, adjacent residences, and public rights-of-way.

(Ord. of 8-30-99, art. 4)

Sec. 15-413. Soils, excavations.

The construction or maintenance within the village of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however this section shall not prevent any excavations under a permit issued where such excavations are properly protected with barricade surrounding the excavation hole, pit, or well, and warning signs posted in such manner as approved by the building inspector; and provided further, that this section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other such bodies of water created or existing by authority of governmental agencies.

(Ord. of 8-30-99, art. 4)

Sec. 15-414. Screening of trash storage areas.

Any outdoor trash storage area such as dumpsters or trash cans must be screened on three (3) sides by obscuring fencing at least six (6) inches above the height of the container. The storage area shall not be located in the front yard. The storage area shall be constructed and maintained to prevent the blowing of trash from the storage area.

(Ord. of 8-30-99, art. 4)

Sec. 15-415. Construction or contracts under permits issued prior to this chapter.

Any structure for which a zoning permit has been issued and construction of the whole, or part of which has been started, or for which a contract or contract have been entered into pursuant to a zoning permit issued prior to the effective date of this chapter [September 21, 1999] or subsequent amendments, may be completed and used in accordance with the plans and applications on which said zoning permit was granted, provided the construction permitted by such permit is prosecuted and completed within one (1) year from the date of issue of such zoning permit, or signing of such contract. The zoning board of appeals may extend this authorization for up to one (1) additional year, if enforcement of the new ordinance provisions at the end of the year would result in undo hardship.

(Ord. of 8-30-99, art. 4)

Sec. 15-416. Sight distance.

No obstruction to vision shall be permitted at the intersection of any street or road with another street or road or street or road junction between the heights of two (2) feet and eight (8) feet above centerline elevation of said streets or roads within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersection right-of-way lines twenty-five (25) feet from the point of intersection of the right-of-way lines.

(Ord. of 8-30-99, art. 4)

GRAPHIC UNAVAILABLE:

Sec. 15-417. General exceptions to dimensional and use requirements.

A. *Yards abutting alley.* Wherever a public alley abuts the rear or side of a lot for its full width or depth, the side and/or rear yard setbacks required under this chapter may be measured to the centerline of such alley. This provision shall not permit the placement of a structure within an alley right-of-way, nor shall such placement be allowed by issuance of a variance.

B. *Reduction of front yard setback.*

1. In any residential district the street wall of the building shall not be required to set back from the street line any distance greater than the distance equal to the average of the setbacks of all the street walls or portion of street walls within one hundred (100) feet of either side of the street wall in question, and within the same street or block frontage.

[2. Reserved.]

3. In any district the street wall of a building shall be set back from the existing property line as determined by the front yard restrictions, but where the major street plan, county or state highway plan calls for future street widening, such street wall shall be placed in accordance with yard requirements based upon such plan. The plan calling for the greatest width shall govern.

C. *Essential services.* Essential services as defined in this chapter shall be permitted as authorized and regulated by law and other ordinances, it being the intention of this ordinance to exempt such essential services from the application of this chapter.

D. *Voting place.* The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public elections.

E. *Height limit.* The height limitations of this chapter shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers.

F. *Terraces.* An open, unenclosed paved terrace may project into a required front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

G. *Construction facilities.* Construction trailers and similar temporary structures such as those used as offices and for storage by contractors and other

construction personnel shall be permitted. Use of said structures shall be restricted to construction activities related to the site or development on which they are located.

H. *Accessory structures.* Accessory structures shall be located in the rear yard and shall be no closer than five (5) feet from any side or rear lot line.
(Ord. of 8-30-99, art. 4)

Sec. 15-418. Performance standards.

Performance standards for sound, vibration, odor, gases, glare and heat, light, electromagnetic radiation, smoke, dust, dirt, fly ash, drifted and blow material.

It shall be unlawful to carry on or permit to be carried on any activity, operation or use of any land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazards to humans or to human activity.

A. *Sound:* The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

Decibels (dba)	Adjacent Use	Where measured
55	Residential dwelling	Common lot line
65	Commercial	Common lot line
70	Industrial and Other	Common lot line

The sound levels shall be measured with a type of audio output meter approved by the Bureau of Standards. Objectionable noises due to intermittence, beat frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

- B. *Vibration:* All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of three-one thousandth (0.003) of one (1) inch measured at any lot line.
- C. *Odor:* The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines when diluted in the ration of one (1) volume of odorous air to four (4) or more volumes of clean air of as to produce a public nuisance or hazard beyond lot lines is prohibited.
- D. *Gases:* The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated.
- E. *Glare and heat:* Any operation producing intense glare or heat shall be

performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

- F. *Light:* Exterior lighting shall be so installed that the surface of the source of light shall not be visible and shall be so arranged as far as practical to reflect light away from any residential use, and in no case shall more than one (1) foot candle power of light cross a lot line five (5) feet above the ground in a residential district.
- G. *Electromagnetic radiation:* Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this chapter and shall be on file in the department of development control.
- H. *Smoke, dust, dirt and fly ash:* It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever any air contaminator for a period or periods aggregating more than four (4) minutes in any one-half (1/2) hour which is:

1. As dark or darker in shade as designated as Number 2 on the Ringlemann Chart. The Ringlemann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard.

However, the Unbrascoppe readings of smoke densities may be used when correlated with the Ringlemann Chart. A Ringlemann Chart shall be on file in the department of zoning and building.

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in 1. above, except when the emission consists only of water vapor.

The quantity of gas-borne or air-borne solids shall not exceed two-tenths (0.20) grains per cubic foot of the charring medium at a temperature of five hundred (500) degrees Fahrenheit.

- I. *Drifted and blown material:* The drifting or air-borne transmission beyond the lot line of dust, particles, or debris from any open stock pile shall be unlawful and may be summarily caused to be abated.
- J. *Radio-active materials:* Radio-active materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, as amended from time to time.

(Ord. of 8-30-99, art. 4)

Sec. 15-419. Satellite dish antennas.

Satellite dish antennas shall be treated as an accessory structure and shall conform to the locational criteria for accessory structures.

(Ord. of 8-30-99, art. 4)

Sec. 15-420. Lot width/depth ratio.

All lots less than twenty (20) acres in size created after the effective date of this chapter [September 21, 1999] shall have a lot width measured at the front of the lot that is no less than one-third (1/3) the length of the longest side of the lot.

(Ord. of 8-30-99, art. 4)

Sec. 15-421. Soil erosion and sedimentation.

All development in the village shall conform to the requirements of PA 347 of 1972 the Soil Erosion and Sedimentation Control Act and to the requirements of any Clinton County ordinances or regulations adopted to implement this Act.

(Ord. of 8-30-99, art. 4)

Secs. 15-422--15-500. Reserved.**ARTICLE V.****OFF-STREET PARKING****Sec. 15-501. General off-street parking provisions.**

A. All future development of land or expansion of existing uses shall meet these parking requirements.

B. Off-street parking spaces for non-residential uses in residential districts shall be located within a rear yard or within a side yard.

C. Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off street parking lot.

D. The storage, maintenance or repair of merchandise, motor vehicles or other equipment on required off street parking spaces is prohibited.

E. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the zoning administrator considers is similar in type. The zoning administrator's determination shall be appealable to the zoning board of appeals.

F. When units of measurements determining the number of required parking spaces result in the requirement of a fractional space, all fractions shall be rounded up to the nearest whole number.

G. The village council may permit two (2) or more uses to share a parking lot and provide less than the sum of each use's requirements if their parking demand occurs at different times of the day or week.

H. All parking space requirements shall include handicapped parking space requirements which meet the standards of the applicable state building code.

I. Businesses within the Central Business Zoning district are not required to provide off street parking, except for residential dwelling units that are the principal or accessory use of the site.
(Ord. of 8-30-99, art. 4)

Sec. 15-502. Off-street parking and off street loading space requirements.

A. Off street parking spaces shall be provided for each land use activity in accordance with the following minimum schedule:

1. *Residential uses.*

Dwelling unit	Two (2) spaces per unit
Motels	One (1) space per employee on the largest working shift plus one (1) space per rooming unit
Hotels	One (1) space per employee on the largest working shift plus one (1) space per room
Rooming houses, fraternity houses, dormitories, etc.	One (1) space per bed or one (1) space per each three hundred (300) square feet of heated living area, whichever will require the larger number of parking spaces

Mobile home parks	Two (2) spaces per site
Travel trailer parks	One (1) space per site
Elderly housing	One (1) space per dwelling unit provided that sufficient land area be reserved in the site plan for conversion to two (2) spaces per dwelling unit
Multi family dwellings	One and one-half (1.5) spaces per efficiency apartment and two (2.0) spaces per one (1)+ bedroom apartment

2. *Institutional and public assembly uses.*

Nursery, elementary and junior high schools	One (1) space per classroom plus one (1) space per two hundred (200) square feet of office area
High schools	Seven (7) spaces per classroom plus one (1) space per two hundred (200) square feet of office area
Colleges	Ten (10) spaces per classroom, plus one (1) space per two hundred (200) square feet office area
Stadia and sports areas	One (1) space per four (4) seats

Swimming pools	One (1) space per three (3) seats, or per forty (40) square feet of pool surface, whichever will require the largest number of parking spaces
Child care center	One (1) space for each employee plus one (1) space for each four (4) children of approved capacity
Family day care homes and group day care homes	Two (2) spaces for residence plus one (1) space for each four (4) children of approved capacity.
Assembly halls, churches, mortuaries, theaters	One (1) space per three (3) seats or per twenty-one (21) square feet of assembly space, whichever will require the largest number of parking spaces.
Hospitals	Two and one-fourth (2.25) spaces per bed
Convalescent homes, homes for the aged	One (1) space per three (3) beds

3. *Commercial uses.*

Business offices, except as otherwise specified herein	One (1) space per two hundred (200) square feet of floor area
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Professional offices of architects, attorneys, accountants, engineers, real estate brokers, etc.	One (1) space per two hundred 200 square feet of floor area but not less than three (3) spaces
Medical and dental clinics	One (1) space per one hundred (100) square feet of floor area, but not less than ten (10) spaces
Retail stores, except as otherwise specified herein	One (1) space per one hundred fifty (150) square feet of sales area, with a minimum of five (5) spaces
Retail stores of appliances, furniture, motor vehicles, hardware, lumber, and building materials	One (1) space per three hundred (300) square feet of sales area, but not less than ten (10) spaces
Restaurants and bars	One (1) space per thirty (30) square feet of dining and drinking area
Beauty or barber shops	One (1) space per one hundred (100) square feet of floor area
Service shops	One (1) space per two hundred (200) square feet of sales area, with a minimum of three (3) spaces
Bowling alleys	Seven (7) spaces per alley
Pool rooms, bow and arrow, and other recreation facilities	One (1) space per fifty (50) square feet of activity area

Service stations	One (1) space per gas pump plus two (2) spaces per hoist, but a minimum of five (5) spaces
Convenience store	One (1) space per two hundred (200) square feet of sales area, but not less than five (5) spaces
Mini storage facility	One (1) space per one hundred (100) square feet of floor area in sales office but not less than three (3) spaces
Video rental	One (1) space per seventy-five (75) square feet of sales area, but not less than five (5) spaces
Restaurants--carry out only	Four (4) spaces plus one (1) space per employee of peak shift

4. *Industrial uses.* Parking space requirements for all industrial uses shall equal at least the employee load factor, as proposed in the application for a building permit, or at a rate of at least one (1) space per five hundred (500) square feet, whichever is greater; provided, however, parking requirements for administrative office shall be in addition to any such industrial use requirement.

5. *Exception.* The parking requirements for all uses proposed on a lot shall be cumulative, unless the village council shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses. The required parking spaces for such particular land uses may then be reduced by the village council to less than the number of spaces required for such contiguous land uses.

(Ord. of 8-30-99, art. 5)

Sec. 15-503. Off-street parking regulations within a residential district.

- A. All residential buildings or non residential buildings in a residential district

shall be provided with required parking areas on the same lot with the building or on a lot immediately adjacent to the lot with the building intended to be served, but not more than one hundred (100) feet from the building it is servicing.

B. All parking areas, except for one (1) and two (2) family dwellings, shall be screened on all sides abutting a residential district or a street. Screening shall meet the standards of article XI of this chapter. The village council may reduce or waive the screening requirements in those instances where the dimensions of the lot prevent full compliance with those requirements.

C. No parking area shall be used for parking or storing of any commercial vehicle exceeding one (1) ton capacity in a residential district.
(Ord. of 8-30-99, art. 5)

Sec. 15-504. Off-street loading requirements.

Off-street loading spaces for specified land uses shall be provided in accordance with the following requirements:

- A. Retail uses--All retail sales facilities exceeding ten thousand (10,000) square feet in floor area shall provide one (1) loading spaces plus one (1) loading space for each additional thirty thousand (30,000) square feet of floor area over ten thousand (10,000) feet.
- B. Industrial uses--All industrial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor area.
- C. All loading spaces shall be located and designed to avoid creating traffic hazards to public use of all public rights-of-way.

(Ord. of 8-30-99, art. 5)

Sec. 15-505. Design requirements for off-street parking and loading spaces.

For off-street parking and/or loading area for uses other than single family residences or duplexes a plot plan including surface, lighting and dimensional information showing compliance with this chapter shall be submitted to the zoning administrator for approval before the issuance of a building permit for the structure for which the parking facility and/or loading area is required. For developments requiring site plan approval, the information shall be included in the site plan and shall be approved by the village council.

- A. Each parking space shall consist of an area not less than ten (10) feet wide by twenty (20) feet deep; provided, however such dimensions shall be increased, when necessary, to permit safe ingress and egress thereto.
- B. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and

regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and maneuvered without moving or damaging another.

- C. Loading spaces shall be clearly marked and separate from off-street parking areas. The minimum size of a loading space shall be 50' by 10'. All loading spaces shall be located on the side or at the rear of the building. All loading spaces shall be surfaced with asphalt, bituminous or concrete pavement, and shall be graded and drained to dispose of all surface water into the storm sewer system. Loading areas shall require landscaping meeting the standards of section 15-1102 of this chapter.
- D. Parking areas shall be adequately lighted. Any lighting used to illuminate any off street parking and loading area shall be so arranged so as to direct light away from adjoining property and streets.
- E. Off-street parking areas shall be surfaced with asphalt, bituminous or concrete pavement, and shall be graded and drained to dispose of all surface water into the storm sewer system. In the case of large parking lots which could potentially generate significant volumes of runoff and standing water on-site, a retention or detention basin may be required to meter water into off-site drainage systems.
- F. Any construction or rearrangement of existing drives which involve the ingress and/or egress of vehicular traffic to or from a public street shall be so arranged so as to insure maximum safety and the least interference with traffic upon said streets, and shall be approved by the zoning administrator.
- G. All parking spaces must be provided with parking bumpers or posts where necessary to prevent encroachment of vehicles on to a sidewalk, or to protect landscaping, light poles, walls, fences or other features.
- H. Parking lot landscaping shall meet the standards of Article XI of this chapter.
- I. Parking lot entrances and exits shall be setback at least twenty-five (25) feet from adjacent side lot lines when the adjacent lot is zoned or used for single family residential purposes.
- J. Minimum width and length of parking spaces and maneuvering lanes shall be based on the angle of the parking space to the maneuvering lane, according to the following schedule:

GRAPHIC UNAVAILABLE:

- K. In no case shall a parking space be permitted which would necessitate the

backing of a motor vehicle into a street or over a public walk.

L. Parking spaces for handicapped citizens shall be located as close as possible on the most direct route to barrier free building entrances. Where possible, this route will not cross parking lot maneuvering lanes. Signs shall be provided to indicate the direction of travel to barrier free building approaches when the barrier free entrance is not visible from the accessible parking space or spaces. Each accessible parking space shall not have more than a nominal three (3) percent grade and shall not be less than twelve (12) feet wide, or not less than eight (8) feet wide and adjacent to an access aisle which is not less than five (5) feet wide and which is not a traffic lane. There shall be a barrier free route of travel from the accessible parking spaces to the nearest barrier free building approach.

Michigan Barrier Free Parking Requirements	
Total spaces in lot	Minimum number of accessible parking spaces required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6

(Ord. of 8-30-99, art. 5)

Secs. 15-506--15-600. Reserved.

ARTICLE VI.

SIGNS

Sec. 15-601. Prohibited signs.

The signs and devices listed in this subsection shall not be permitted, erected or maintained in any district.

- A. Signs which incorporate in any manner any flashing or moving lights or which have a source of light visible from any street or adjoining property.
- B. Temporary string lights used in connection with a commercial premises for commercial purposes.
- C. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible

movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations or by action of natural wind currents.

- D. Any sign or sign structure which is structurally unsafe; or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair; or is capable of causing electrical shocks to persons likely to come in contact with it; or which does not meet the requirements of the BOCA Building Code adopted by the Village of Elsie.
- E. Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads.
- F. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
- G. Signs which make use of words such as "STOP", "LOOK", "DANGER", or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
- H. Any sign or other advertising structure containing any obscene, indecent or immoral matter.
- I. Any sign unlawfully installed, erected or maintained.
- J. Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold.
- K. Any sign which is not accessory to the business being conducted on the property on which the sign is located.
- L. Temporary or portable signs (except as listed in section 15-604(b), this chapter).

(Ord. of 8-30-99, art. 6)

Sec. 15-602. Permits.

No person shall erect, place, structurally alter, paint, or add to any sign nor attach any sign to an existing sign, which shall either increase the area thereof or constitute a structural alteration thereof or an addition thereto, without first obtaining a permit to do so in the manner hereinafter provided.

- A. Application for sign permit. Application for such permit shall be filed upon forms adopted by the village council and provided by the zoning

administrator, and shall contain the following information:

1. Name, address, and telephone number of the applicant.
 2. Location of building, structure or lot to which the sign is to be attached or erected (on plot plan).
 3. Position of the sign in relation to nearby buildings, structures, and property lines (on plot plan).
 4. A drawing of the plans and specifications and method of construction and attachment to the building or in the ground.
 5. Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the county building official.
 6. Name and address of the person, firm, corporation, or association erecting the structure.
 7. Such other information as may be required to show full compliance with this and all other applicable laws of the Village of Elsie and the State of Michigan.
- B. Permit fee. The fee for permits shall be set by resolution of the village council.
- C. The zoning administrator shall approve the application and provide the applicant with a sign permit if:
1. The applicant has paid the required sign permit fees.
 2. The applicant has submitted a complete application.
 3. The application meets all of the requirements of this chapter.
- D. If the zoning administrator denies an application for a sign permit, the applicant may appeal the decision to the village council. Such appeal must be filed with the village within thirty (30) days of the date of the notice of denial. The village council shall hear the appeal within thirty-five (35) days of a complete application being filed. The village council shall decide the appeal within fourteen (14) calendar days of the meeting at which the appeal was reviewed.
- E. No permit required. No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is

required for change of message of a sign without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.

- F. Expiration of sign permits. If a sign permit application is approved, but where construction of the sign(s) is not completed within one (1) year, the sign permit shall expire.
- G. Signs included as part of a site plan review may be reviewed as part of the site plan application, and do not require a separate sign erection permit application.

(Ord. of 8-30-99, art. 6)

Sec. 15-603. Signs not requiring a permit.

The signs and devices listed in this subsection are exempted from the restrictions and requirements of this chapter and may be used without an approved sign permit when not in violation of any law or safety standard or any other portion of this chapter:

- A. Signs erected by an official governmental body or agency and deemed necessary to inform the public or for the protection of the public health, safety, welfare and morals.
- B. Signs not visible from any public way or from any point off the lot on which they are located.
- C. Flags as defined in this chapter not exceeding eighteen (18) square feet in size.
- D. Holiday decorations and greetings in season.
- E. One (1) sign per premises not exceeding one (1) square foot in area and having thereon no letter or symbol exceeding two (2) inches in any dimension and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- F. Traffic directional signs erected for the purposes of improving traffic circulation and safety, provided they are not used for advertising purposes.
- G. Legal notices; identification, informational, or directional signs erected or required by governmental bodies.
- H. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

(Ord. of 8-30-99, art. 6)

Sec. 15-604. District requirements for signs requiring permits.

Signs and devices shall be permitted in designated zoning districts subject to the following regulations and requirements.

- A. *R-1 and R-2 Residential districts.* One (1) sign per parcel is permitted. Signs for residential uses shall have a maximum total surface area of four (4) square feet per premises. Nonresidential signs (with the exception of churches or schools) may have a maximum area of twenty-four (24) square feet per sign face per premises, with a maximum of two (2) sign faces permitted. Churches or schools may have a maximum area of thirty-two (32) square feet per sign face per premises, with a maximum of two (2) sign faces permitted.

Signs shall be mounted flat on the principal structure or on a permanent wall or fence. Signs at churches or schools may be freestanding signs and may be setback one-half (1/2) the required front yard setback for the district it is located in.

- B. *Multi-Family R-3 district.* Signs shall be freestanding and shall have a maximum total surface area of twelve (12) square feet per sign face per premises. Total area of all sign faces shall be twenty-four (24) square feet.

Signs shall be permitted anywhere on the premises except in or extending over required front yards or required side yards and shall have a maximum height of four (4) feet.

Signs may include the name and title of occupant and, in the case of rental units, may indicate status of occupancy.

- C. *Commercial districts.* One (1) wall-mounted sign shall be permitted on each side of the principal structure which fronts on a public street. Each wall-mounted sign shall have a maximum total surface area not to exceed ten (10) percent of the area of the face of that wall of the principal structure which fronts on a public street. The combined surface area of all wall signs shall not exceed two hundred (200) square feet of sign area. In instances where two (2) or more uses share a building, sign area shall be calculated for each use based on the area of the face of the wall which fronts on a public street. Wall-mounted signs shall be flat signs attached and parallel to the face of the building wall, and shall not extend more than six (6) inches from the building wall.

One (1) projecting sign shall be permitted on each side of the principal structure which fronts on a public street. Each projecting sign shall have a maximum sign face area of sixteen (16) square feet. The lowest part of a projecting signs shall have a minimum height of nine (9) feet. Projecting

signs shall not extend more than five (5) feet from the wall.

Freestanding signs shall be permitted in the General Commercial district not to exceed a total of thirty-five (35) square feet of sign area on one side or seventy (70) square feet of sign area on a double-sided sign. One (1) freestanding signs shall be permitted anywhere on the property on which the principal use is located.

Where a principal use structure has a marquee or canopy which is an integral part of said structure the marquee or canopy sign shall be considered to be a wall sign, for the purposes of administering this section. The front line of said marquee or canopy shall be at least eight (8) feet above the walk surface in front of the structure. No sign shall extend above the maximum height of the structure nor more than twenty (20) feet above the average grade level at the base of the sign.

If a business use shares parking areas or driveways or building entrances or malls in common with at least one other business use, such facilities shall be deemed a "business center" and only one (1) such freestanding sign shall be permitted for the entire business center. Said freestanding sign shall have one (1) square foot of area per foot of frontage, with a maximum size of one hundred eighty (180) square feet per sign face irrespective of frontage.

Signs shall indicate only the name of the use product and/or occupant of the property upon which the sign is located and may include the address of said property.

- D. *Industrial districts.* One (1) wall-mounted sign shall be permitted on each side of the principal structure which fronts on a public street. Wall-mounted signs shall have a maximum total surface area not to exceed ten (10) percent of the area of the face of the wall upon which the sign or signs are attached but not to exceed two hundred (200) square feet of sign area per wall. In instances where two or more uses share a building, sign area shall be calculated for each use based on the area of the face of the wall which fronts on a public street. Wall-mounted signs shall be flat signs attached and parallel to the face of the building wall and shall be attached only to walls which face a public street, and shall not extend more than six (6) inches from the building wall.

Freestanding signs shall not exceed a total of thirty-five (35) square feet of sign area on one (1) side or seventy (70) square feet of sign area on a double-sided sign. One (1) freestanding signs shall be permitted anywhere on the property on which the principal use is located providing the sign is located no closer than twenty-five (25) feet from a front lot line.

Signs may be located anywhere on the premises but no closer than twenty

(20) feet from any property line other than a front lot line. No sign shall extend more than three (3) feet above the height of the structure nor more than twenty-five (25) feet above the average grade level at the base of the sign.

If a business use shares parking areas or driveways or building entrances or malls in common with at least one (1) other business use, such common facilities shall be deemed a "business center" and only one (1) such freestanding sign shall be permitted for the entire business center. Said freestanding sign shall have one (1) square foot of area per foot of frontage, with a maximum size of one hundred eighty (180) square feet per sign face irrespective of frontage.

Signs shall indicate only the name of the product and/or occupant of the property upon which the sign is located and may include the address of said property.

(Ord. of 8-30-99, art. 6)

Sec. 15-605. Temporary and portable signs.

A. Temporary/portable signs not requiring a permit. The signs and devices listed in this subsection shall be permitted on a temporary basis and shall not require a permit.

1. Construction signs which identify the name of the building, the owner, architect, engineer, contractor and other individuals involved with the construction, but not including an advertisement of any product or service during period of construction. Signs shall have a maximum surface area of sixteen (16) square feet, shall be confined to the site of construction and shall be removed within fourteen (14) days following occupancy for the intended use of the project.
2. Real estate signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed up to a total area of sixteen (16) square feet. Such signs shall be removed within fourteen (14) days after the sale, rental or lease.
3. Election campaign signs announcing a candidate or issue to be voted upon, up to a total area of sixteen (16) square feet for each premises. These signs shall be confined to within private property and shall be removed within fourteen (14) days following the election which they announce.
4. Community or special event sign advertising a public entertainment or event, during and for fourteen (14) days before and seven (7) days after the event.

- B. Temporary/portable signs requiring a permit.
1. The zoning administrator may approve an application for erection of a temporary or portable sign in any district, other than for residential uses in the Residential districts. The zoning administrator shall issue a permit for the erection of a temporary/portable sign as outlined in section 15-602 of this chapter for a time period not to exceed fourteen (14) consecutive days. Each business shall only be permitted two (2) temporary signs per calendar year. The zoning administrator shall approve an application for the erection of a temporary sign if all of the following conditions are met:
 - a. The sign shall not exceed twenty-four (24) square feet in total area per face, shall have no more than two (2) faces and shall not project higher than six (6) feet above curb level.
 - b. The sign shall contain no visible moving, revolving or mechanical parts or movement, or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations, or by action of normal wind current.
 - c. The sign shall contain no self-illumination and will not be otherwise illuminated.
 - d. The sign location, design, structure, materials and support will not constitute a hazard to safety, health or welfare of the general public during the period of its erection.
 - e. The sign shall not be attached to a tree, fence, utility pole, standpipe, gutter, drain or fire escape or impair access to a roof or ingress or egress of any structure.
 - f. The sign shall not be located on any public property, right-of-way or sidewalk, or near any parking area entrance where the sign would obstruct the vision of the vehicles.
 - g. The sign must be located on the property of the applicant.
 - h. Churches and educational institutions shall be permitted up to six (6) temporary signs per premise per year provided all of the above conditions are met.

C. A temporary sign erected in violation of any provision of this section shall be impounded by the department of public works and may be destroyed or disposed of if not claimed within five (5) business days by the occupant of the property where the sign was erected.

D. Banners, flags used for commercial purposes, pennants, ribbons, streamers, balloons and other temporary signs are permitted only as temporary signs as provided for in this section.

(Ord. of 8-30-99, art. 6)

Sec. 15-606. Off-premise signs.

Off-premise signs are prohibited in the village with the following exceptions:

- A. Off-premise signs pertaining to real estate development located within the village and designed to promote the sale of lots or homes with a subdivision located within the village may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land unless such land is part of the subdivision, subject to the requirements and conditions of all codes and ordinances of the village and approved by the zoning administrator and a temporary permit issued.
- B. Off-premise signs shall be permitted in the village provided the following requirements are met:
1. The off-premise sign is located only in the Industrial districts;
 2. The off-premise sign is located at least one thousand five hundred (1,500) feet from the nearest off-premise sign. Such sign shall be permanently mounted on a pole or other similar type of mounting. The shared use of a pole or other type of mounting by more than one (1) sign is not permitted.
 3. The maximum height of an off-premise sign is twenty (20) feet off grade.
 4. The maximum size of an off-premise sign is one hundred (100) square feet per sign face.
 5. The off-premise sign has only two (2) faces.

(Ord. of 8-30-99, art. 6)

Sec. 15-607. Maintenance.

- A. All signs for which a permit is required and all supports thereof shall:
1. Be kept in compliance with the plans and specifications filed and approved for issuance of the sign permit.
 2. Be kept and maintained in a safe condition.

3. At all times conform to all provisions of this chapter.

B. The zoning administrator has the authority to inspect any sign requiring a permit at any given time to ensure compliance with the requirements of this chapter.

C. The zoning administrator may require the repair or removal of a sign requiring a permit within seven (7) days upon the finding that any of the following conditions exist:

1. The sign is found to be unsafe.

2. The sign is in a condition that does not comply with this chapter.

3. The sign was established as an accessory use for a principal use which has ceased to exist for a period of six (6) months.

(Ord. of 8-30-99, art. 6)

Sec. 15-608. Nonconforming signs.

A. A nonconforming sign shall not be repaired, altered, reconstructed, relocated, or expanded in any manner unless or until the sign is made to conform with the provisions of this chapter. Ordinary maintenance and minor repairs which will not increase the normal life of the sign which are required for safety purposes will be permitted. Structural alterations to a nonconforming sign are prohibited.

B. Notwithstanding any other provision contained in this chapter, in the event a change in the ownership or name of the business identified or advertised by a nonconforming sign necessitates the replacement of a sign face, the nonconforming sign may be altered by either repainting the sign face or replacing one or more removable panels on the sign without first making the entire sign conform with the provisions of this chapter.

C. If the use of a nonconforming sign is discontinued for more than six (6) months, it shall be made to conform with the provisions of this chapter or shall be removed.

(Ord. of 8-30-99, art. 6)

Secs. 15-609--15-700. Reserved.

ARTICLE VII.

NONCONFORMING USES, STRUCTURES AND LOTS

Sec. 15-701. Nonconforming uses, structures and lots.

Within the districts established by this chapter or amendments that later may be

adopted, there exist lots, structures, and uses which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. (Ord. of 8-30-99, art. 7)

Sec. 15-702. Continuation of nonconforming uses of land or structures.

Where at the time of the passage of this chapter, a lawful use of land or structure exists which would not be permitted by the regulations imposed by this chapter, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land or structure, than was occupied at the effective date of adoption or amendment of this chapter [September 21, 1999], or increase its nonconformity by changing its use;
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter;
- C. If any such nonconforming use ceases for any reason for a period of more than twelve (12) months, any subsequent use shall conform with the regulations specified by this chapter for the district in which such use is located.
- D. No additional structure which does not conform to the requirements of this chapter shall be erected in connection with such nonconforming use of land or structure.

(Ord. of 8-30-99, art. 7)

Sec. 15-703. Change in use.

A nonconforming use may only be changed to a use which is as conforming or more conforming. Whenever a district shall hereafter be changed, any then-existing nonconforming use in such district may be continued or changed to a use which is as conforming or more conforming, provided all other regulations governing new use are complied with. Whenever a nonconforming use has been changed to a use which is as conforming or more conforming, such use shall not thereafter be changed to one which is more nonconforming. Any nonconforming use shall not be changed except by specific approval of the zoning board of appeals. In permitting such change, the zoning board of appeals may require appropriate conditions and safeguards in accord with the provisions of this chapter.

(Ord. of 8-30-99, art. 7)

Sec. 15-704. Nonconforming structures.

Where a lawful structure exists or is lawfully under construction at the effective date of adoption or amendment of this chapter [September 21, 1999], that could not be built under the terms of this chapter by reason of restrictions on area, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered provided that the nonconformity of the structure is not increased.
- B. Any nonconforming structure or conforming structure which houses a non-conforming use which has been damaged or destroyed by an act of God in an amount up to and including seventy (70) percent of the value of the structure (as determined by calculating twice the structure's state equalized value), may be reconstructed providing its reconstruction does not increase its nonconformity. If the structure is damaged in an amount beyond seventy (70) percent, it must be rebuilt in conformance with the provisions of this chapter. An exception to this requirement are non-conforming single-family residential structures in the Downtown district, which may be rebuilt if destroyed beyond seventy (70) percent.
- C. Should such nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to in the requirements of the district in which it is located after it is moved.

(Ord. of 8-30-99, art. 7)

Sec. 15-705. Repair or replacement.

Repair or replacement of non bearing walls, fixtures, wiring or plumbing may be performed in or on a nonconforming structure or portion of a structure containing a nonconforming use provided:

- A. During any consecutive twelve (12) month period extent of repair or replacement shall not exceed ten (10) percent of the value of the structure (as determined by calculating twice the structure's state equalized value);
- B. Cubic contents of the structure shall not be increased except in conformance with section 15-703. However, nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. of 8-30-99, art. 7)

Sec. 15-706. Change of ownership.

Change of ownership between private parties does not remove the nonconformity nor extend time limits.

(Ord. of 8-30-99, art. 7)

Sec. 15-707. Removal of nonconforming status.

Any nonconforming structure or premises may be made conforming by appropriate action or modifications which cause the structure or premises to fulfill the requirements of the district in which it is located.

(Ord. of 8-30-99, art. 7)

Sec. 15-708. Nonconforming lots.

A zoning permit shall be issued for the construction of a structure upon any lot within any zoning district, which cannot meet the lot area or lot width requirements of such district and which was created prior to the effective date of this zoning chapter, or after the effective date of any amendment which affects such requirements, provided that all other requirements of this chapter are complied with, including setbacks.

(Ord. of 8-30-99, art. 7)

Secs. 15-709--15-800. Reserved.

ARTICLE VIII.

ADMINISTRATION AND ENFORCEMENT

Sec. 15-801. Zoning administrator.

A. The village council is hereby authorized and directed to enforce the provisions of this chapter. It will appoint a zoning administrator who is not an elected official sitting on the village council. He/she will be paid a salary as prescribed by resolution of the village council from time to time. His/her responsibilities will include:

1. Review and sign permits after the clerk or appointed person has issued the zoning permit applications.
2. Inspect the site of construction for compliance with the zoning permit after the village building permit is issued.
3. Maintain a file of all applications, zoning permits, site plans, zoning amendment requests, special use permits, complaints, zoning decisions, variances, appeals, interpretations and other correspondence and documents related to the administration of the chapter.
4. Maintain a copy of the fee schedule for zoning applications, special meetings and other charges related to the administration of the zoning

chapter.

5. Receive and investigate complaints of zoning violations, issue letters of violation and recommend further enforcement actions by the village council.
6. Recommend amendments to the zoning chapter based on issues identified from his/her enforcement activities.
7. Serve in an advisory capacity to the village council and ZBA on issues related to administration of this chapter.

B. The zoning administrator may delegate their authority to another individual only with the expressed authority of the village council.
(Ord. of 8-30-99, art. 8)

Sec. 15-802. Village council.

The village council's responsibilities in administering this chapter include:

- A. Hiring zoning administrator.
- B. Appointing ZBA members.
- C. Establishing fees.
- D. Conducting site plan reviews.
- E. Approving special use permits.
- F. Approving proposed zoning amendments.
- G. Initiating zoning amendments.

(Ord. of 8-30-99, art. 8)

Sec. 15-803. Village clerk.

The village clerk's responsibilities in administering this chapter include:

- A. Distributes and accepts applications for zoning amendments, zoning permits, special use permits, site plan review, variances, appeals of administrative decisions and requests for interpretations of this chapter.
- B. Publishes and mails notices of public hearings.
- C. Publishes amendments to this chapter.

(Ord. of 8-30-99, art. 8)

Sec. 15-804. Zoning permit.

- A. A zoning permit shall be issued by the zoning administrator prior to the:
1. Erection, exterior alteration, placing or moving of any building or permanent structure or any structure over one hundred (100) square feet on any parcel of land.
 2. Change in use of a building or land.
 3. Development of an off-street parking area.
- B. No permit shall be required for alterations to existing buildings which do not result in change in height, floor area, lot coverage, location of exterior walls, building size or other structural alterations.
- C. A zoning permit shall not be issued unless the proposed development or change in land use complies with the requirements of this chapter. If the zoning administrator receives an application which requires issuance of a variance, he/she shall not issue the permit unless and until such variance is granted.
- D. An application for a zoning permit shall include:
1. A completed application form provided by the village.
 2. The required fee as established by the village council.
 3. A plot plan showing the following information:
 - a. The dimensions of the parcel's lot lines.
 - b. The dimensions of existing and proposed buildings.
 - c. The setback of existing and proposed buildings from one another and the lot lines.
 - d. Existing and proposed driveways and parking areas.
 - e. Other information necessary for the zoning administrator to determine compliance with the requirements of this chapter.
- E. Within ten (10) days of receiving a complete zoning permit application, the zoning administrator shall issue the permit or a letter denying the application and explaining the reasons for the denial.

F. Approval of a zoning permit shall expire within one (1) year of approval if a building permit has not been applied for and construction begun based on the permit. Once construction has begun, the project must be completed within one (1) year.

G. The zoning administrator shall have the power to revoke or cancel any permit in case of failure or neglect to comply with any of the provisions of this chapter, or in case of any false statements or misrepresentations made in the application. The owner or his duly authorized agent shall be notified of such revocation or cancellation in writing. (Ord. of 8-30-99, art. 8)

Sec. 15-805. Certificate of occupancy.

No certificate of occupancy will be issued by the village building inspector for a building in the Village of Elsie until the village zoning administrator has determined that the building complies with the approved zoning permit. (Ord. of 8-30-99, art. 8)

Sec. 15-806. Fees.

Fees for review of applications and other activities required under this chapter shall be set from time to time by resolution by the village council. (Ord. of 8-30-99, art. 8)

Sec. 15-807. Violations declared nuisance; penalties.

Buildings or other structures erected, altered or raised or converted, or uses carried on in violation of any provision of this chapter, are hereby declared to be a nuisance per se. The court shall order such nuisance abated, and the owner and/or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se. For any and every violation of the provisions of this chapter, the owner, agent, architect, builder, lessee or tenant of the land or building or part thereof which such violations have been committed or exist shall be guilty of a misdemeanor, and the owner, agent, architect, builder, or any person who commits, takes part, or assists in such violation of any part of the provisions of this chapter, or any person who maintains any building or land in or on which violation exists, shall be guilty of a misdemeanor and, upon conviction thereof before a court of competent jurisdiction, shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense, or shall be punished by imprisonment in the county jail for a period of not to exceed ninety (90) days, or both such fine or imprisonment, in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense. (Ord. of 8-30-99, art. 8)

Secs. 15-808--15-900. Reserved.

ARTICLE IX.**SITE PLAN REVIEW****Sec. 15-901. Intent.**

The site plan review procedures are instituted to provide an opportunity for the village council to review the proposed use of a site in relation to drainage, pedestrian and vehicle circulation, off-street parking, structural relationship, public utilities, landscaping, accessibility and other site design elements which may have an adverse effect upon the public health, safety, morals and general welfare, as well as to provide the best interest of the property owner.

(Ord. of 8-30-99, art. 9)

Sec. 15-902. When site plans are required.

All development and changes in use requires review of some type. Under this chapter most "simple" development such as construction of single family homes require only review of plot plans as outlined in the administration article. Site plan are required for developments of a more complex nature. Site plans are required to be submitted under any of the following circumstances:

- A. As part of an application for a special use permit.
- B. Prior to construction of any principal structure other than a single family or duplex residence.
- C. Prior to construction of an addition of one thousand (1,000) square feet or more in size to any principal structure other than a single family or duplex residence.
- D. Prior to construction of any accessory structure one thousand (1,000) square feet or more in size other than accessory structures related to a single family or duplex residence.
- E. As part of an application to change a non conforming use to another non conforming use.
- F. Any remodeling of an existing structure other than a single family or duplex residence that requires construction of ten (10) or more additional parking spaces.
- G. As part of an application for approval of a condominium development.

(Ord. of 8-30-99, art. 9)

Sec. 15-903. Required information.

Before any building permit shall be issued, twelve (12) copies of a site plan to a scale of 1" = 20' and a completed application for site plan approval shall be submitted to the village zoning administrator, for review and approval. Said site plan shall contain the following information:

- A. Statistical data including but not limited to: Number of dwelling units, size of dwelling units (e.g., 1--bedroom, 2--bedrooms, 3--bedrooms), if any, and total gross acreage involved. In the case of mobile home parks, the size and location of each mobile home site shall be shown. In all other cases, the location, type, horsepower, fuel, dimensions, and other data of all machinery to be used on the proposed site (to determine compliance with minimum lot size, maximum lot coverage and density requirements and parking requirements).
- B. The location of principal and accessory buildings on the lot, including setbacks, and the relationship of each structure to another (to determine compliance with setback requirements).
- C. Vehicular traffic and pedestrian circulation features within and without the site (to determine compliance with traffic access standards including adequacy of access, conflicts between vehicles and pedestrians, turning movement conflicts between the site and other nearby driveways).
- D. The location and dimensions of all off-street parking areas including maneuvering lanes, service lanes, off-street loading spaces, and other service areas within the development (to determine compliance with parking requirements).
- E. Existing and proposed uses, number of employees, and gross area dedicated to each type of use on-site (to determine compliance with parking requirements).
- F. The location, dimensions, and proposed use of all recreation areas, if any (to determine compliance with planned unit development requirements, if applicable).
- G. The location of all proposed landscaping, fences or walls (to determine compliance with screening and landscaping requirements).
- H. The height and dimensions of all structures (to determine compliance with maximum height and lot coverage requirements as well as minimum building size requirements (residential) where applicable).
- I. Front, rear, and side elevation of any typical structure proposed for development (to determine compliance with maximum height

requirements).

- J. The location and capacity of private or public water, sanitary services and solid waste disposal facilities servicing the site (to ensure compliance with the standard requiring adequate water and sewer service, and to prevent overloading the village's water or sewer system).
- K. The location, dimensions, type and lighting of all signs (to ensure compliance with sign requirements).
- L. The location, intensity and orientation of all lights (to determine compliance with requirements regarding lighting being directed off adjacent premises).
- M. Buildings within one hundred (100) feet of the boundary of the site (to determine compliance with any setback standards linked to structures on adjacent lots, or in the case of a special use permit, to determine suitability of the site for the proposed use based on proximity of incompatible uses).
- N. Location of any identified wetlands (to comply with standards relating to protection of natural features and/or compliance with local, state and federal laws).
- O. Outdoor storage or activity areas (to comply with standards relating to outdoor storage of material or outdoor activities).
- P. Existing and proposed grades at two (2) feet intervals (to determine any minimum or maximum grade requirements, clear vision requirements and height requirements).
- Q. Cross section showing construction of drives and parking area (to comply with requirements regarding pavement surface and adequacy of base material).
- R. Floor plan showing existing and proposed uses (to verify gross vs. usable floor area and principal vs. accessory uses).
- S. Location of trash receptacles (to determine compliance with chapter requirements regarding location and screening).
- T. Designation of fire lanes (to determine compliance with fire code requirements).
- U. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of the cleanup
- V. Location of all trees over eight (8) inches caliper (to determine the number

of applicable credits received for preserving existing trees on-site).

- W. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes should be specified on the site plan.
- X. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
- Y. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
- Z. The village council may waive any of the requirements above either on an individual basis or by establishment of an administrative rule when the information is not needed to determine compliance of the site with the requirements of this chapter.

(Ord. of 8-30-99, art. 9)

Sec. 15-904. Who reviews site plans.

A. The zoning board of appeals is authorized to approve a site plan submitted as part of an application to change a non-conforming use to another non-conforming use, following review and recommendation by the village council.

B. The village council is authorized to review and approve all other site plans, including site plans submitted as a part of a special use permit application. The village council is authorized to approve, deny or approve the site plan with conditions.

(Ord. of 8-30-99, art. 9)

Sec. 15-905. Site plan review process.

The site plan review process is intended to allow the village the opportunity to review a proposed development prior to its construction to determine compliance with the requirements of this chapter. The village's intention is to handle each application as expeditiously as possible while conducting an appropriately thorough review.

- A. *Preliminary review (optional)*. The option of preliminary site plan review is provided in order to allow an applicant for site plan review the opportunity to investigate with village officials the viability of a proposed development prior to preparing a complete site plan. An applicant for site plan review may request a preliminary review of a site plan to obtain information on potential site development issues including setbacks, drainage, access,

signage and potential buffering requirements, and in order to request the waiving of particular site plan information requirements. At a minimum, this preliminary site plan should show:

1. Lot dimensions.
2. Building dimensions and setbacks.
3. Proposed parking areas.
4. Proposed driveways.
5. Proposed drainage patterns and water and sewer connections.

The preliminary review should be conducted by the village council and any advisory official requested to review the preliminary site plan. The review is advisory only and subject to change based on changes to ordinance requirements, changes in conditions or as a result of additional information.

- B. *Village council site plan review.* In those instances where the village council is authorized to review and approve a site plan, the applicant shall submit the site plan to the zoning administrator at least twenty-one (21) days prior to the village council meeting at which it is to be reviewed for approval. Prior to the village council making a determination on a site plan, the zoning administrator shall submit copies to the village police department, fire department and DPW, who shall have five (5) working days to review and submit their comments to the village council. Following their review of the site plan, the council shall do one of following:
1. Approve the site plan.
 2. Approve the site plan with conditions.
 3. Table the site plan pending required additional information.
 4. Disapprove the site plan.
- C. *Consultant review.* In those instances where the village council determines it necessary, the village may submit a site plan for review by a professional consultant. The cost of this consultant review shall be paid by the applicant, provided an estimate of the review cost is obtained from the consultant and provided to the applicant in advance. Upon receiving an estimate of the consultant review cost, the applicant may withdraw the application if he/she wishes.
- D. *Record of review.* Following a determination of approval or denial of a site

plan, the applicant shall be notified by regular mail of the decision of the village council or zoning board of appeals. The notice shall identify any conditions attached to approval, and in the case of denial, it shall identify the basis for denial. A record of the decision shall be filed with the village clerk, including:

1. A copy of the submitted site plan.
2. A copy of the village council's or zoning board of appeals' determination mailed to the applicant.
3. A copy of any meeting minutes related to the site plan.
4. A copy of any other relevant records related to the site plan.

- E. *Appeal of site plan decision.* Any person aggrieved by the decision of the village council in granting or denying a site plan may appeal the decision to the zoning board of appeals. The appeal must be filed within twenty-one (21) days of the decision and must state the basis for the appeal.

(Ord. of 8-30-99, art. 9)

Sec. 15-906. Standards for site plan approval.

All approved site plans shall comply with the appropriate district regulations, parking requirements, general provisions and other requirements of this chapter as they apply to the proposed site plan. In addition, each site plan shall comply with the following requirements:

- A. Sidewalks and other walkways, driveways, parking areas, loading areas and maneuvering lanes will be designed to promote traffic safety, minimize turning movement conflicts, eliminate the stacking of cars within the public right-of-way, minimize vehicle/pedestrian conflicts, provide adequate access for fire, police, ambulance and other emergency services personnel, minimize the number of driveways with access onto major streets, promote adequate spacing between driveways, ensure adequate geometric design of streets and promote shared access.
- B. Adequate transition areas or buffers will be provided between land uses to minimize off-site conflicts due to noise, light, smoke, odor or other nuisances and to maintain physical attractiveness.
- C. Utility service is adequate to serve the needs of the development. Water pressure and capacity are adequate to meet usage and fire fighting needs. Sewer lines are adequate to handle the increased flow projected by the land use, and the village has adequate treatment capacity at the county wastewater treatment plant. Stormwater facilities are adequate to handle any

increased water run off, which will be minimized through the use of stormwater retention and detention facilities when appropriate. The site shall be design to ensure that there is no increase in runoff on to adjacent sites or that existing drainage patterns are harmed.

- D. Physical improvements including sidewalks, drives and parking areas shall be built to adequate standards to minimize premature deterioration.
- E. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spill or discharges to the air, surface of the ground, groundwater, streams, drains or wetlands. Secondary containment for above ground storage of hazardous material shall be provided.

(Ord. of 8-30-99, art. 9)

Sec. 15-907. Conditions.

A. The village council may condition approval of a site plan on conformance with the standards of another local, county or state agency, such as but not limited to the county drain commission, county health department and the department of environmental quality. They may do so when such conditions:

- 1. Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- 2. Would protect the natural environment and conserve natural resources and energy.
- 3. Would ensure compatibility with adjacent uses of land, and
- 4. Would promote the use of land in a socially and economically desirable manner.

B. In determining appropriate conditions, the village council shall ensure that:

- 1. There is a rough proportionality between the cost to the developer to provide an improvement in relationship to the impact to be mitigated; and
- 2. There is a reasonable connection between the condition imposed and the impact it is mitigating.

(Ord. of 8-30-99, art. 9)

Sec. 15-908. Performance guarantees.

In the interest of insuring compliance with the zoning chapter provisions, protecting the natural resources and the health, safety and welfare of the residents of the

Village of Elsie and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the village council or zoning board of appeals may require the applicant to deposit a performance guarantee as set forth herein. Performance guarantees shall be required in instances where an occupancy permit is requested prior to completion of all improvements on an approved site plan. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this chapter, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

- A. Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the zoning administrator.
- B. Where the village council or zoning board of appeals requires a performance guarantee, said performance guarantee shall be deposited with the village treasurer prior to the issuance of a zoning permit. The Village of Elsie shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest bearing account.
- C. An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- D. In the event the performance guarantee deposited is a cash deposit or certified check, the Village of Elsie shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the zoning administrator, and the remaining fifty (50) percent of the deposit funds when one hundred (100) percent of the required improvements are completed as confirmed by the zoning administrator. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee may be applied by said applicant to assure compliance with zoning ordinance standards and the specifications of the approved site plan.
- E. Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the zoning administrator, the treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
- F. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the village, the village shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the

improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the village to complete the improvements for which it was posted, the applicant shall be required to pay the village the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the village use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the village's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Village of Elsie to ensure completion of an improvement associated with the proposed project prior to the village's special approval, the applicant shall not be required to deposit with the Village of Elsie a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the village and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the Village of Elsie regarding the performance guarantee.

(Ord. of 8-30-99, art. 9)

Sec. 15-909. Changes to approved site plans.

A. All work conducted related to a project with an approved site plan shall be in conformance to that site plan. Minor changes to the site plan may be approved by the zoning administrator, as long as the change does not result in:

1. A significant change in the use, intensity or character of the development.
2. A significant increase in lot coverage.
3. A reduction in required off street parking or loading areas or drainage retention or detention capacity.
4. Reduction in pavement widths or utility pipe size.

B. Major changes to a site plan require review and approval as required if the plan were new.

(Ord. of 8-30-99, art. 9)

Sec. 15-910. Expiration of site plan approval.

Approval of a proposed site plan shall expire within one (1) year of approval if a building permit has not been applied for and construction begun based on the site plan. Once construction has begun, the project must be completed within one (1) year.

(Ord. of 8-30-99, art. 9)

Secs. 15-911--15-1000. Reserved.

ARTICLE X.

SPECIAL USE PERMIT REVIEW

Sec. 15-1001. Intent.

The special use permit review procedures are instituted to provide an opportunity for the village council to review a proposed use that due to its characteristics may or may not be appropriate for a given site within a zoning district. The procedure is intended to analyze the potential impact of the proposed uses on surrounding land uses, traffic patterns, environmental features and other community characteristics to determine its suitability for the site and any necessary conditions required to mitigate the impacts.

(Ord. of 8-30-99, art. 10)

Sec. 15-1002. When a special use permit is required.

The establishment of a use listed under the district regulations as requiring a special use permit, or any expansion of such use requires review and approval as outlined in this article.

(Ord. of 8-30-99, art. 10)

Sec. 15-1003. Required information.

An application for a special use permit shall contain the following:

- A. A completed special use permit application on a form provided by the village.
- B. Fifteen (15) copies of a complete site plan meeting the requirements of Article IX.
- C. All necessary fees, as established by the village council.

(Ord. of 8-30-99, art. 10)

Sec. 15-1004. Who approves special use permits.

Special use permit applications are reviewed and approved by the village council.

(Ord. of 8-30-99, art. 10)

Sec. 15-1005. Special use permit review process.

A. *Application procedures.* The applicant shall submit a complete special use permit application to the village clerk at least twenty-one (21) days prior to the village

council meeting at which it is to be reviewed for approval. Prior to the village council making a determination on an application, the village clerk shall submit copies to the zoning administrator, police department, fire department, DPW director, village planner, village engineer, county road commission and county drain commission who shall have ten (10) working days to review and submit their written comments to the village council.

B. *Public hearing.* Upon receipt of an application for a special use permit, a public hearing shall be scheduled for a village council meeting at which the special use permit will be reviewed. One (1) notice of the public hearing shall be published in a newspaper of general circulation in the village and shall be 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 three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than five (5) and not more than fifteen (15) days before 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 (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnership, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnership, business, 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. The notice shall:

1. Describe the nature of the special use request.
2. Indicate the property which is the subject of the special use request.
3. State when and where the public hearing on the special use request will be held.
4. Indicate when and where written comments will be received concerning the request.

C. *Consultant review.* In those instances where the village council determines it is necessary, the village may submit a site plan for review by a professional consultant. The cost of this consultant review shall be paid by the applicant, provided an estimate of the review cost is obtained from the consultant and provided to the applicant in advance. Upon receiving estimate of the consultant review cost, the applicant may withdraw the application if he/she wishes.

D. *Village council decision on special use permit application.* Following a public hearing, the village council shall do one (1) of the following:

1. Approve the special use permit.

2. Approve the special use permit with conditions.
3. Table the special use permit pending required additional information.
4. Disapprove the special use permit.

E. *Village council decision on-site plan.* The site plan required as part of the special use permit application shall be acted on following approval of the special use permit. Disapproval of the special use permit shall infer disapproval of the site plan. Following approval of the special use permit, the village council shall do one (1) of the following:

1. Approve the site plan.
2. Approve the site plan with conditions.
3. Table the site plan pending required additional information.
4. Disapprove the site plan.

F. *Record of review.* Following a determination of approval or denial of a application, the applicant shall be notified by regular mail of the decision of the village council. The notice shall identify any conditions attached to approval, and in the case of denial, it shall identify the basis for denial. A record of the decision shall be filed with the village clerk, including:

1. A copy of the submitted application.
2. A copy of the village council's determination mailed to the applicant.
3. A copy of any meeting minutes related to the application.
4. A copy of any other relevant records related to the application.

The village council shall approve or disapprove a special use permit within sixty (60) days of receiving a complete special use permit application. In approving or disapproving a special use permit application, the village council shall state the basis for their decision.

G. *Appeal of special use decision.* The decision of the village council regarding a special use permit application shall be final. Any person aggrieved by the decision of the village council in granting or denying a special use permit may appeal the decision to circuit court.

(Ord. of 8-30-99, art. 10)

Sec. 15-1006. Conditions.

Conditions may be placed on the special use permit necessary to ensure the proposed use's compatibility with surrounding land uses. These conditions must be directly related to the impacts expected from the proposed use and reasonably proportional to those impacts.

(Ord. of 8-30-99, art. 10)

Sec. 15-1007. Changes to approved special use permit.

All work conducted in relation to a project with an approved special use permit and related site plan shall be in conformance to that permit and site plan. All changes to an approved special use permit must be reviewed and approved following the same procedures as its original approval. Minor changes that do not increase the floor area of a structure by more than one hundred (100) square feet, do not increase required parking or do not affect discretionary authority of the village council in approving the special use permit may be approved by the zoning administrator.

(Ord. of 8-30-99, art. 10)

Sec. 15-1008. Expiration of special use permit approval.

Approval of a special use permit and required site plan shall expire within one (1) year of approval if a building permit has not been applied for and construction begun based on the permit.

(Ord. of 8-30-99, art. 10)

Sec. 15-1009. Basis of determination.

Prior to approval of a special use application and required site plan, the village council shall insure that the standards specified in this subsection, as well as applicable standards established elsewhere in this chapter, shall be satisfied by the completion and operation of the special use under consideration.

- A. *General standards.* The village council shall review the particular circumstances of the special use request under consideration in terms of the following standards, and shall approve a special use request only upon a finding of compliance with each of the standards, as well as applicable standards established elsewhere in this chapter:
1. The proposed special use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
 2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in

relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.

3. The proposed use shall be designed as to the location, size intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating there from which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. The special use shall not place demands on public services and facilities in excess of current capacity.
6. The proposed use shall be so designed, located, planned and operated that the public health, safety and welfare will be protected.
7. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or permitted land uses in the zoning district.

(Ord. of 8-30-99, art. 10)

Secs. 15-1010--15-1100. Reserved.

ARTICLE XI.

LANDSCAPE STANDARDS

Sec. 15-1101. Intent.

The intent of this article is to promote the public health safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping as buffer zones between zoning districts, along roadways, between adjacent buildings and in parking lots. The standards of this article are intended to guide and encourage the protection and enhancement of the environment through requirements for site design and the use of landscape materials. Applicants are encouraged to provide landscaping in addition to the minimum requirements of this chapter to improve the function, appearance and value of their property.

The following diagram shall serve as a general guide for the applicability of these standards:

GRAPHIC UNAVAILABLE:
(Ord. of 8-30-99, art. 11)

Sec. 15-1102. Application.

A. The requirements set forth in this article shall apply to all lots, sites, and parcels which are developed or expanded following the effective date of this chapter [September 21, 1999] and/or are subject to local site plan review. Single family and duplex residential lots are excluded from the provisions of this article. No site plan or land use shall be approved unless said site plan shall show landscaping consistent with the provisions of this article.

The village council may also determine that dimensional conditions unique to the parcel would prevent development of required buffer zones, off-street parking area, landscaping or green belts. If such a determination is made, the village council may grant an exception from the landscaping provisions of this section/article.
(Ord. of 8-30-99, art. 11)

Sec. 15-1103. Minimum buffer zones.

A. A buffer zone shall be provided within the setback between the subject site and all adjacent properties according to the table below. Walls shall typically be prohibited along a public street right-of-way or in a front yard unless specifically approved by the village council. The height of the wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall. All walls shall meet the standards described in section 15-1103A., Wall or fence standards.

Zoning or use of subject site	Zoning of adjacent site			
	Single Family Residential*	Multiple Family	Commercial	Industrial
Commercial	"A" or six (6) foot high wall/berm	"A" or six (6) foot high wall/berm	None	"A"
Multiple Family Residential	"A" or six (6) foot high wall/berm	None	None	None
Industrial	"A" or eight (8) foot high wall/berm	"A" or six (6) foot high wall/berm	"A"	None

"A" = One (1) Deciduous canopy tree and four (4) large shrubs, or one (1) evergreen tree and four (4) large shrubs per each twenty-five (25) linear feet along the property line. All property line distances shall be rounded upward to the nearest foot.

*Where the adjacent property, including property across a public street or private road, is zoned or used as single family residential, the village council may require additional landscaping (trees, shrubs, wall or berm) along the property line or within the site to sufficiently screen the parking lot, vehicle headlights, loading zones, outdoor display areas, storage yards or accessory structures.

B. Wall or fence standards: Required walls or fences shall comply with the standards listed below.

1. Walls or fences shall be located on the lot line except where underground utilities interfere and or where this chapter requires conformance with yard setback lines.
2. Walls or fences shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter, unless specifically approved by the village council.
3. Walls or fences shall be constructed of face brick, pressure treated wood, or comparable nonporous facing materials on the exterior sides facing an affected district.
4. Walls or fences shall be durable, weather resistant, rustproof and easily maintainable. Wood or wood products shall be high quality durable materials as approved by the zoning administrator. Wood fences shall be sight obscuring sufficient to shield light and block blowing debris. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required and shall not reduce minimum height requirement.
5. Walls or fences must be maintained in good condition by the property owner.
6. Bumper blocks shall be required where parking is adjacent to walls.

C. Berm standards: Required berms shall be constructed as landscaped earth mounds with a crest area at least four (4) feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as a earthen slope or retained by means of a wall, terrace or other means acceptable to the zoning administrator. Whenever an earthen slope is provided, it shall be constructed with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3). (Ord. of 8-30-99, art. 11)

Sec. 15-1104. Required parking lot trees and parking lot islands.

Number of Parking Spaces

Zoning district	20--100 parking spaces	101--200 parking spaces	Over 200 spaces
Commercial	One (1) canopy tree per ten (10) spaces	One (1) canopy tree per ten (10) spaces	One (1) canopy tree per twelve (12) spaces
Industrial	One (1) canopy tree per twelve (12) spaces	One (1) canopy tree per fifteen (15) spaces	One (1) canopy tree per fifteen (15) spaces

A. *Tree location.* All of the required parking lot trees shall be placed within the parking lot envelope, described as the area including the parking lot surface and extending fifteen (15) feet from the edge of the parking lot. A minimum of one-third (1/3) of the required trees shall be placed within the interior of the parking area. Landscaping and canopy tree placement shall be dispersed throughout the parking lot in order to balance and soften large areas of pavement and help direct traffic flow within lot.

B. *Tree base.* Each tree shall be surrounded by an area of grass or living ground cover at least one hundred fifty (150) square feet in size to provide for adequate resources of air and water. Tree plantings shall also be protected from automobiles with curbing or other suitable device.

C. *Required parking lot trees.* Shall not be credited towards required greenbelt or buffer trees.

D. *Design of parking lot islands.* All parking lot islands shall be curbed. Islands shall be at least one hundred fifty (150) feet in area. Each island shall be at least ten (10) feet wide, with a depth two (2) feet shorter than the depth of the adjacent parking space. Islands shall have a minimum of ten (10) feet at the ends facing main aisles. Corners of parking lot islands shall have a minimum radius of one (1) foot where island is not adjacent to main traffic aisle.

(Ord. of 8-30-99, art. 11)

Sec. 15-1105. Green belts required along and within right-of-way.

A green belt shall be planted along the right-of-way of any public street. If planting in the right-of-way is not permitted by the road agency with jurisdiction in the right-of-way, or is not acceptable to a utility company, the green belt plantings shall be planted within the required parking lot setback. The village council may allow such planting to be placed anywhere within the front yard if there is no front yard parking. The green belt shall meet the following standards:

A. The green belt shall include only living materials and planting beds, except for approved sidewalks, signs, driveways and essential services.

- B. The green belt shall include one (1) deciduous canopy tree per thirty (30) linear feet of the frontage including any openings for driveways, sidewalks, or easements.
- C. The village council may approve substitution of evergreen trees for up to fifty (50) percent of the required green belt trees upon determining evergreens would be consistent with the existing character of the area.
- D. Greenbelt trees should be arranged to simulate a natural setting such as massing or staggered rows, except where a more formal arrangement is determined to be more consistent with the existing character of the village.
- E. Landscaping materials arrangement shall insure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles and accessibility to fire hydrants. Plant materials within the twenty-five (25) foot site distance triangle shall not be more than thirty (30) inches in height.

(Ord. of 8-30-99, art. 11)

Sec. 15-1106. Plant material specifications.

All plant material shall be free of disease and insects at time of planting, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen ANZI Z60.1.

- A. *Minimum plant material planting size:*
 - 1. Evergreen trees shall be a minimum of five (5) feet in height.
 - 2. Narrow evergreens shall be a minimum of three (3) feet in height.
 - 3. Ornamental trees shall be a minimum of ten (10) feet in height or one and three-fourths (1 3/4) inches caliper.
 - 4. large deciduous shrubs shall be a minimum of four (4) feet in height.
 - 5. Deciduous canopy trees shall be a minimum of fifteen (15) feet in height or two (2) inches caliper.
 - 6. Small evergreen or deciduous ornamental shrubs shall be a minimum of eighteen (18) inches--twenty-four (24) inches spread.
- B. *Plant material spacing.*
 - 1. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.

2. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows and/or grouped informally to create a naturalistic appearance.
 3. Evergreen trees shall be planted not more than fifteen (15) feet on center.
 4. Narrow evergreens shall be planted not more than six (6) feet on center.
 5. Deciduous canopy trees shall be planted not more than twenty-five (25) feet on center.
 6. Ornamental trees shall be planted not more than ten (10) feet on center.
 7. Large deciduous shrubs shall be planted not more than four (4) feet on center.
- C. *Plant material and design variety.* The overall landscape plan shall demonstrate a variety of plant material with not more than fifty (50) percent of any one (1) species utilized throughout the design.
- D. *Suggested (not required) plant materials.*
1. *Evergreen trees.*
 - a. Juniper.
 - b. Hemlock.
 - c. Fir.
 - d. Pine*.
 - e. Spruce.
 - f. Douglas Fir* (Dwarf, Globe, Pendulous, species/Cultivars are not permitted).
 2. *Narrow evergreens*.*
 - a. Column Hinoki Cypress.
 - b. Blue Columnar Chinese Juniper.

- c. Pyramidal Red Cedar.
 - d. Swiss Stone Pine.
 - e. Pyramidal White Pine.
 - f. Irish Yew.
 - g. Douglas Arbor Vitae.
 - h. Columnar Giant Arbor Vitae * (Dwarf, Globe, Pendulous, species/Cultivars are not permitted).
3. *Ornamental trees.*
- a. Flowering crabs.
 - b. Service Berry.
 - c. Dogwood.
 - d. Redbud.
 - e. Hornbeam.
 - f. Hawthorn.
 - g. Magnolia.
4. *Large deciduous shrubs.*
- a. Honeysuckle.
 - b. Viburnum.
 - c. Mock Orange.
 - d. Forsythia.
 - e. Lilac.
 - f. Ninebark.
 - g. Cotoneaster.
 - h. Hazelnuts.

- i. Euonymus.
- j. Privet.
- k. Buckthorn.
- l. Sumac.
- 5. *Deciduous canopy trees.*
 - a. Oakngs.
 - b. Hard Maples.
 - c. Hackberry.
 - d. Birch.
 - e. Beech.
 - f. Ginkgo (male species only).
 - g. Honeylocust (thornless and seedless cultivars only).
 - h. Hop Hornbeam.
 - i. Linden.
- E. *Trees not permitted.*
 - 1. Box Elder.
 - 2. Soft Maples (Silver).
 - 3. Elms.
 - 4. Poplars.
 - 5. Willows.
 - 6. Horse Chestnut (Nut Bearing).
 - 7. Tree of Heaven.
 - 8. Catalpa.

9. Mountain Ash.

10. Butternut.

(Ord. of 8-30-99, art. 11)

Sec. 15-1107. Existing tree preservation incentives.

The standards outlined below are intended to encourage the preservation of quality and mature trees by providing credits, at village council approval, toward the required trees for green belts, buffer zones and within parking lots.

- A. All trees over eight (8) inches caliper shall be identified on the site plan with notations of trees to be preserved and trees to be removed.
- B. Trees intended to be preserved shall be noted with a unique symbol on the site plan and be protected during construction through the use of construction fencing at or beyond the dripline of the tree or trees to be preserved.
- C. Trees to be preserved shall be considered for credit only if they are located on the developed portion of the site as determined by the village council. The village council pursuant to site plan approval may allow credit for such plant material preservation if it will maintain and encourage the intent of the chapter. To obtain credit consideration the preserved trees shall be of a high quality and at least two (2) inches caliper.
- D. Credit consideration for preserved trees shall be:

Preserved tree caliper* (inches)	Number of trees to be credited
Twelve (12) inches and over	3
Eight (8) inches to eleven and ninety-nine one hundredths (11.99) inches	2
Two and one-half (2 1/2) inches to seven and ninety-nine one hundredths (7.99) [inches]	1

*Caliper is the diameter of a tree trunk and shall be measured at a height six (6) inches

above the existing grade up to and including four (4) inch caliper size and twelve (12) inches above the existing grade for larger sizes.

- E. To protect and encourage the continued health and vitality of the preserved trees, the ground within the dripline of the trees shall be maintained in the existing natural state. Storage of soils or other materials during or after construction within the tree dripline is prohibited.
- F. If preserved trees die within three (3) years after construction the property owner shall replace with trees required before credit was allowed. Said trees shall be replaced within sixty (60) days of written notice from the village or within an extended time period as specified in said notice.
- G. The minimum number of required trees shall not be reduced by less than fifty (50) percent through the use of approved tree credits. However, the village council during site plan review, may determine existing landscaping or screening intended to be preserved would provide comparable required landscaping, buffering or screening.

(Ord. of 8-30-99, art. 11)

Sec. 15-1108. Minimum standard for installation and maintenance.

A. *Installation.* Landscaping shall be installed in a sound workman-like manner and conform to the American Standard for Nursery Stock ANSI Z60.1. If building or paving construction is completed during a planting season, then no certificate of occupancy will be issued unless the landscaping meets the requirements herein provided. If building or paving construction is completed in an off planting season, the certificate of occupancy will be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season.

B. *Material removal.* Tree stakes, guy wires and tree wrap are to be removed after one (1) year.

C. *Maintenance.* Greenbelt areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material required by this chapter dies or becomes diseased, they shall be replaced within thirty (30) days of written notice from the village or within an extended time period as specified in said notice.

(Ord. of 8-30-99, art. 11)

Sec. 15-1109. Compliance for pre-existing sites.

In any case where the building and/or parking area is being increased by at least twenty-five (25) percent over the originally approved site plan or the use is being changed to a more intense use, as determined by the village council, the site shall be brought into full compliance with the landscape standards herein. In situations where the increase in

building and/or parking area is less than twenty-five (25) percent over the original site plan, the requirement of new landscaping shall be equal to four (4) percent of compliance for every one (1) percent of increase in building or parking footprint. (Example; a building or parking area increase of ten (10) percent requires a forty (40) percent compliance with the landscape standards. If any development or principal use requiring a certificate of occupancy is destroyed by any means beyond seventy-five (75) percent of the appraised replacement value, the site shall be brought into full compliance with the landscape standards herein.

(Ord. of 8-30-99, art. 12)

Secs. 15-1110--15-1200. Reserved.

ARTICLE XII.

DESIGN STANDARDS

Sec. 15-1201. Purpose.

The purpose of this article is to identify specific design standards required of specific types of uses, both uses permitted by right and those that require a special use permit. These design standards are in addition to district regulations, general provisions and other requirements for uses and structures identified in this chapter.

(Ord. of 8-30-99, art. 12)

Sec. 15-1202. Adult foster care large group homes.

Adult foster care large group homes are permitted by right in the R-3 district provided:

- A. One (1) off-street parking space is provided for each employee in the largest shift, and one (1) space is provided per two (2) residents.
- B. The facility will meet the density requirements for the R-3 district based on one (1) dwelling unit per six (6) household members.
- C. The facility shall maintain a valid state license to operate as an adult foster care medium group home.

(Ord. of 8-30-99, art. 11)

Sec. 15-1203. Adult foster care medium group home.

Adult foster care medium group homes are permitted by right in the R-3 district provided:

- A. One (1) off-street parking space is provided for each employee in the largest shift, and one (1) space is provided per two (2) residents.

- B. The facility will meet the density requirements for the R-3 district based on one (1) dwelling unit per six (6) household members.
- C. The facility shall maintain a valid state license to operate as an adult foster care medium group home.

(Ord. of 8-30-99, art. 12)

Sec. 15-1204. Adult uses.

Adult uses are regulated to protect the community from the negative secondary affects of these uses, including increased crime from an excessive concentration of these uses and the blighting affect these uses have on residential property values. Therefore, adult uses are permitted in the C-2 district by special use permit provided the parcel on which the use is located is:

- A. At least two hundred (200) feet from a residential zoning district.
- B. At least one thousand (1,000) feet from another adult use.

(Ord. of 8-30-99, art. 12)

Sec. 15-1205. Auto sales and display rooms and sales places, new or used.

Auto sales are permitted by right in the C-1 and C-2 districts provided:

- A. The development fronts on and its access is primarily gained from a major street as identified in the Village of Elsie Future Land Use Plan.
- B. Exterior sales and display areas are prohibited in the C-1 zoning district.
- C. Exterior sales area are landscape based on landscaping standards for a parking lot contained in section 15-1103.
- D. Buildings housing accessory uses such as body work, frame straightening or other heavy repair activities shall be setback one hundred (100) feet from residentially zoned parcels. All such work to be performed completely within an enclosed building.
- E. Any areas used for outdoor storage of materials or inoperable vehicles will be shielded from view by fencing, walls or landscaping.

(Ord. of 8-30-99, art. 12)

Sec. 15-1206. Auto wrecking establishments and junk yards.

Auto wrecking and junk yards are permitted by right in the I district provided:

- A. The use is located on a parcel at least ten (10) acres in size.

- B. Any area where whole vehicles, partially dismantled vehicles or parts are stored outside shall be surrounded by an eight (8) foot high obscuring fence meeting the requirements in section 15-1103.B.
- C. The development fronts on and its access is primarily gained from a major street as identified in the Village of Elsie Future Land Use Plan.
- D. Outdoor storage areas or areas where vehicle processing occurs shall be setback one hundred (100) feet from residentially zoned parcels.
- E. All activities must comply with the performance standards contained in this chapter.
- F. Provisions shall be made to ensure that shall be no off-site discharge of materials from storm run-off including oil, anti-freeze, battery acids, etc or discharge into the ground.
- G. All fluids contained in junk vehicles are to be drained before the vehicles are stored on-site, and the fluids shall be disposed of in compliance with state law.

(Ord. of 8-30-99, art. 12)

Sec. 15-1207. Automobile repair garages.

- A. Auto repair garages are permitted by right in the C-2 district provided:
 - 1. The development fronts on and its access is primarily gained from a major street as identified in the Village of Elsie Future Land Use Plan.
 - 2. All work to be performed completely within an enclosed building.
 - 3. Buildings housing intensive activities such as body work, frame straightening or other heavy repair activities shall be setback one hundred (100) feet from residentially zoned parcels. All such work to be performed completely within an enclosed building.
 - 4. Any areas used for outdoor storage of materials or inoperable vehicles will be shielded from view by fencing, walls or landscaping as required in article.
- B. Auto repair garages are permitted by right in the C-1 district provided:
 - 1. The development fronts on and its access is primarily gained from a major street as identified in the Village of Elsie Future Land Use Plan.

2. All work to be performed completely within an enclosed building.
3. Buildings housing intensive activities such as body work, frame straightening or other heavy repair activities shall be setback one hundred (100) feet from residentially zoned parcels. All such work to be performed completely within an enclosed building.
4. Any areas used for outdoor storage of materials or inoperable vehicles will be shielded from view by fencing, walls or landscaping as required in Article XI.
5. The operation shall have a maximum of two (2) vehicle bays.
(Ord. of 8-30-99, art. 12)

Sec. 15-1208. Bakeries, confectioneries, dressmaking, tailoring, upholstering and similar establishments.

Bakeries, confectioneries, dressmaking, tailoring, upholstering and similar establishments are permitted by right in the C-1 and C-2 district provided:

1. All goods or products manufactured or processed on the premises shall be sold at retail on the premises.
2. Where such manufacturing or processing is done on the premises, there shall be not more than five (5) persons employed upon the premises at any one (1) time.
(Ord. of 8-30-99, art. 12)

Sec. 15-1209. Bed and breakfast operations.

Bed and breakfast operations are permitted by special use permit in the R-1 and R-2 district provided:

- A. Customers are limited to a maximum continuous stay of fourteen (14) days.
- B. The bed and breakfast operation is limited to the residence only. Accessory buildings such as garages may not be converted into uses for the bed and breakfast operation.
- C. The owner/operator shall reside in the home.
- D. There will be no change in the exterior appearance out of character with a single family home in the area in which it is located.
- E. Outdoor eating areas shall be designated on the plans and shall only be allowed if they are adequately buffered from adjacent residences.

- F. Off-street parking areas for guests shall not be located in the rear yard and shall be adequately buffered from adjacent residences.

(Ord. of 8-30-99, art. 12)

Sec. 15-1210. Boardinghouses, lodging houses and dormitories.

Boardinghouses, lodging houses and dormitories are permitted by special use permit in the R-3 district provided:

- A. The maximum occupancy shall be two (2) persons per bedroom, except for dormitories. Maximum occupancy of dormitories shall be based fire code requirements and the maximum occupancy allowable without altering the character of the area.

(Ord. of 8-30-99, art. 12)

Sec. 15-1211. Child care facilities.

Child care facilities are permitted by right in the C-1 and C-2 district provided:

- A. All outdoor play areas are to be fenced.
- B. The facility shall be licensed as a child care facility by the State of Michigan.

(Ord. of 8-30-99, art. 12)

Sec. 15-1212. Churches and convents.

Churches and convents are permitted by right in the R-1, R-2 and R-3 districts provided:

- A. Schools and child care facilities may be permitted as an accessory use provided they comply with the applicable design standards identified in this chapter.

(Ord. of 8-30-99, art. 12)

Sec. 15-1213. Clubs.

Clubs are permitted by right in the C-1 and C-2 districts provided:

- A. All club activities are to be undertaken indoors unless outside uses are approved by the village council.

(Ord. of 8-30-99, art. 12)

Sec. 15-1214. Commercial kennels.

Commercial kennels permitted by special use permit in the C-2 district provided:

- A. The facility shall be licensed by the Clinton County Department of Animal Control.
- B. Kennels housing dogs shall be a minimum of one hundred (100) feet from a residential district.
- C. All dog runs must be enclosed and have a concrete surface.
- D. The applicant must identify an acceptable method of disposing of the animal waste.

(Ord. of 8-30-99, art. 12)

Sec. 15-1215. Communication towers.

Communication towers are permitted by special use permit in the C-2 and I districts provided:

- A. The base of the tower shall be no closer to a residential district or any building not associated with the tower than the height of the tower.
- B. The applicant shall demonstrate that no viable alternatives to a stand alone tower exist, including co-location on another tower or similar structure.
- C. The tower and all guy wires shall be fenced to prevent trespassers from climbing the tower.

(Ord. of 8-30-99, art. 12)

Sec. 15-1216. Conversion of single family residences into apartments.

Conversion of single family residences into apartments are permitted by special use permit in the R-2 and R-3 district provided:

- A. Each apartment shall comply with the requirement for minimum size contained in section 15-312.
- B. A minimum of two (2) off-street parking spaces shall be provided per apartment.

(Ord. of 8-30-99, art. 12)

Sec. 15-1217. Drive-in and drive thru facilities.

Drive-in and drive thru facilities are permitted by special use permit in the C-2 district provided:

- A. The minimum width of that portion of the lot fronting on a major street shall be one hundred (100) feet.
- B. The minimum separation of entrance and exit drives shall be sixty (60) feet.
- C. On corner lots, driveways shall be a minimum of sixty (60) feet from the intersection of the right-of-way lines.

(Ord. of 8-30-99, art. 12)

Sec. 15-1218. For-profit recreational facilities.

For-profit recreational facilities are permitted by special use permit in the A district provided:

- A. The facility is located on a major street.
- B. No building or spectator seating shall be located within one hundred (100) feet of a lot line or two hundred fifty (250) feet of a residential district.

(Ord. of 8-30-99, art. 12)

Sec. 15-1219. Gasoline filling stations and service stations.

Gasoline filling stations and service stations are permitted by special use permit in the C-2 district provided:

- A. A minimum of two hundred (200) feet of street frontage is provided on a major street.
- B. On a corner lot a driveway shall be a minimum of sixty (60) feet from the intersection of the right-of-way lines.
- C. Gas pumps shall be a minimum of forty (40) feet from the edge of the right-of-way.
- D. Non operational vehicles shall be stored in a fenced enclosure or inside a building.

(Ord. of 8-30-99, art. 12)

Sec. 15-1220. Golf courses and country clubs.

Golf courses and country clubs are permitted by special use permit in the A district

provided:

- A. Accessory uses such as a club house, restaurant, pro shop or swimming pool shall setback at least one hundred (100) feet from an adjacent residential district.

(Ord. of 8-30-99, art. 12)

Sec. 15-1221. Group day care homes.

Group day care homes are permitted by special use permit in the R-1, R-2 and R-3 districts provided:

- A. The facility is licensed by the State of Michigan as a family day care home.
- B. Fencing is provided around any outdoor play areas.
- C. The building retains the appearance of a single family residence.
- D. The use does not exceed sixteen (16) hours of operation in a twenty-four (24) hour period.

(Ord. of 8-30-99, art. 12)

Sec. 15-1222. Heavy industrial uses.

Heavy industrial uses are permitted by special use permit in the I district provided:

- A. Access is provided by an all weather street.
- B. Any manufacturing activity shall be a minimum of two hundred fifty (250) feet from a residential district.

(Ord. of 8-30-99, art. 12)

Sec. 15-1223. Home occupations.

Home occupations are permitted by special use permit in the A, R-1, R-2, R-3 and R-4 district provided:

- A. The occupation shall not occupy more than twenty-five (25) percent of the floor area of the residence.
- B. The home shall retain the character of a single family residence.
- C. The home occupation shall not be conducted inside an accessory structure.
- D. The home occupation shall not generate additional traffic out of character with a residential use.

E. Adequate off-street parking shall be provided to for the home occupation.
(Ord. of 8-30-99, art. 12)

Sec. 15-1224. Hospitals or clinics.

Hospitals or clinics are permitted by right in the C-1 and C-2 district provided:

A. The parcel has access from a major street.

B. Ingress and egress of emergency room traffic will be properly buffered from adjacent residential districts.

(Ord. of 8-30-99, art. 12)

Sec. 15-1225. The keeping of farm animals for non-commercial purposes.

Farm animals for non-commercial purposes are permitted by special use permit in the A district provided:

A. For purposes of 4-H projects and other temporary similar uses, the village council may grant a temporary special use permit with specific time limits.

(Ord. of 8-30-99, art. 12)

Sec. 15-1226. Lumber yards, building materials storage yards, coal yards and contractor equipment storage.

Lumber yards, building materials storage yards, coal yards and contractor equipment storage are permitted by right in the I district provided:

A. The parcel has access from a major street.

B. All areas of open storage shall be screened from adjacent residential districts.

(Ord. of 8-30-99, art. 12)

Sec. 15-1227. Mini-warehouse facilities.

Mini warehouse facilities are permitted by special use permit in the C-2 district and permitted by right in the I district provided:

A. The parcel has access from a major street.

B. Open storage areas shall be permitted in the I district only and shall be fenced. Open storage areas shall be designated on the plans and shall only be allowed if they are adequately screened from adjacent residences and public roadways.

C. All areas shall be screened from any adjacent residential districts.
(Ord. of 8-30-99, art. 12)

Sec. 15-1228. Residential planned unit development (PUD).

It is the purpose of this section to encourage more imaginative and liveable housing environments within the R-3 district through a planned reduction or averaging of the individual lot area requirements, providing the overall density requirements for the district remain the same. Such averaging or reduction of lot area requirements shall only be permitted when a developer plans and develops a tract of land as a single entity rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a special use permit may be issued for a PUD, provided the following standards are complied with:

- A. *Objectives:* The following objectives shall be considered in reviewing any application for a special use permit for a PUD.
1. To provide a more desirable living environment, the natural character of open fields, woodlot, streams, floodplains, wetlands, slopes, and other natural features shall be preserved.
 2. The provision of open space, pedestrian trails and recreational facilities shall be encouraged.
 3. A creative and imaginative approach in the development of a residential area shall be encouraged.
 4. A mixture of housing types shall be encouraged.
- B. *Qualifying conditions:* An application for special use permit shall comply with the following conditions to qualify for consideration as a PUD:
1. The site shall be not less than ten (10) acres in area and shall be under the control of one (1) owner or one (1) group of owners.
 2. The site shall be located in the R-1 district.
 3. The development shall be serviced by public water and sewer facilities.
- C. *Permitted uses:* The following uses are permitted within a PUD:
1. All uses permitted by right or by special use permit in the R-1 district, subject to all design standards.
 2. Two-family dwellings.

3. Townhouses, row houses, or other similar housing types, provided that there shall be no more than four (4) dwelling units in any contiguous group.
 4. Recreational uses and open space dedicated to the uses of the owners or occupants of the PUD or village.
- D. *Lot size variation procedure:* The lot area for a PUD may be averaged or reduced from the minimum required for the R-1 district by compliance with the following procedures:
1. The gross acreage proposed of the parcel proposed for a PUD shall be computed to determine the total land available for development into lots under the minimum lot size requirements of the R-1 district.

In calculating the gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this provision:
 - a. Lands located in wetlands or floodplains.
 - b. Lakes, streams, ponds or rivers.
 - c. Lands utilized by public utilities for as easements for facilities such as transmission lines, sewer lines, water mains, rights-of-way, or other similar lands which are not available for development because of an easement.
 2. Maximum number of lots and dwelling units: After calculating the gross area available for development, the number of lots and/or dwelling units that may be approved shall be computed by subtracting ten (10) percent for street right-of-way purposes and dividing the remaining net area by the minimum lot area requirement for the R-1 district.
 3. Permissive minimum lot area: Lot sizes within a PUD shall not be reduced in area below the following minimum standards:
 - a. One-family detached dwelling units: Eight thousand (8,000) square feet.
 - b. Two-family dwellings: Twelve thousand (12,000) square feet.

- c. Multi-family residential dwellings: Three thousand (3,000) square feet per each individual dwelling unit.
- 4. Permissive minimum yard requirements: Each lot shall have at least the following minimum yards:
 - a. Front yard: Ten (10) feet for all dwellings, provided that front yard requirements may be further reduced by the village council if such reduction is necessary to comply with the objectives of this section.
 - b. Side yard: Eight (8) feet on each side for all one- and two-family dwellings; For multi-family dwellings, there shall be a minimum of fifteen (15) feet between attached groups of dwelling units.
 - c. Rear yard: Ten (10) feet for all dwellings.
- E. *Open space requirements:* For each square foot of land gained through the averaging or reductions of lot sizes, equal amounts of land shall be provided in open space. All open space, woodlet, recreational area, or other open land areas shall be set aside as either common land for the use of all home owners or occupants within the PUD or dedicated as park land for the use of the general public, as determined by the developer.

(Ord. of 8-30-99, art. 12)

Sec. 15-1229. Schools, museums, libraries, art galleries and institutions of an educational nature.

Schools, museums, libraries, art galleries and institutions of an educational nature. are permitted by right in the R-1, R-2 and R-3 district provided:

- A. Areas for school buses waiting to pick-up or drop off students shall be located off-street.
- B. Recreation areas and parking areas shall be buffered by a solid fence or approved landscaping when adjacent to a residential district.

(Ord. of 8-30-99, art. 12)

Sec. 15-1230. Stockyards and sales barns.

Stockyards and sales barns are permitted by right in the I district provided:

- A. Buildings or pens shall be a minimum of six hundred (600) feet from a residential district.

- B. Access will be off a major street.
- C. The applicant must identify an acceptable method of disposing of the animal waste.

(Ord. of 8-30-99, art. 12)

Sec. 15-1231. Veterinary clinics and hospitals.

Veterinary clinics and hospitals are permitted by special use permit in the C-2 and I district provided:

- A. Kennels housing dogs shall be a minimum of one hundred (100) feet from a residential district.
- B. All dog runs must be enclosed and have a concrete surface.
- C. The applicant must identify an acceptable method of disposing of the animal waste.

(Ord. of 8-30-99, art. 12)

Secs. 15-1232--15-1300. Reserved.

ARTICLE XIII.

CONDOMINIUMS

Sec. 15-1301. Intent.

The intent of this article is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality of design to property divided and developed by other methods.

(Ord. of 8-30-99, art. 13)

Sec. 15-1302. Review requirements.

In order to ensure compliance with this chapter, all condominium developments shall go through the site plan review process, including developments consisting solely of single-family or duplex residences, that may otherwise not be required to prepare a site plan. In addition to the information required on the site plan, all applicants for condominium site plan review shall submit the following information.

- A. A copy of the proposed condominium master deed.
- B. A copy of the proposed condominium subdivision plan (this may replace the site plan normally required for site plan review).

C. A copy of the proposed condominium by laws.
(Ord. of 8-30-99, art. 13)

Sec. 15-1303. Zoning ordinance standards.

A. *Lot size.* In conventional condominium development the entire site must meet the minimum lot size requirements for the zoning district the parcel is located in. For site condominiums developments, each condominium unit and its associated limited common area are considered equivalent to a "lot" and must meet the minimum lot size requirements for the zoning district in which the parcel is located.

B. *Setbacks.* In conventional condominium development the buildings must be setback from the sites boundaries as required in the zoning district the parcel is located in while the setback from other buildings must meet the building setback requirements of the R-3 Multiple Family district. For site condominium developments the setbacks shall be from the outer edge of the "lot" consisting of a condominium units and their associated limited common area, and shall be consistent with the setbacks for principal structures in the zoning district in which it is located.
(Ord. of 8-30-99, art. 13)

Sec. 15-1304. Condominium design requirements.

Conventional and site condominium developments shall comply with all applicable design standards in the Village of Elsie Zoning Ordinance. Streets, utilities and other infrastructure shall be consistent with the infrastructure standards adopted by the Village of Elsie. In addition, site condominiums shall comply with the design standards contained in the Village of Elsie Subdivision Control Ordinance.
(Ord. of 8-30-99, art. 13)

Sec. 15-1305. Survey requirements.

Conventional condominiums shall comply with the monumenting requirements contained in the Condominium Act, PA 59 of 1978. Site condominium shall comply with the following requirements:

- A. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within their traveled portion of a street to mark angles in the boundary of the subdivision if the angles points can be readily reestablished by reference to monuments along the sidelines of the streets.
- B. All monuments used shall be made of solid iron or steel at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- C. Monuments shall be located in the ground at all angles in the boundaries of

the site condominium; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium; at the points of curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.

- D. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.
- E. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- F. All required monuments shall be placed flush with the ground where practicable.
- G. The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a "lot" under this chapter shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch diameter, or other approved markers.
- H. The village council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on condition that the proprietor deposits with the village cash or a certified check, or irrevocable bank letter of credit running to the village, whichever the proprietor selects, in an amount not less than one hundred dollars (\$100.00) per monument and not less than four hundred dollars (\$400.00) in total, except that lot corner markers shall be at the rate of not less than twenty-five (\$25.00) per markers. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults the village shall promptly require a surveyor to locate the monuments and markers in the grounds as certified on the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

(Ord. of 8-30-99, art. 13)

Secs. 15-1306--15-1400. Reserved.

ARTICLE XIV.**ZONING BOARD OF APPEALS****Sec. 15-1401. Appointment; duties and procedures.**

A. The village council shall appoint a zoning board of appeals consisting of five (5) members, each of whom shall have a term of three (3) years. Appointment of the first members shall be as follows: Two (2) members for one (1) year, two (2) members for two (2) years and one (1) member for three (3) years so that the members terms shall be staggered. Any person appointed to replace a member who's term has not expired shall serve the balance of that term and then may be appointed for a full three (3) year term. Compensation for the ZBA members shall be determined by the village council.

B. The village council shall also appoint two (2) alternate members for the same terms as regular members of the zoning board of appeals. The first member so appointed shall serve for a term of two (2) years and the second alternate member shall serve for a term of three (3) years. Thereafter, all appointments shall be made for three (3) years. The alternate members shall be called on a rotating basis to sit as regular members of the zoning board of appeals in the absence of a regular member. Upon notification of the planned absence of a regular zoning board of appeals member, an alternate member shall be designated to attend the meeting in place of the regular member. If another regular member should also be absent, the other alternate shall be designated to sit in that regular member's place. If only one (1) alternate member is needed for a meeting, the next time an alternate member is needed, the other alternate shall first be designated to serve. Alternate members shall have the same voting rights as regular members of the zoning board of appeals. 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. In such circumstance, the alternate member shall serve in that case until a final decision has been made.

C. The board of appeals shall fix the rules and regulations to govern its procedure in acting upon appeals and shall hear and decide appeals and review any order, requirement, decision or determination made by the administrative officials charged with the enforcement of this chapter.

D. The concurring vote of three (3) members of the 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 on which the board is required to pass under this chapter or to effect any variation of this chapter.
(Ord. of 8-30-99, art. 14)

Sec. 15-1402. Hearings.

A. Upon receipt of an application for an issue to be addressed by the zoning board of appeals, a hearing shall be scheduled at which the issue shall be reviewed. One (1)

notice of the hearing shall be published in a newspaper of general circulation in the village and shall be sent by mail or personal delivery to the owners of property for which approval is being considered. For issues involving a specific parcel of land, notice shall be mailed to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than five (5) and not more than fifteen (15) days before 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 (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnership, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnership, business, 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. The notice shall:

1. Describe the nature of the application to the zoning board of appeals.
2. Indicate the property which is the subject of the application.
3. State when and where the hearing on the application will be held.
4. Indicate when and where written comments will be received concerning the application.

B. The ZBA shall render a decision within thirty (30) days of the hearing on the application unless the time limit is extended by mutual consent of the ZBA and the applicant.

C. In making their decision, the ZBA shall identify their findings of fact and how these facts, as they relate to the standards for approval outlined in this chapter, support their decision.

(Ord. of 8-30-99, art. 14)

Sec. 15-1403. Conditions.

Conditions may be placed on the affirmative decision by the ZBA on applications presented to it which are necessary to ensure the proposed use's compatibility with surrounding land uses and which ensure the approval meets the spirit of this chapter. These conditions must be directly related to the impacts expected from the proposed use and be reasonably proportional to those impacts.

(Ord. of 8-30-99, art. 14)

Sec. 15-1404. Performance guarantee.

The village may require a performance guarantee in the form of a cash deposit, certified check, irrevocable letter of credit or surety bond acceptable to the village to ensure the completion of improvements required to protect natural resources or the health safety and welfare of the residents of the village and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage.

(Ord. of 8-30-99, art. 14)

Sec. 15-1405. Powers.

The zoning board of appeals shall have the power to:

- A. Interpret the provisions of this chapter.
- B. Authorize variances from the provisions of this chapter.
- C. Hear appeals of administrative decisions including site plan approvals.
- D. Permit the expansion of a non-conforming use by for the enlargement of an existing building or the erection of additional buildings on the same lot or plat of ground that would otherwise violate section 15-701 of this chapter, where such enlargement or expansion will not be detrimental to or tend to alter the character of the neighborhood.
- E. Grant a permit for the construction, within a period not to exceed six (6) months, of a nonconforming use which has been destroyed by fire or other calamity to an extent of not more than fifty (50) percent of its fair cash market value.

The zoning board of appeals may not change the classification of any property on the zoning map, or permit a use that is not otherwise allowed in a given zoning district.

(Ord. of 8-30-99, art. 14)

Sec. 15-1406. Variances.

The board of appeals shall have the authority in specific cases, after public notice and hearing and subject to appropriate consideration and safeguards, to determine and vary the height and area regulations established in this chapter provided the applicant can show that the variance is necessary to relieve a practical difficulty created by the ordinance requirement. To demonstrate a practical difficulty, the applicant must show that:

- A. The standard for which the variance is being granted would unreasonably prevent the owner from using the property for a permitted purpose or would

render conformity unnecessarily burdensome.

- B. The variance would do substantial justice to the applicant as well as to other property owners in the district and a lesser relaxation of the standard would not provide substantial relief and be more consistent with justice to others.
- C. The problem is due to circumstances unique to the property and not to general conditions in the area.
- D. The problem is not self created.

In addition, that applicant must demonstrate that issuance of the variance would still ensure that the spirit of the chapter is observed, public safety secured and substantial justice done.

(Ord. of 8-30-99, art. 14)

Sec. 15-1407. Interpretations.

The zoning board of appeals shall have the authority to interpret the provisions of this chapter including:

- A. Identify when a proposed use fits within a broader classification of uses listed in Article III of this chapter. In doing so the ZBA may not interpret that a specific use is included in a broader class of uses identified in the ordinance if that specific use is listed separately elsewhere in the district regulations.
- B. Determine the appropriate zoning classification for a specific use that is not listed in Article III of this chapter and which cannot be inferred as being included in a broader class of uses listed there. In making this interpretation the ZBA shall compare the proposed use with uses permitted in various districts and identify their off-site impacts including traffic generation; normal hours of operation; noise, smoke, odor or other nuisances and the generation, storage or handling of hazardous materials.
- C. Identify the exact location of zoning district boundaries, using the rules of interpretation included in Article III of this chapter.
- D. Interpret the meaning of terms used in this chapter. In interpreting the meaning of terms, the ZBA will give weight to the terms used as it relates to the intent and spirit of the chapter.

(Ord. of 8-30-99, art. 14)

Sec. 15-1408. Appeals.

- A. Appeals under this chapter shall be taken within thirty (30) days of the

decision or action being appealed, by filing with the officer or body from whom the appeal is taken and with the board of appeals a notice of appeal, specifying the grounds thereof. Such appeals may be taken by any person aggrieved or by an officer, department or board of the village. The officer or body from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record on which the action for appeal was taken.

B. An appeal under this chapter stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals, after the notice of appeal has been filed with him, that by reason of the facts stated in the certificate a stay would in his 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 or notice to the officer from whom the appeal is taken and on due cause shown.

C. The board of appeals may reverse or affirm, wholly or in part, or by modifying 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 officer from whom the appeal is taken.

(Ord. of 8-30-99, art. 14)

Secs. 15-1409--15-1500. Reserved.

ARTICLE XV.

AMENDMENTS

Sec. 15-1501. Initiating amendments.

A. An amendment to the text of this chapter may be initiated by any qualified voter resident in the village upon the filing with the village clerk of a petition containing the proposed text change and endorsed by village electors numbering not less than five (5) percent of the number of village electors voting for the office of the governor at the last election at which a governor was elected, and accompanied by any necessary documents.

B. Any proposal for an amendment to the zoning ordinance map may be initiated by any owner of an interest in the parcel as to the rezoning of such parcel upon the filing of an application for rezoning with the village clerk, accompanied by a map at a scale of not less than one (1) inch = fifty (50) feet showing the subject parcel in relation to adjoining parcels of land, and the necessary fees for such zone change.

C. Any proposal for an amendment to the zoning ordinance text or map may be initiated by the village council or the ZBA, upon filing with the village zoning administrator a resolution duly adopted and proposing an amendment.

(Ord. of 8-30-99, art. 15)

Sec. 15-1502. Procedures.

A. The village clerk shall give notice of the time and place of the village council meeting at which the amendment will be heard, by a publication in a newspaper of general circulation in the village.

1. The notice shall be published not less than fifteen (15) days from the date of such hearing.
2. The notice shall include the places and times at which the proposed amendment may be examined prior to the meeting.

B. The village clerk shall give similar notice by mail of the time and place of such hearing to the owner or owners of the property or properties in question as well as all the owners of property within three hundred (300) feet of the parcel as identified in the most recent tax roll of the village, at least fifteen (15) days before the hearing. Notice shall also be given in similar fashion to each public utility company and to each railroad company owning or operating any public utility or railroad within districts affected that registers its name and mailing address with the village clerk for the purpose of receiving the notice. Notice shall also be sent to Duplain Township if the property in question is within five hundred (500) feet of the township line. An affidavit of mailing shall be maintained.

C. At the public hearing where the proposed zoning ordinance amendment is considered, the village council shall provide the public and the applicant with a reasonable opportunity to comment on the proposal.

D. Following the public hearing, the village council shall consider the request. At the meeting the council may approve, disapprove or table the request for further study. In making a decision on the proposed amendment, the village council shall consider the following:

1. The use requested shall be consistent with and promote the intent and purpose of this chapter.
2. The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment, and the capabilities of public services affected by the proposed land use.
3. The land use sought is consistent with the public health, safety, and welfare of the Village of Elsie.
4. The proposed use is consistent with the Village Land Use Plan or a determination that the plan is not applicable due to a mistake in the plan, changes in relevant conditions or changes in relevant plan policies.

E. If prior to voting on a rezoning, the village council is presented with a protest petition signed by one (1) of the following:

1. The owners of at least twenty (20) percent of land, excluding publicly owned land, proposed to be rezoned;
2. The owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the rezoning, excluding publicly owned land;

Then a zoning text or map amendment shall require a two-thirds (1/3) majority vote of the members elected to be approved.

F. Following adoption of the zoning amendment, one (1) notice of adoption shall be published in a newspaper of general circulation in the village within fifteen (15) days of adoption. The notice shall include:

1. A summary of the regulatory effect of the amendment or the actual text of the amendment.
2. The effective date of the ordinance.
3. The place and time where a copy of the ordinance may be purchased or inspected.

(Ord. of 8-30-99, art. 15)

Secs. 15-1503--15-1600. Reserved.

ARTICLE XVI.

VALIDITY, REPEAL, EFFECTIVE DATE

Sec. 15-1601. Validity.

Should any section, clause or provision of this chapter be declared by the courts to be invalid, the same shall not affect the validity of this chapter as a whole or any part thereof, other than the part so declared to be invalid.

(Ord. of 8-30-99, art. 16)

Sec. 15-1602. Repeal of conflicting ordinances.

All other ordinances and parts of ordinances, or amendments thereto, of the Village of Elsie, in conflict with the provisions of this chapter are hereby repealed.

(Ord. of 8-30-99, art. 16)

Sec. 15-1603. Effective date.

This chapter shall take effect on September 21, 1999.

Date of public hearing: August 30, 1999.

Date of adoption: August 30, 1999.

(Ord. of 8-30-99, art. 16)

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