

**ZONING ORDINANCE
CITY OF
STEPHENSON, MICHIGAN**

Republished in 2023 by Order of the City Council



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of the
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PREFACE TO THE REPUBLICATION

This Code constitutes a republication of the general and permanent ordinances of the City of Stephenson, Michigan.

Source materials used in the preparation of the republication were the Zoning Ordinance and subsequent ordinances. The source of each new section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is part of the Zoning Ordinance. By use of the comparative tables appearing in the back of this republication, the reader can locate any section of the Ordinance, as updated.

Acknowledgments

The publisher is most grateful to Karma Tessmer, City Clerk, for her cooperation and assistance during the progress of the work on this republication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the City readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

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ARTICLE 1 ZONING TITLE, PURPOSE, DEFINITIONS

Sec. 9-1. Short title.

This Chapter shall be known, cited and referred to as the "The City Stephenson Zoning Ordinance".

Sec. 9-2. Purpose and intent.

This Chapter is adopted for the purpose of improving and protecting the public health, safety, and general welfare of the City residents. This is to be accomplished by fulfilling the following objectives:

1. To reduce congestion on public streets.
2. To avoid undue concentration of population.

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3. To prevent the overcrowding of land, thereby ensuring proper living and working conditions and preventing the development of blight and slums.
 4. To establish adequate standards for the provision of light, air and open spaces.
 5. To facilitate that adequate public services such as transportation, water, sewerage and open space are provided.
 6. To zone all properties in a manner to conserve the value of buildings and encourage the most appropriate use of land throughout the City.
 7. To protect from harmful encroachment by incompatible uses.
 8. To provide reasonable standards to which buildings and structures shall conform.
 9. To prevent structural additions, and alterations or remodeling of, existing buildings that would not comply with the provisions of this ordinance.
 10. To encourage a compatible land use pattern between residential, business and industrial uses.
 11. To define the powers and duties of the administrative and enforcement officers and bodies.
 12. To prescribe penalties for any violation of the provisions of this Ordinance, or of any subsequent amendments hereto.

The standards and requirements contained in this Ordinance and the district mapping reflected on the City Zoning Map are intended to implement all elements of the Comprehensive Plan, including the land use component, and the planning policies of the City.

Sec. 9-3. Interpretation.

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Where the conditions imposed by any provision of this Ordinance, upon the use of buildings, structures or land, or upon the bulk of buildings or structures, are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

This Ordinance is not intended to abrogate any easement, covenant or any other private agreement; provided that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this Ordinance shall govern.

Sec. 9-4. Separability.

The several provisions of this Ordinance are separable, as follows:

1. If any court of competent jurisdiction shall determine any provision of this Ordinance, or any amendment hereto, to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
 - a. If any court of competent jurisdiction shall determine invalid the application of any provision of this Ordinance, or any amendment hereto, to a particular building, structure or parcel of land, such judgment shall not affect the application of said provision to any other building, structure or parcel of land not specifically included in said judgment.

Sec. 9-5. Scope of regulations.

All buildings or structures erected hereafter, all uses of buildings, structures or land established hereafter, and all structural alteration or relocation of existing buildings or structures occurring hereafter shall be subject to all regulations of this Ordinance, or any amendment hereto, which are applicable to the zoning districts in which such buildings, structures or parcels of land shall be located.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date hereof, or any amendment hereto, and provided that construction was begun before the effective date hereof, or any amendment hereto, and completion is accomplished within eighteen (18) months of the adoption of these regulations, or any amendment hereto, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may, upon completion, be occupied for the use for which originally designated, subject thereafter to the provisions of Section 9-21 of this Ordinance.

Sec. 9-6. Definitions.

The following definitions of word use shall apply:

1. Words used in the present tense shall include the future.
2. Words used in the singular number shall include the plural number and the plural the singular.
3. The word "shall" is mandatory and not discretionary.
4. The word "may" is permissive.
5. The word "lot" shall include the words "piece", "parcel" and "plot".
6. The phrase "used for" shall include the phrases "maintained for" and "occupied for".
7. The phrase "designed for" shall include the phrases "arranged for" and "intended for".
8. All "measured distances" shall be to nearest foot. If a fraction is one-half foot (1/2') or less, the full number next below shall be taken.

ACCESSORY BUILDING, STRUCTURE: A subordinate building or structure, separate from the principal building or structure, the use of which is incidental to that of the principal use of the principal building, structure or use of the land.

ACCESSORY USE: A land use incidental to and commonly associated with a principal use may; provided they are operated and maintained under the same ownership and on the same lot as the permitted use and do not include structural features inconsistent with the permitted use.

ANIMAL HOSPITAL: A building, structure or portion thereof designed or used for the care, observation or treatment of domestic animals, but not including kennels as an accessory use.

AUTOMOBILE SERVICE STATION: A building, structure or parcel of land used as follows:

- a. Dispensing, sale or offering for sale at retail to the public gasoline stored only in underground tanks, kerosene, lubricating oil, or grease for the operation of motor vehicles.
- b. The sale and installation of tires, batteries and other minor accessories and services for motor vehicles.
- c. Washing of motor vehicles.

BASEMENT: That portion of a building or structure which has more than fifty percent (50%) BELOW GRADE or of its ceiling grade.

BED & BREAKFAST FACILITY: A bed and breakfast facility is a dwelling licensed to serve overnight guests in a residence for a fee. Such a facility shall be owner occupied with the owner operating the facility as proprietor.

BOARDING HOUSE: A residential building, structure or portion thereof which contains boarding rooms for rent accommodating persons who are not members of the owner's family and which is other than a dormitory, hotel or motel or bed and breakfast facility.

BUFFER AREA: A landscaped area intended to separate and reduce harmful impacts of adjoining land uses or structures.

BUILDING: Any structure built, used, designed or intended for the support, shelter, protection or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the land.

BUILDING, NONCONFORMING: A building which exists upon the effective date of adoption or amendment of this Ordinance and which does not comply with the conditions, area requirements, lot width requirements, yard requirements, height limitations, bulk regulations or off-street parking and loading requirements of the zoning district in which said building is located by reason of the adoption or amendment of this Ordinance.

BUILDING, PRINCIPAL: A building or structure in which a principal use is conducted (also termed "principal structure").

BUILDING, TEMPORARY: A building not designed or intended for permanent occupancy nor for the permanent protection of animals or property of any kind.

BULK: The term used to describe the size of buildings or structures, and their relationships to each other and to open areas and lot lines, including the following:

- a. The size of a building or structure; and
- b. The area of the lot upon which a building or structure is located, and the number of dwelling units within such building or structure in relation to the area of the lot; and
- c. The shape of a building or structure; and
- d. The location of exterior walls of a building or structure in relation to lot lines, to other walls of the same building or structure, to legally required windows, or to other buildings or structures; and
- e. All open areas relating to a building or structure and their relationship thereto.

CARPORT: A structure adjacent or attached to a dwelling with a roof and two (2) or less sides.

CAR WASH: A building, structure or portion thereof containing facilities for washing motor vehicles.

CHURCH: An institution that people regularly attend to participate in or hold religious services, meetings and other activities accessory to such uses (also to include the term "Place of Worship").

CITY ZONING ADMINISTRATOR: The person designated by Section 9-24 of this Ordinance as the officer responsible for enforcing and administering all requirements of this Ordinance.

CLINIC, MEDICAL or DENTAL: A building, structure or portion thereof in which patients who are not lodged overnight are admitted for examination and treatment by one (1) or more medical or dental practitioners with such facility occupied as offices for more than one (1) practitioner.

CLUB: A non-profit corporation or association of persons for the promotion of some common purpose, including but not limited to art, literature, science, politics and good fellowship.

CONDITIONS and RESTRICTIONS: Provisions and limitations which may be imposed upon a building, structure or parcel of land at the time the City Council grants a variance, amendment or special use.

CONVALESCENT HOME: A building or structure which is used, designed or intended for the care of the aged or infirm, or for those suffering bodily disorders and which does not contain the facilities nor render the services normally associated with a hospital.

DAY CARE CENTER: A facility which exclusively provides supplemental parental care and supervision and/or educational instruction to children during the entire day or any portion of the day.

DISTRICT BOUNDARY LINE: A line which marks the separation between two (2) zoning districts.

DISTRICT, BUSINESS: Any one of the following zoning districts: B1, B2, OC.

DISTRICT, INDUSTRIAL: Any one of the following zoning districts: ORI, and I.

DISTRICT, RESIDENCE: Any one of the following zoning districts: R1, R2, R3 and AG.

DISTRICT, ZONING: A portion of the corporate area of the City within which specific regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

DRINKING ESTABLISHMENT: A building, structure or portion thereof where liquors are sold to be consumed on the premises, but not including eating establishments where the principal use is serving food.

DRIVE-IN ESTABLISHMENT: A business which is operated for the sale and purchase at retail of food and other goods, services or entertainment and which is designed and equipped so as to allow patrons to be served or accommodated while remaining in their automobiles.

DRIVE-THROUGH: See Drive-In Establishment.

DRY CLEANING ESTABLISHMENT: A business which handles on the premises and washing, drying, dry-cleaning and ironing of clothes, including pick-up and delivery services.

DUPLEX: Dwelling containing two (2) separate housekeeping units, also known as a two-family dwelling as defined below.

DWELLING: A building, structure or portion thereof designed or used exclusively for residential occupancy, including single-family detached dwellings, two-family dwellings, duplexes, single-family attached dwellings, multiple-family dwellings, boarding and rooming houses, dormitories, and apartment hotels, but excluding cabins, tents, hotels, motels, trailers and recreational vehicles.

DWELLING, MULTIPLE-FAMILY: A building, structure or portion thereof containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY ATTACHED: A building, structure or portion thereof containing two (2) or more attached single-family dwellings where the units are primarily connected horizontally with each dwelling unit having separate private entrances.

DWELLING, SINGLE-FAMILY DETACHED: A building or structure containing one (1) dwelling unit which is entirely surrounded by open space, but not including mobile homes.

DWELLING, TWO-FAMILY: A building or structure containing two (2) dwelling units designed for and as two (2) separate housekeeping facilities.

DWELLING UNIT: A room or group of rooms forming a housekeeping establishment unit with separate facilities that are used or intended to be used for toilets, bathing, living, sleeping, cooking and eating.

EATING ESTABLISHMENT: A building, structure or portion thereof within which food is offered for sale and which permits consumption within the building or structure.

FAMILY: Any number of individuals living together as a single non-profit housekeeping unit provided that a group of more than four (4) persons not related by blood, marriage, legal adoption, or foster care status shall not be deemed to constitute a family except as provided in Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988.

FARMING: The use of land for agricultural purposes, including agriculture, floriculture, forestry, grazing of dairy animals, greenhouses, hatcheries, horticulture, nurseries, orchards, paddocks, truck farming, and raising of fur-bearing animals and poultry.

FENCE: A structure which is used as a boundary or means of protection or confinement and which is made of manufactured material.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building or structure measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings or structures. The "floor area" of a building or structure shall include: basement floor area, elevator shafts, stairwells, floor space used for mechanical equipment (except equipment located on the roof), penthouses, attic space having head room of seven and one-half feet (7.5') or more, interior balconies and mezzanines, enclosed porches, floor area devoted to accessory uses, accessory storage areas located within selling or working space such as counters, racks or closets, and space devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

The term "floor area" shall not include any space devoted to off-street parking or loading.

FLOOR AREA RATIO (FAR): The numerical value obtained by dividing the floor area within a building or structure on a lot by the area of such lot. The floor area ratio, as specified for each zoning district, when multiplied by the area of the lot in square feet, shall determine the maximum permissible floor area for the building or structure on the lot.

FREIGHT TERMINAL: A building, structure, parcel of land or portion thereof in which:

- a. Freight is shipped by airplane, motor truck or railroad; or
- b. Freight is received, assembled, sorted and/or re-routed for local, intrastate or interstate shipment.

FRONTAGE: The length of any property line of premises where a property line abuts a legally accessible street right-of-way. When two (2) or more sides of a parcel of property face or abut upon streets, it shall be deemed to have frontage on all such abutting sides.

GRADE: The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

HEIGHT, BUILDING or STRUCTURE: Height of building or structure is the vertical distance from the sidewalk level, or its equivalent established grade opposite the center of the front of a building or structure to the highest point of the coping, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of the gable, hip or gambrel roof. Where no sidewalk level has been established, the height of a building or structure may be measured from the mean elevation of the finished lot grade at the front of the building or structure.

HOME OCCUPATION: An accessory use of a dwelling unit which is utilized for gainful employment involving the manufacture, provision or sale of commodities and/or services by a member of the family who is residing in the dwelling unit in which the home occupation is being conducted.

HOSPITAL: An institution which maintains and operates facilities for the diagnosis, treatment, medical care or surgical care of persons suffering from illness, disease, injury, deformity or other abnormal physical condition and which permits overnight lodging for patients.

HOTEL: A building, structure or portion thereof which is used as a temporary abiding place, for remuneration, with or without meals, containing five (5) or more guest rooms or suites where no provision for cooking is made in any individual guest room or suite, and which provides maid, butler and linen service and which maintains a hotel register.

INSTITUTION: An established society or corporation whether created for profit for nonprofit.

INSTITUTION, RELIGIOUS: A building or structure which is occupied by a religious non-profit corporation of organization and which is operated for public or semi-public use including but not limited to churches, synagogues, rectories and convents.

JUNK YARD: A parcel of land where waste, scrap, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, vehicles and machinery in inoperable condition, paper, rags, rubber tires, and bottles. The term "junk yard" includes automobile graveyards, automobile wrecking yards, house wrecking yards and storage areas, and used lumber yards, but does not include uses established entirely within enclosed buildings and structures.

KENNEL: A dwelling unit or a nonresidential building, structure, parcel of land or portion thereof in which four (4) or more dogs, cats or other household domestic animals are maintained, boarded, bred, cared for or kept for the purpose of sale, or temporary boarding but not including veterinary care or treatment.

LABORATORY: A building, structure or portion thereof which is devoted to experimental study such as testing and analyzing but not including the manufacturing of products for sale either directly or indirectly.

LODGE: A nonprofit corporation or association of persons for the promotion of some common purpose, including but not limited to art, literature, science, politics, and good fellowship.

LODGING HOUSE: A residential building, structure or portion thereof which contains lodging rooms for rent accommodating persons who are not members of the owner's family and which is other than an apartment hotel, dormitory, hotel or motel.

LOT: A parcel of land indicated as such upon a subdivision or assessment plat recorded in the office of the County Recorder.

LOT, CORNER: A lot of which at least two (2) adjacent sides abut upon street rights-of-way. The point of intersection of the right of the right-of-way lines is the "corner".

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line.

LOT LINES: The lines bounding a lot.

LOT LINE, EXTERIOR SIDE: That boundary of a corner lot which abuts a street right-of-way but is not the front line.

LOT LINE, FRONT: That boundary of a lot which is along a street right-of-way. For landlocked or partially landlocked parcels of land, the front lot line is that lot line that faces the access to the lot.

LOT LINE, INTERIOR SIDE: A boundary of a lot which does not abut a street right-of-way and which is not a front or rear lot line.

LOT LINE, REAR: That boundary of a lot which is most distant from and is, or is most nearly, parallel to, the front lot line.

LOT LINE, SIDE: An interior lot line which is not a front lot line or a rear lot line. If it is located along a public street, it shall be deemed an exterior side lot line.

LOT WIDTH: The horizontal distance between the side lot lines measured at the front yard line as established by this Ordinance.

LOT, ZONING: A parcel of land indicated as such upon a subdivision or assessment plat recorded in the office of the County Recorder.

MOBILE HOME: A dwelling unit built to the National Manufactured Housing Construction and Safety Standards Act designed to be transported on streets to the place where it is to be occupied as a dwelling unit complete and ready for year-round and permanent occupancy attached to a permanent foundation except for minor and incidental unpacking and assembly operations.

MOBILE HOME LOT: A lot designed within a mobile home park for the location of one (1) mobile home.

MOBILE HOME PARK: A parcel or tract of land subdivided into mobile home lots and developed with facilities for locating mobile homes.

MODEL HOME: A building or structure which is used as an example of the type of dwelling unit which may be purchased or rented.

MOTEL: A series of attached, semi-attached or detached guest rooms or suites for the accommodation primarily of automobile transient guests which does not include individual cooking or kitchen facilities and which provides the unit with convenient access to off-street parking spaces for the exclusive use of the guests or occupants of the premises.

MOTOR VEHICLE: Any self-propelled wheeled conveyance that does not run on rails and that carries passengers, goods and equipment.

NURSERY SCHOOL: An instructional facility for pre-school children.

NURSING HOME: A building or structure which is used, designed or intended for the care of the aged or infirm, or for those suffering bodily disorders and which does not contain the facilities nor render the services normally associated with a hospital.

OFF-STREET PARKING or LOADING FACILITY: A building, structure, parcel of land, or portion thereof which provides off-street parking spaces or off-street loading berths and including access ways, driveways and aisles and which is either a principal or accessory use.

OFF-STREET PARKING SPACE OR LOADING BERTH: An open, hard-surfaced area of land, other or that a right-of-way, an access, a driveway or an aisle and the principal use of which is for the standing, loading and unloading of motor vehicles.

OPACITY: The quality or state of an object that renders it impervious to the rays of light; the degree of nontransparency.

OPEN SPACE: That portion of a lot or parcel of land unoccupied by buildings, structures, rights-of-way and off-street parking or loading facilities.

PARKING GARAGE, ACCESSORY: An accessory building or structure or an accessory portion of the principal building or structure which is intended and used for the storage of private motor vehicles owned by members of the family or families residing upon the premises or by the owners or patrons of the business or industrial uses.

PARKING GARAGE, PRINCIPAL: A principal building or structure which is intended and used for the storage of motor vehicles pursuant to previous arrangements or to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold.

PARKING LOT, ACCESSORY: An open, hard-surfaced area, other than a right-of-way, which is accessory to the principal use of the lot and which is intended and used for the storage of private motor vehicles owned by members of the family or families residing upon the premises or by the owners, employees or patrons of the business or industrial uses.

PARKING LOT, PRINCIPAL: An open, hard-surfaced area, other than a right-of-way, which is the principal use of the parcel of land and which is intended and used for the storage of motor vehicles pursuant to previous arrangements or to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold.

PARKING, RESERVOIR: Off-street parking spaces allocated to motor vehicles awaiting entrance to a drive-in establishment.

PILOT PLANT: A building or structure used for the testing of commercial or industrial processes and products and or the manufacturing of products for testing purposes.

PLANNED UNIT DEVELOPMENT: A parcel of land which is of sufficient size to create its own environment and which is under single ownership or unified control and which may be granted waivers from specific land use regulations and design standards in order to accomplish the purposes of the Planned Unit Development regulations as specified in this ordinance.

PREMISES: A parcel of land and all buildings and structures thereon.

PRESCHOOL: An instructional facility for preschool children.

PROPERTY LINES: The lines bounding a lot.

PUBLIC or PRIVATE UTILITY: A building, structure or use of land which provides, under public regulations, electricity, gas, steam, telephone, communications, transportation, sewer or water and which is operated by a person, firm or corporation authorized to furnish such services.

RETAIL, GENERAL: The general sale of commodities in small quantities to the consumer.

RIGHT-OF-WAY: Any existing or dedicated sidewalk, street, alley, highway or other thoroughfare.

ROOMING HOUSE: A residential building, structure or portion thereof which contains rooms for rent on long or short term basis, accommodating persons who are not members of the owner's family and which is other than an apartment hotel, dormitory, hotel or motel.

SANITARIUM: An institution which maintains and operates facilities for the diagnosis, treatment, medical care or surgical care of persons suffering from illness, disease, injury, deformity or other abnormal physical conditions and which permits overnight lodging for patients.

SCHOOL: An institution, either public or private, which offers systematic instruction in any branch or branches of knowledge.

SCHOOL, MUSIC or DANCE: A school which offers instruction in the performing arts.

SCHOOL, TRADE or VOCATIONAL: A school which offers instruction in skilled subjects such as typing, shorthand, business machines, carpentry, drafting and automobile mechanics.

SERVICES, GENERAL: The business or occupation of doing work for others for a fee such as shoe repair or clock repair.

SHOPPING CENTER: An integrated and harmonious design of a building or structure or buildings or structures in which is located a group of business enterprises and which has adequate and properly arranged facilities for internal traffic circulation, collective off-street parking and loading facilities, landscaping, and other features and facilities common to shopping center developments. A shopping center is usually, but not necessarily, planned, developed, owned or managed as a unit.

SPECIAL USE: A use that would not generally be appropriate without restriction throughout the zoning district in which such use is located but which, if controlled as to number, area location, or relation to the neighborhood, would not be detrimental to the public, health, safety and welfare.

STORY: That part of a building or structure between any floor and the floor next above, and if there is no floor above, then the ceiling above. A basement is a story if its ceiling is four and one-half feet (4 1/2') or more above the level from which the height of the building or structure is measured.

STORY, HALF: That portion of a building or structure under a gable, hip or mansard roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four and one-half feet (4 1/2') above the finished floor of each story.

STRUCTURAL ALTERATION: Any change, other than incidental repairs, which prolongs the life of the supporting members of a building or structure, such as the addition, removal or modification of bearing walls, columns, beams, girders or foundations.

STRUCTURE: An object which is constructed or erected and which requires permanent location on the land or attachment to an object having permanent location on the land. The term "structure" is intended to include, but not be limited to such objects as buildings, fences, parking lots, concrete or asphalt slabs, decks and patios.

STRUCTURE, NONCOMPLYING: A structure which exists upon the effective date of the adoption or amendment of this Ordinance and which does not comply with the conditions, area requirements, lot width requirements, yard requirements, height limitations, bulk regulations or off-street parking and loading requirements of the zoning district in which said structure is located by reason of the adoption or amendment of this Ordinance.

STRUCTURE, PRINCIPAL: See "Building, Principal"

STRUCTURE, TEMPORARY: A structure not designed or intended for permanent human occupancy nor for the permanent protection of animals, chattels or property of any kind.

USE: The purpose or activity for which the land or building or structure thereon is designed, arranged or intended, or for which it is occupied or maintained.

USE, SPECIAL: A use which, because of its unique characteristics, may be allowed in a specified zoning district permitting it as a special use, only after special consideration of its impact upon neighboring land and of public need for the use at the particular location.

USE, NONCONFORMING: The use of any building, structure or parcel of land which lawfully is occupied and maintained upon the effective date of the adoption or amendment of this Ordinance and which does not conform to the use regulations of the zoning district in which the use is located by reason of the adoption or amendment of this Ordinance.

USE, PERMITTED: A use which may be lawfully established in a particular zoning district or districts, provided it conforms with all requirements, regulations and standards of such zoning district.

USE, PRINCIPAL: The primary purpose or function of a building, structure or parcel of land. A principal use may be either a permitted use or a special use.

USE, TEMPORARY: A use of a building, structure or parcel of land which is impermanent and in existence for a limited amount of time.

VARIANCE: A waiver of the terms of the Zoning Regulations where, due to conditions peculiar to the property, a literal enforcement of the regulations would result in unnecessary and undue hardship.

VIOLATION: The act of disregarding, disobeying, neglecting, omitting or refusing to comply with the regulations or enforcement of this Ordinance.

YARD: An open space required by the provisions of this Ordinance which is located at grade between a building or structure and the adjoining lot lines.

YARD, CORNER SIDE: A yard which is bounded by the front yard line, corner side yard line, rear yard line and corner side lot line.

YARD, FRONT: A yard which extends across the lot and which is bounded by the side lot lines, the front lot line and the front yard line.

YARD, INTERIOR SIDE: A yard which is bounded by the front yard line, interior side yard line, rear yard line and side lot line.

YARD LINE, FRONT: A line which extends across the lot and is parallel to the front lot line and which is not nearer to the front lot line at any point than the required front yard depth.

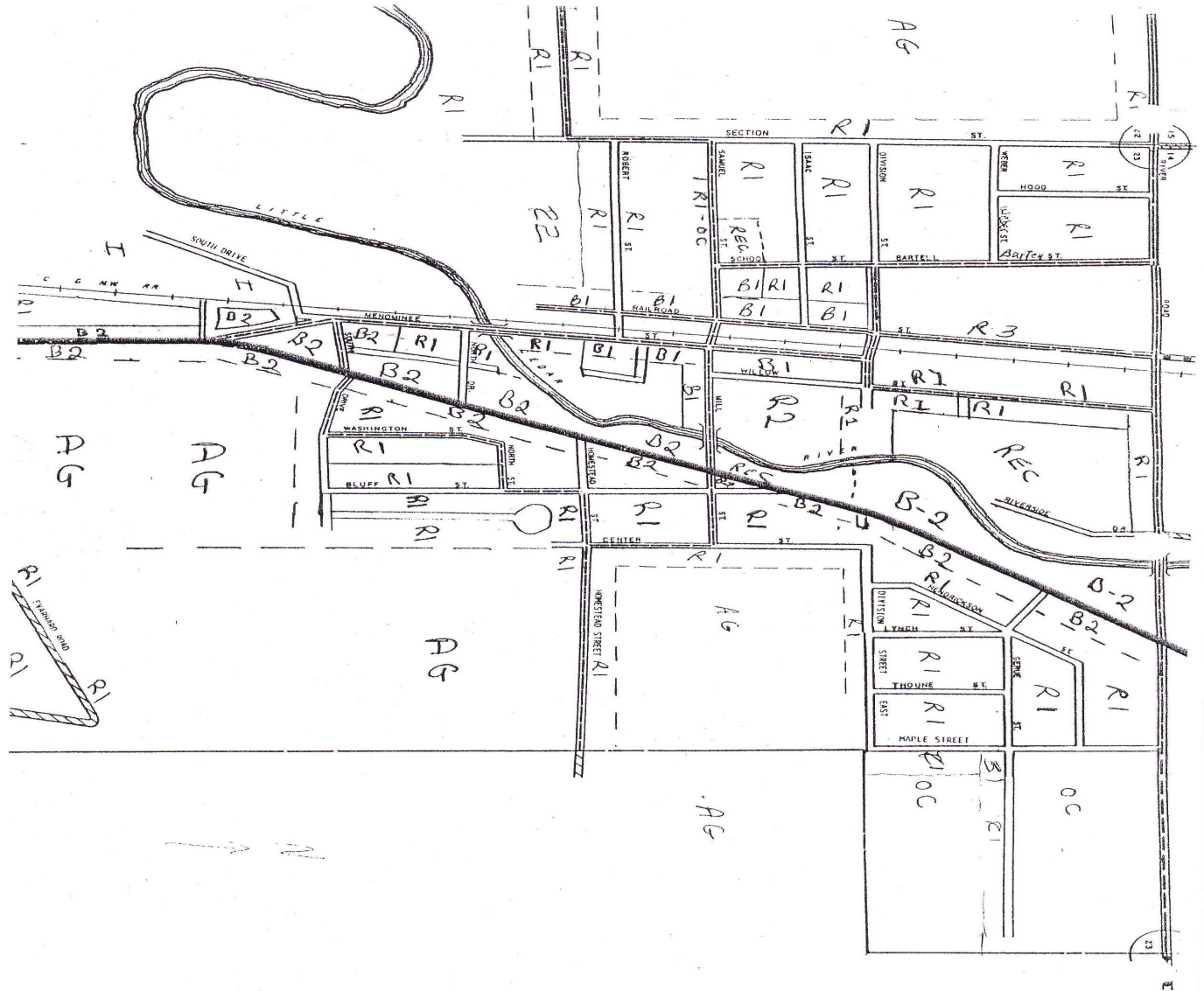
YARD LINE, INTERIOR SIDE: A line which is parallel to the interior side lot line and which is not nearer to the interior side lot line at any point than the required interior side yard depth.

YARD LINE, REAR: A line which extends across the lot and is parallel to the rear lot line and which is not nearer to the rear lot line at any point than the required rear yard depth.

YARD, REAR: A yard which extends across the lot and which is bounded by the side lot line, the rear lot line, and the rear yard line.

YARD, TRANSITIONAL: A yard which is provided on a lot in an Industrial District which abuts a lot in a Residence District.

ZONING DISTRICT MAP: The map incorporated herein by reference which designates zoning districts.



ARTICLE 2 GENERAL ZONING PROVISIONS

Sec. 9-8. Uses.

1. Permitted: Permitted uses of buildings, structures or parcels of land shall be allowed in the zoning districts indicated under the conditions specified. No buildings, structures or parcels of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building, structure or parcel of land shall be located, with the exception of the following:
 - a. Uses lawfully established on the effective date hereof in accordance with the provisions of this Ordinance.
 - b. Special uses allowed in accordance with the provisions of Section 9-30 of this Ordinance and Subsection 2. of this Section.

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2. Special: Special uses of buildings, structures or parcels of land, as hereinafter listed, shall be allowed in the zoning districts indicated under the conditions specified in accordance with the provisions of Section 9-30 of this Ordinance.

Where a use is classified as a special use under the provisions of this Ordinance and exists as a permitted use at the date of the adoption of this Ordinance, it shall be classified as a special use in the zoning district indicated under the conditions specified in accordance with the provisions of Section 9-30 of this Ordinance. The authorization of the special use shall be only for the use existing at the time of the adoption of this Ordinance and for no other use.

Sec. 9-9. Area and lot width.

1. Minimum Area: Every lot created subsequent to the effective date hereof, or any amendment hereto, shall meet the minimum area requirements of the zoning district within which it is located. In any district, a building, structure or use of land may be established on any lawfully established lot which is of record on the effective date hereof, or any amendment hereto, regardless of the area or width of the lot, provided that the lot has approved access to a public street and provided that all other requirements of this Ordinance are complied with.
2. Minimum Lot Width: Every lot created subsequent to the effective date hereof, or any amendment hereto, shall meet the minimum lot width requirements of the zoning district within which it is located. In any district, a building, structure or use of land may be established on any lot which is of record on the effective date hereof, or any amendment hereto, regardless of the area or width of the lot, provided all other requirements of this Ordinance are complied with.

Sec. 9-10. Yard requirements.

1. Location of Required Yards: Yard requirements shall be as set forth under each zoning district for all buildings, structures and uses of land. All required yards shall be located on the same lot as the building, structure or use of land for which such yard is required. The right-of-way of any public roadway, public alley or public access way which exists by dedication, recorded easement or prescription and which is located on the lot shall not be included as part of the required yard.
2. Required Yards for Existing Buildings: No yards, now or hereafter provided, for a building, structure or use existing on the effective date hereof, or any amendment hereto, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance for equivalent new construction.
3. Permitted Obstructions in Required Yards: All required yards shall be unobstructed from the ground level to the sky except the following:
 - a. In all required yards, the ordinary projection of sills, belt courses, cornices, bay windows, buttresses, chimneys, ornamental features, and eaves may extend three feet (3') into the required yard. Steps or sidewalks which provide access to a building or structure or access to a lot from a street or alley may be located in any required yard.
 - b. Decks and porches and patios with or without a permanent roof must comply with all yard and setback requirements of the zoning district in which located. Air conditioning equipment or other heating and ventilation equipment may extend five feet (5') into the required rear yard. Concrete, asphalt or brick patios poured on grade may extend into required yard areas, side and rear yard areas.
 - c. Accessory buildings, structures or uses of land shall comply with the provisions of Section 9-15.
 - d. Fences shall comply with the provisions of Section 9-18 hereof.

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- e. Off-street parking and loading facilities shall comply with the provisions of Section 9-18 of this Ordinance.
4. Corner Lot Yard Requirements: Each yard adjoining a public street shall maintain the required front yard setback for the zoning district in which the lot is located.

Sec. 9-11. Building height and bulk.

1. Heights Limitations: Height limitations shall be as set forth under each zoning district for all buildings, structures and uses of land.
 - a. Chimneys, ornamental towers, scenery lofts, monuments, cupolas, domes, spires, steeples, parapet walls, and similar structures and necessary mechanical appurtenances may be erected to their customary height, regardless of the height limitations of the zoning district in which they are located.
 - b. Transmitting towers and radio towers may extend to a height of sixty feet (60'), including antenna, measured from the mean elevation of the finished lot grade at the front of the building or structure, regardless of the height limitations of the zoning district in which they are located. Said towers shall meet the yard requirements of the zoning district in which they are located.
2. Bulk Regulations: Bulk regulations shall be as set forth under each zoning district for all buildings, structures and uses of land.

The maintenance of yards and other open space and minimum lot area legally required for a building, structure or use of land shall be a continuing obligation of the owner of such building, structure or use of land as long as the building, structure or use of land is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building, structure or use of land shall by virtue of change of ownership or for any reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building, structure or use of land.

Sec. 9-12. Agriculture as a permitted use.

Raising of crops shall be permitted in agricultural district. Dwelling units which are accessory to the farming uses shall also be permitted; provided, that the occupants of the dwelling units are engaged in agricultural activities on the premises as their principal means of livelihood.

Sec. 9-13. Home occupation regulations.

1. Purposes: It is the intent of the Section to allow as home occupations only those uses that conform to the standards of the Section. Custom and tradition are intentionally excluded as criteria. In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence except for a sign as regulated elsewhere in the City Codes. The standards for home occupations are intended to ensure compatibility with other permitted uses and the residential character of the neighborhood and to maintain the sub-ordinance and incidental status of the home occupation.
2. Location: A home occupation may be conducted in any dwelling unit or in any building or structure accessory to the dwelling unit in any zoning district in which dwelling units are permitted.
3. Permitted Uses: Home occupations shall be conducted only by residents of the subject property and shall include, but shall not be limited to, the following uses:
 - a. Beauty shops; limited to one (1) operator who shall be a resident of the dwelling unit in which this home occupation is permitted.

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- b. Babysitting services; limited to no more than four (4) children, not residents of the subject site.
 - c. Instruction in music, dance, home crafts and art; provided that the total class size does not exceed four (4) students at any time.
 - d. Offices of architects, brokers, engineers, insurance agents, lawyers, real estate agents, and urban planners; accountants and secretarial services, limited to one (1) practitioner.
 - e. Offices of medical or dental practitioners; limited to one (1) practitioner.
 - f. Offices of ministers, priests and rabbis.
 - g. Office of salesman, sales representatives or manufacturer's representatives; provided that no retail transactions shall be made on the premises except through telephone, telegraph or mail communication.
 - h. Studios of artists, authors, composers, photographers and sculptors; limited to one (1) practitioner.
 - i. Workrooms of dressmakers, seamstresses and tailors limited to one (1) practitioner.
 - j. Workrooms for home crafts, such as model making, rug weaving, lapidary work and cabinet making.
4. Prohibited Uses: Permitted home occupations shall not be deemed to include the following uses:
- a. Animal hospitals.
 - b. Barber shops.
 - c. Clinics, medical and dental.
 - d. Eating and drinking establishments.
 - e. General retail and wholesale.
 - f. Hospitals and sanitariums.
 - g. Kennels.
 - h. Rental of mobile homes, trailers and camper trailers.
 - i. Stables.
 - j. Undertaking establishments and funeral parlors.
5. Standards: The following standards shall govern the operation of a home occupation:
- a. The building or structure in which the home occupation is located shall be subject to the regulations of the zoning district in which located.
 - b. The home occupation shall be conducted completely within the dwelling unit or within an accessory building or structure.
 - c. The home occupation shall be subordinate and incidental to the principal use of the building or structure for residential purposes and not more than twenty five percent (25%) of the gross floor area of the dwelling unit and accessory buildings or structures on the premises on which the home is located shall be devoted to the home occupation.
 - d. The outside display of goods and the outside storage of equipment or materials utilized in the home occupation shall be prohibited.
 - e. Off-street parking for the home occupation shall be provided in accordance with the provisions of this Ordinance.

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- f. The home occupation shall not generate noise, vibration, glare, fumes, odors or electrical interference beyond that which normally occurs in the zoning district in which located.

Sec. 9-14. Temporary model home regulations.

Temporary model homes shall be used primarily to offer for sale or rental dwelling units located within the same subdivision or planned unit development in which the model home is located. The following regulations shall govern the operation of a model home:

1. Upon request by the City, the owners of the property shall provide information relating to the use of the model home, including but not limited to, a record of sales or rentals made from the model home. If no sales, or rental activities occur in a one-year period, the model home status may be terminated by the City.
2. Building materials may be stored within the garage of the model home but not upon the lot on which a model home is situated. No outdoor storage shall be permissible.
3. Sales offices, rental offices and construction offices may be contained in a model home; provided that the appearance of the model home is not substantially different from that of the other dwelling units in the subdivision or planned unit development.
4. A temporary off-street parking lot is permitted.
5. Exterior floodlights may be used to illuminate the model home; provided that lights are sufficiently screened so that private dwelling units and traffic are not adversely affected by the floodlights.
6. Signage may be provided up to twelve (12) square feet in area and must be externally illuminated, and not internally lighted.

Sec. 9-15. Accessory buildings, structures and uses of land.

1. Location: Accessory buildings, structures or uses may be attached to, established within, or detached from the principal building, structure or use of land. Detached accessory buildings, structures, swimming pools or uses may be located in the required rear yard or interior side yard of any zoning district; provided that any portion of the detached accessory buildings or structures, including but not limited to eaves, cornices or overhangs shall not be located within five feet (5') of any rear or interior side lot line nor nearer to a lot line adjoining a street than the longest distance between such lot line and the nearest wall of the principal building or structure; nor closer than ten feet (10') from any other structure. In no case shall an accessory building or structure be located within any easement.
2. Yard Requirements: All accessory buildings, structures or uses shall comply with the front and corner side yard requirements of the zoning district in which it is located. Accessory buildings, structures or uses attached to or established within the principal building or structure shall comply with the rear yard and interior side yard requirements of the zoning district in which located. Detached accessory buildings, structures or uses may be located in the required rear yard or interior side yard in accordance with the provisions of Subsection 1. of this Section.
3. Height Limitations: All accessory buildings, structures or uses shall comply with the height limitations of the zoning district in which located; provided that the height of the principal building or structure to which it is accessory is not exceeded as provided in Section 9-11 of this Article.
4. Bulk Regulations: All accessory buildings or structures shall comply with the bulk regulations of the zoning district in which located. The area of the accessory building or structure shall be included in the computation of the floor area ratio. Private garages accessory to each single-family residence or each apartment unit shall not exceed the gross floor area of the principle structure. This limit shall include the total area of all attached

and detached garages, and accessory buildings or structures. Detached garages, storage sheds and other accessory structures shall not exceed fifteen feet (15') in overall height. No residence shall be permitted in any portion of detached garages. Garages for multi-family dwellings shall be permitted to accommodate up to three (3) vehicles per dwelling unit.

5. Percentage of Required Yard Occupied: Detached accessory buildings or structures shall not occupy more than twenty five percent (25%) of the area of a required rear yard and interior side yard.
6. Construction: Garages or accessory buildings that are built in the required interior side yard must have walls facing the front yard and covered in material similar to that of the principle structure.
7. Accessory Structures existing or permits issued on or before the adoption of this Ordinance, shall be exempt from this Ordinance.

Sec. 9-16. Temporary buildings, structures and uses of land.

The City Council may authorize the temporary use of a building, structure or parcel of land in any manner prescribed elsewhere in this Ordinance for the zoning district in which it is located; provided that such use be of a temporary nature. Such use shall be granted for a period of time and subject to such conditions as the City Council determines to be necessary for the safeguarding of public health, safety and general welfare.

Sec. 9-17. Fences.

1. Residence Districts: The establishment of fences in residence districts shall be regulated as follows, except as provided in Subsection 4. of this Section:
 - a. Fences may be constructed and maintained in the front yard or corner side yard setbacks to a maximum height of three feet (3'). Front yard fences along State or U.S. Highways must be no more than three foot six inches (3'6") high.
 - b. Fences shall be permitted in the required interior side yard or rear yard; provided that the fence does not extend nearer to a lot line adjoining a street than the longest distance between such lot line and the nearest wall of the principal building or structure; in the case of corner lots, not beyond the front or street side line of the building or structure; and does not exceed a height of six feet (6').
 - c. Fences must be positioned so that the finished side faces away from the lot on which constructed.
 - d. Finished side shall face outward.
2. Business Districts: The establishment of fences in business districts shall be regulated as follows, except as provided in Subsection 4. of the Section:
 - a. No front yard fences except along State of U.S. Highway up to thirty-eight inches (38") high only.
 - b. Fences shall be permitted in the required interior side yard or rear yard; provided, that the fence does not extend nearer to a lot line adjoining a street than the longest distance between such lot line and the nearest wall of the principal building or structure. In the case of corner lots, not beyond the front or street sideline of the longest distance between such lot line and the nearest wall of the principal building or structure. In the case of corner lots, not beyond the front or street side line of the building or structure; and does not exceed a height of eight feet (8').
 - c. Fences must be positioned so that the finished side faces away from the lot on which constructed.
 - d. Finished side shall face outward.
3. Industrial Districts: The establishment of fences in industrial districts shall be regulated as follows, except as provided in Subsection 4. of this Section:

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- a. Fences may be located in any required yard.
 - b. All fences other than those intended for decorative or screening purposes shall be buffered with berming and/or landscaping.
 - c. All fences shall not exceed a height of ten feet (10').
 - d. Fences must be positioned so that the finished side faces away from the lot on which constructed.
Walls which enclose outside storage shall be a minimum of six feet (6') and a maximum of fifteen feet (15') in height.
4. Miscellaneous Uses of Land: Screening which is required for swim and/or tennis clubs and private and public utility facilities shall be regulated as follows:
- a. Fences may be located in any required yard.
 - b. All fences other than those intended for decorative or screening purposes shall be buffered with berming and/or landscaping.
 - c. All fences shall not exceed a height of six feet (6') except those for tennis courts or ball field shall not exceed a height of twelve feet (12').
 - d. Fences must be positioned so that the finished side faces away from the lot on which constructed.

Sec. 9-18. Major arterial setback requirements.

Along all major arterials, as established by the officially adopted Comprehensive Plan, there shall be a setback twenty feet (20') from the edge of the right-of-way. No building, structure, off-street parking facility or off-street loading facility shall be located in this setback. Where the condition imposed by this provision is either more restrictive or less restrictive than the yard requirements of individual zoning districts, the more restrictive requirement shall govern.

Sec. 9-19. Boarding rooms in residential structures.

The rental of boarding rooms in single-family detached dwellings, two-family dwellings, duplexes, single-family attached dwellings, and multi-family dwellings shall be permitted as a special use; provided that there shall be not more than one (1) boarding rooms per dwelling unit for not more than one (1) persons per dwelling unit. Must be owner or lessee occupied.

Sec. 9-20. Interpretation by zoning administrator.

Where there is any ambiguity or dispute concerning the interpretation of this Ordinance, the decision of the Zoning Administrator shall prevail, subject to appeal as provided in Section 9-28 of this Ordinance. The Zoning Administrator may allow as a permitted use or special use those uses which, though not contained by name in a zoning district list of permitted or special uses, he or she determines to be of the same general character as the listed permitted or special uses, subject to approval by the City Council with recommendation of the Planning Commission.

Sec. 9-21. Existing buildings and structures.

1. Continuance of Existing Buildings and Structures: Any building or structure which existed at the time of the adoption of this Ordinance, or any amendment hereto, and which does not comply with the conditions, area requirements, lot width requirements, yard requirements, height limitations or bulk regulations of the zoning district in which said building or structure is located upon the adoption of this Ordinance, or any

amendments hereto, may be continued during the remainder of the normal life to the building or structure or until the building or structure has deteriorated to the extent that it is no longer safe. The continuance of such building or structure shall be subject to the regulations herein set forth.

2. Repairs and Alterations:

- a. Repairs and alterations which increase the bulk of the building or structure may be made to a building or structure which does not comply with the conditions of the zoning district in which said building or structure is located; provided said repairs or alterations comply with all regulations, including conditions, of the zoning district in which said building or structure is located.
- b. Repairs and alterations which increase the bulk of the building or structure may be made to a building or structure which does not comply with the area requirements of the zoning district in which said building or structure is located, provided said repairs or alterations comply with the conditions, yard requirements, height limitations, and bulk regulations of the zoning district in which said building or structure is located.
- c. Repairs and alterations which increase the bulk of the building or structure may be made to a building or structure which does not comply with the lot width requirements of the zoning district in which said building or structure is located, provided said repairs or alterations comply with the conditions, yard requirements, height limitations, and bulk regulations of the zoning district in which said building or structure is located.
- d. Repairs and alterations which increase the bulk of the building or structure and which increase the lot coverage may be made to a building or structure which does not comply with the yard requirements of the zoning district in which said building or structure is located, provided said repairs or alterations comply with the conditions, yard requirements, height limitations, and bulk regulations of the zoning district in which said building or structure is located.
- e. Repairs and alterations which increase the bulk of the building or structure and which do not increase the lot coverage may be made to a building or structure which does not comply with the yard requirements of the zoning district in which said building or structure is located, provided said repairs or alterations comply with the conditions, yard requirements, height limitations, and bulk regulations of the zoning district in which said building or structure is located.
- f. If a building or structure exceeds the height limitations of the zoning district in which said building or structure is located, repairs and alterations which increase the bulk of the building or structure and which increase the lot coverage may be made; provided said repairs or alterations comply with the conditions of the zoning district in which said building or structure is located.
- g. If a building or structure exceeds the height limit-actions of the zoning district in which said building or structure is located, repairs and alterations which increase the bulk of the building or structure and which do not increase the lot coverage may be made; provided (a) said repairs or alterations comply with the conditions and bulk regulations of the zoning district in which said building or structure is located and (b) the height limitations are not further exceeded.
- h. If a building or structure exceeds the bulk regulations of the zoning district in which said building or structure is located, repairs and alterations which increase the bulk of the building or structure and/or which increase the lot coverage may not be made.
- i. Nothing in this Ordinance shall prevent the reconstruction, repairing or rebuilding of a building, structure or part thereof which does not comply with the conditions, area requirements, lot width requirements, yard requirements, height limitations, or bulk regulations of the zoning district in which said building or structure is located and which exists at the effective date hereof, rendered necessary by wear and tear, or deterioration or which is required by the provisions of the building regulations of the City relative to the maintenance of said buildings or structures, provided the cost of such work,

within a two (2) year time period, shall not exceed fifty percent (50%) of the replacement cost of such building or structure at the time such work is done.

3. Restoration: If a building or structure which does not comply with the conditions, area requirements, lot width requirements, yard requirements, height limitations, or bulk regulations of the zoning district in which said building or structure is located is damaged by fire, collapse, explosion, or other casualty or natural disaster to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the replacement cost of the building or structure at the time of destruction or damage, then any new construction or reconstruction must comply with all regulations of the zoning district in which the building or structure is located.
4. Relocation of Buildings or Structures: No building or structure which does comply with the conditions, area requirements, lot width requirements, yard requirements, height limitations or bulk regulations of the zoning district in which said building or structure is located shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure complies with the regulations of the zoning district in which it is to be located.

ARTICLE 3 ADMINISTRATION AND ENFORCEMENT

Sec. 9-23. City council.

1. Jurisdiction: The City Council shall retain the following duties and responsibilities under this Ordinance:
 - a. Take final action on applications for amendments to the Zoning Ordinance text or map and special use permits.
 - b. Take action on applications for temporary buildings, structures and uses of land.
 - c. Designate certain days on which business establishments may conduct their businesses outside the building or structure.
 - d. Receive and act upon all annual reports on the effectiveness of this Ordinance along with recommendations for changes.
2. "Final Action by City Council: All decisions and findings of the City Council related to the Zoning Ordinance shall, in all instances, be the final administrative decisions and shall be subject to judicial review as may be provided by law."

Sec. 9-24. City zoning administrator.

1. Duties: The City Zoning Administrator and such deputies or assistants as have been, or shall be, duly appointed shall enforce the Zoning Regulations and in addition thereto, and in furtherance of such authority, shall:
 - a. Register all nonconforming uses when they are identified.
 - b. Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.
 - c. Issue violation notices that require compliance within ten (10) days, and advise suspected violators of right of appeal.
 - d. Require that all construction or work of any type be stopped when such work is not in compliance with this Ordinance.

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- e. Forward, to the Planning Commission, applications for amendments to the Zoning Ordinance text or map and special uses.
 - f. Forward, to the Zoning Board of Appeals, applications for appeals and variances.
 - g. Forward, to the City Council, applications for temporary buildings, structures and uses of land.
 - h. Review all cases of encroachment into required yards.
 - i. Interpret the Zoning Regulations when questions arise.
 - j. Determine which uses, though not contained by name in a zoning district list of permitted uses, are of the same general character and permit their establishment.
 - k. Determine the parking or loading class of a use which is not contained by name in a parking or loading class.
 - l. Initiate a study of the provisions of the Zoning Ordinance, and make a report to the Mayor not less frequently than once a year.
 - m. Initiate an examination of the administrative record of variances and appeals and make a report to the Mayor not less frequently than once a year.

Sec. 9-25. Zoning board of appeals.

1. Creation and Membership: The Zoning Board of Appeals, as previously established under the provisions of the Michigan State Statutes and Resolution 100-B of the City Ordinance, is the Zoning Board of Appeals referred to in this Ordinance.
2. Jurisdiction: The Zoning Board of Appeals shall discharge the following duties and responsibilities under this Ordinance:
 - a. Review all appeals from any order, requirement, decision or determination made by the City Zoning Administrator under the Zoning Ordinance in the manner prescribed by and subject to the standards established herein and report findings and recommendations to the City Council in accordance with the provisions of Section 9-28 of this Ordinance.
 - b. Review all applications for variances from the provisions of the Zoning Ordinance in the manner prescribed by and subject to the standards established herein and report findings and recommendations to the City Council in accordance with the provisions of Section 9-31 of this Ordinance.
 - c. Advise the City Council on all matters referred to it or upon which it is required to review under this Ordinance.
 - d. Receive and consider the report of the City Zoning Administrator as related to the effectiveness of this Ordinance and report the Board's conclusions and recommendations to the City Council not less frequently than once a year.
3. Decisions of the Zoning Board of Appeals: All decisions of the Zoning Board of appeals on any appeals or on any applications for a variance or on any other matter shall, in all instances, be final.

Sec. 9-26. Planning commission.

1. Creation and Membership: The Planning Commission, as previously established under the provisions of the Michigan State Statutes and Resolution 100-A of the City Ordinance, is the Planning Commission referred to in this Ordinance.

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2. Jurisdiction: The Planning Commission shall discharge the following duties and responsibilities under this Ordinance:
 - a. Review all applications for amendments to the Zoning Ordinance (text or map), in the manner prescribed by and subject to the standards established herein and report findings and recommendations to the City Council in accordance with the provisions of Section 9-29 of this Ordinance.
 - b. Review all applications for special uses, in the manner prescribed by and subject to the standards established herein, and report findings and recommendations to the City Council.
 - c. Advise the City Council on all matters referred to it or upon which it is required to review under this Ordinance.
 - d. Receive and consider the report of the City Zoning Administrator as related to the effectiveness of this Ordinance and report the Commission's conclusions and recommendations to the City Council not less frequently than once a year.
 - e. Initiate amendments to the Zoning Ordinance, text or map.
 - f. The review and update of the Comprehensive Plan no less than every five (5) years. Text or Map.
 - g. Implement and uphold City Comprehensive Plan as it may be amended.

Sec. 9-27. Variances.

1. Authority: The Zoning Board of Appeals may vary the regulations of this Ordinance in harmony with their general purpose and intent.
2. Standards for Variances: The Zoning Board of Appeals shall not grant a variance from the regulations of this Ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:
 - a. The variance is in harmony with the general purpose and intent of this Ordinance; and
 - b. Strict enforcement of this Ordinance would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and
 - c. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by this Ordinance; and
 - d. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

The City Council shall not vary the provisions of this Ordinance concerning permitted uses, special uses or the regulation of nonconforming uses.

3. Procedures for Variances: An application for a variance shall be processed in accordance with the provisions of Section 9-31 of this Ordinance.
4. Initiation of Variance: A variance may be proposed by a person being the owner, lessee, with owners consent, or contract purchaser of the subject property.
5. Conditions and Restrictions: The Zoning Board of Appeals may impose conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards set forth in this Section.

If a time limit is set forth by which conditions and restrictions must be completed, they shall be so completed in the time specified. If no such time limit is specified, then the conditions and restrictions shall be completed

within a reasonable amount of time. The applicant shall be obliged to fulfill and maintain all conditions and restrictions for as long as the variance is utilized or in effect.

Such conditions and restrictions shall be reasonably conceived to fulfill public needs emanating from the proposed variance.

Changes or alterations of conditions and restrictions shall be processed in the manner set forth in this Section for variances.

The variance shall be valid only if the conditions and restrictions imposed upon the premises are fulfilled.

6. Effective Period of Variance:

- a. No variance shall be valid for a period longer than one (1) year from the date of the ordinance granting the variance unless a building permit is obtained within such period and the erection or alteration of a building or structure is started or the use is commenced within such period.
- b. A variance shall not be valid if a building, structure or use of land for which a variance has been granted is destroyed or damaged by fire, collapse, explosion or other casualty or natural disaster to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the replacement cost of the building, structure or use of land at the time of destruction or damage.
- c. In the event such damage or destruction is less than fifty percent (50%) of the replacement cost of the building, structure or use of land, the variance shall be valid only if such restoration is started within six (6) months from the date of partial destruction and restoration proceeds and does not cease for a period of sixty (60) days and completion is accomplished within twenty four (24) months from the date of partial destruction.

Sec. 9-28. Appeals.

1. Procedure for Appeals: An appeal may be taken from any order, requirement, decision or determination of the City Zoning Administrator. The appeals shall be made within forty-five (45) days of the action by filing with the City Zoning Administrator a notice of appeal specifying the grounds thereof. The City Zoning Administrator shall forthwith transmit, to the Zoning Board of Appeals; all of the papers constituting a record upon which the action appealed from were taken. A hearing before the Zoning Board of Appeals shall be held within twenty (20) days of the filing of the petition.
2. The Zoning Board of Appeals shall transmit its written findings and decisions of the appeal within a reasonable time, but in no event more than sixty (60) days after the filing of the notice of appeal, and shall promptly forward a copy of the decision to the parties.

Sec. 9-29. Amendments.

1. Authority: The City Council, after receiving a report from the Planning Commission containing its findings and recommendations, may amend the regulations of this Ordinance or may amend the zoning district boundary lines.
2. Standards for Amendments: The Planning Commission shall not recommend nor shall the City Council grant an amendment to alter the zoning district boundary lines unless it shall make findings based upon the evidence presented to it in each specific case that:
 - a. The amendment promotes the public health, safety, comfort, convenience and general welfare and complies with the policies and official land use plan and other official plans of the City; and

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- b. The trend of development in the area of the subject property is consistent with the requested amendment; and
 - c. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification; and
 - d. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed under the existing zoning classification; and
 - e. The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.
3. Procedure: An application for an amendment shall be processed in accordance with the provisions of Section 9-31 of this Ordinance.
 4. Initiation of Amendment: An amendment which alters the zoning district boundary line may be proposed by the City Council, Planning Commission or by a person being the owner, lessee, with owner's consent or contract purchaser of the subject property. Text amendments may be initiated by the City Council or Planning Commission.
 5. Decision of the City Council: After recommendation by the Planning Commission, the City Council may grant, deny or grant with the modification, an amendment, or may refer the proposed amendment back to the Planning Commission for further consideration. If the City Council grants the amendment, it shall adopt an ordinance approving the amendment.

If no action is taken by the City Council within six (6) months after the report of the Planning Commission, the application shall be deemed to have been approved. In case of written protest against any proposed amendment signed and acknowledged by 1) owners of twenty percent (20%) of the frontage proposed to be altered; or 2) by the owners of twenty percent (20%) of the frontage immediately adjoining; or 3) by owners of twenty percent (20%) of the frontage directly opposite the frontage to be altered, and filed with the City Clerk, the amendment cannot be passed except on the favorable vote of four (4) members of the City Council.

6. Conditions and Restrictions: The Planning Commission may recommend and the City Council may impose conditions and restrictions upon the premises benefited by an amendment as may be necessary to comply with the standards set forth in this Section. They shall relate directly to the regulations and provisions of this Ordinance.

If a time limit is set forth by which conditions and restrictions must be completed, they shall be so completed in the time specified. If no such time limit is specified, then the conditions and restrictions shall be completed within a reasonable amount of time. The applicant shall be obliged to fulfill and maintain all conditions and restrictions for as long as the amendment is utilized or in effect.

Such conditions and restrictions shall directly benefit the premises described in the amendment and shall be imposed only if the City Council finds them necessary to prevent circumstances which may be adverse to public health, safety and welfare. Such conditions and restrictions shall be reasonably conceived to fulfill public needs emanating from the proposed land use. Changes or alterations of conditions and restrictions shall be processed in the manner set forth in this Section for amendments.

Sec. 9-30. Special uses.

1. Authority: The development and execution of this Ordinance is based upon the division of the City into zoning districts within which districts the use of buildings, structures and land, and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon adjacent land and

of the public need for the particular use in the particular location. The City Council, after receiving a report from the Planning Commission containing its findings and recommendations, may allow a special use in a particular zoning district or districts.

2. Standards for Special Uses: The Planning Commission shall not recommend nor the City Council grant a special use in a particular zoning district or districts unless it shall make findings based upon the evidence presented to it in each specific case that:
 - a. The establishment, maintenance or operation of the special use will not be detrimental to, or endanger the public health, safety and general welfare; and
 - b. The special use will not be injurious to the use and enjoyment of other diminish and impair property in the immediate area for the purposes already permitted, nor substantially property values within the neighborhood; and
 - c. The establishment of the special use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.
3. Procedure for Special Uses: An application for a special use shall be processed in accordance with the provisions of Section 9-30 of this Ordinance.
4. Initiation of Special Use: A special use may be proposed by a person being the owner, lessee or contract purchaser with owner's consent of the subject property.
5. Decision of the City Council: After recommendation by the Planning Commission, the City Council may grant, deny or grant with modification, the special use, or may refer the proposed special use back to the Planning Commission for further consideration. If the City Council grants a special use, it shall adopt an ordinance authorizing the special use. If the City Council does not concur with the recommendation of the Planning Commission to deny, the favorable vote of four (4) members of the City Council shall be necessary to pass an ordinance granting the special use.
6. Conditions and Restrictions: The Planning Commission may recommend and the City Council may impose conditions and restrictions upon the premises benefited by a special use as may be necessary to comply with the standards set forth in this Section.

If a time limit is set forth by which conditions and restrictions must be completed, they shall be so completed in the time specified. If no such time limit is specified, then the conditions and restrictions shall be completed within a reasonable amount of time. The applicant shall be obliged to fulfill and maintain all conditions and restrictions for as long as the special use is utilized or in effect.

Such conditions and restrictions shall be reasonably conceived to fulfill public needs emanating from the proposed land use. Changes or alterations of conditions and restrictions shall be processed in the manner set forth in this Section for special uses.

7. Effective Period of a Special Use: The granting of a special use shall be authorized for only one (1) specific special use.

No special use shall be valid for a period longer than one (1) year from the date of the ordinance granting the special use unless a building permit is obtained within such period and the erection or alteration of a building or structure is started or the use is commenced within such period. If the special use is not utilized for any continuous period of one (1) year, said special use shall, to the extent of such non-utilization, become void. Upon voiding of the special use, the parcel of land shall conform to the permitted uses and other regulations of the zoning district in which it is located unless an amendment or other special use is applied for and granted. This Section shall be applicable to all special uses except Planned Unit Developments for which the provisions of Article 4Section 9-40 of this Ordinance shall apply.

Sec. 9-31. Variances, amendments, special uses.

1. Procedure: The process for obtaining a variance, amendment (except Zoning Ordinance text amendment and City initiated map amendment), or special use shall be as follows:

- a. An application shall be filed in writing with the City Zoning Administrator and shall include a drawing of the property showing its dimensions, and also showing all streets, alleys and other properties within fifty feet (50') to one hundred fifty feet (150') of the subject property, as determined by Staff. The City Zoning Administrator shall forward the application to the City Clerk for processing and to the City Council. The City Zoning Administrator shall transmit the application to the Planning Commission or Zoning Board of Appeals, as appropriate, for review and Public Hearing. The application shall contain such information as may be required. The Planning Commission or the Zoning Board of Appeals, as appropriate, shall hold a Public Hearing within sixty (60) days after filing of the application.
- b. Notice of the Public Hearing shall be published at least once before the Public Hearing, in a newspaper or general circulation in the City or public posting at City hall; twenty four (24) hours in advance of meeting.

The applicant shall post notice of the Public Hearing on a sign upon the property for which the rezoning, special use is sought. The sign shall be of such a size and coloring and with letters of sufficient size as to be clearly legible to the public view on all adjacent public rights-of-way. The sign shall contain the number assigned to the application, the place, the nature, the purpose, and the date and time of such hearing and the office address of the City Clerk where full information including a legal description may be obtained concerning the application, and shall be posted not more than thirty (30) days nor less than fifteen (15) days in advance of such hearing.

The applicant shall also give written notice to the owner of record, as shown on the record of the local real estate tax collector, of all property owners adjacent to subject property, exclusive of public rights-of-way, of the property lines of the lot for which the variance, amendment or special use is sought. The written notices shall be delivered personally or may be sent by certified or registered mail, properly addressed, with sufficient postage affixed thereon, with return receipt requested. The applicant shall file a sworn affidavit with copies of the notices with the City Clerk, showing the names and addresses of the persons to whom the written notices have been sent. Said affidavit shall be a presumption of the giving of said notices.

All published notices shall contain the number assigned to the application, the place, the nature, the purpose and the date and time of such hearing, and the common address or location of the property in question, the name and address of the applicant and owner of the property, and the office address of the City Clerk where full information including a legal description may be obtained concerning the application, and shall be published or served not more than thirty (30) days nor less than fifteen (15) days in advance of such hearing.

- c. The Public Hearing shall be conducted by the Planning Commission or Zoning Board of Appeals, as appropriate, and a record of such proceedings shall be preserved in such manner as the Planning Commission or Zoning Board of Appeals shall, by rule, prescribe from time to time.
- d. The Planning Commission or Zoning Board of Appeals, as appropriate, shall make written findings of fact and shall submit same together with its recommendations to the City Council.
- e. After recommendation by the Planning Commission or the Zoning Board of Appeals, as appropriate, the City Council may grant, deny or grant with modification, the proposed variance, amendment or special use. If the City Council grants the proposed variance, amendment or special use, it shall adopt an ordinance approving the application.

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2. Zoning Ordinance Text Amendments and City Initiated Map Amendments: The process for a Zoning Ordinance Text Amendment or a City initiated map amendment shall be as follows:
- a. The Planning Commission or the City Council may initiate a Zoning Ordinance text amendment or map amendment. The Planning Commission shall review the amendment and hold a public hearing.
 - b. For text amendments which eliminate a permitted or special use from a zoning district list of permitted or special uses or which imposes more stringent regulations on any zoning district and for City initiated map amendments, notice of the public hearing shall be published one time before the public hearing, not more than thirty (30) nor less than fifteen (15) days prior to the date of public hearing in a newspaper of general circulation in the City.

In addition to the published notice provided above, written notice of public hearings for all City initiated map amendments, other than for the revocation of a planned unit development as provided in Article 4Section 9-38 of this Ordinance, shall be given to the persons to whom the current real estate tax bills are sent, as shown on the record of the local real estate tax collector, for each parcel of property affected by such City initiated map amendment. All such notices shall be posted as first class, United States letter carrier mail, not less than ten (10) days prior to the date of the public hearing.

- c. The public hearing shall be conducted by the Planning Commission and a record of such proceedings shall be preserved in such a manner as the Planning Commission shall, by rule, prescribe from time to time.

After recommendation by the Planning Commission, the City Council may, by ordinance, grant, deny or grant with modification, the proposed Zoning Ordinance text or map amendment.

Sec. 9-32. Fees and charges.

Upon filing an application for a variance, amendment or special use, the applicant shall pay a fee as set by the City Council by Resolution #101.

Sec. 9-33. Violation, penalties.

It shall be unlawful for the owner of any real property located within the City to violate, disobey, neglect, omit, refuse to comply with, or resist the enforcement of any of the provisions of this Zoning Ordinance.

Upon making a determination that there exists a violation of this Ordinance, the City Zoning Administrator shall notify, in writing, the owner of the property upon which such violation exists. Upon receipt of such notice of violation, the property owner shall, within ten (10) days, eliminate any violation of this Ordinance existing upon his property.

Any person who violates, disobeys, neglects, omits, refuses to comply with, or resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not more than five hundred dollars (\$500) for each offense, and each day that a violation continues to exist shall constitute a separate offense.

ARTICLE 4 PLANNED UNIT DEVELOPMENTS

Sec. 9-34. Purpose, intent and regulations.

A Planned Unit Development (PUD) provides a means by which land can be developed or redeveloped with innovation, creativity and design effort. The Planned Unit Development accommodates the fulfillment of the objectives of the City Comprehensive Plan while allowing limited relief from strict application of use and bulk regulations which may cause undue hardship or complications for desirable but unconventional development. This

Article is intended to grant such flexibility through the Special Use Permit process of public hearings to establish specific regulations, standards and criteria to address concerns of each case consistent with the Comprehensive Plan. Objectives of Planned Unit Development are as follows:

1. To stimulate creative approaches to the residential, commercial and industrial development of land.
2. To provide more efficient use of land.
3. To preserve natural features and provide open space areas.
4. To develop new approaches to the living environment through variety in type, design and layout of residential structures, commercial and industrial buildings, transportation systems, and public facilities.
5. To accommodate diversification of permitted land uses and variation in the relationship of uses, structures, open spaces and structural height in projects conceived as a cohesive unified development consistent with the City Comprehensive Plan.

Sec. 9-35. Design standards and criteria.

The Planned Unit Development shall be designed in accordance with the following standards and criteria:

1. The Planned Unit Development shall be under single ownership and/or unified control at the time of filing an application for approval of the Planned Unit Development.
2. All public improvements shall conform to the regulations and design standards of the State Subdivision Regulations, except that the design standards may be modified if the function of the public improvement is not altered.
3. The Planned Unit Development shall provide for the dedication of land for park and recreational purposes and land for school sites or a cash contribution in-lieu-of actual land dedication or a combination of both all in accordance with City Ordinances.
4. A Planned Unit Development may provide a means to utilize a parcel of land or lot for the purpose of erecting more than one (1) principal building or structure.
5. All buildings, structures and uses of land within the Planned Unit Development shall conform to the area, lot width, yard, height and bulk regulations of the zoning district in which the Planned Unit Development is located or, for those uses which are not allowed in that zoning district but are allowed as part of the Planned Unit Development, the area, lot width, yard, height and bulk regulations of the zoning district in which they are first permitted. These regulations may be waived or modified if supported by findings of the Planning Commission and City Council.
6. The development plan shall include sufficient covenants, easements and other provisions relating to bulk, layout, land uses and public facilities as are necessary to protect the welfare of the Planned Unit Development and adjoining properties and are not inconsistent with the City Comprehensive Plan.
7. A minimum of twenty five percent (25%) of the land area of the Planned Unit Development devoted to multiple-family residential use shall consist of common open space. No area within thirty feet (30') of any building or structure, except one used for recreational purposes, shall be included in the computation of the common open space requirements. In no event shall the total amount of common open space, including the required park donation, have to exceed forty five percent (45%) of the gross land area of the Planned Unit Development.
8. Exceptional landscaping features such as larger caliper, varied species and reduced spacing of trees and plantings shall be provided for Planned Unit Developments compared to standards specified by the State Subdivision regulations and site development regulations.

Sec. 9-36. Procedure.

A Planned Unit Development shall be granted as a special use to the zoning district in which it is located. The process for obtaining a Planned Unit Development shall be as follows:

1. Concept Plan: A concept review before the Planning Commission and City Council shall be conducted after an initial review by City Staff. Recommendations and findings listed during the concept stage are preliminary only, subject to modification as a result of information provided during later public hearing stages.
2. Preliminary Plat:
 - a. An application for approval of a Preliminary Plat of Planned Unit Development shall be filed in writing with the City Zoning Administrator. The City Zoning Administrator shall transmit the application to the Planning Commission for review and duly published public hearing. The application shall contain such information as may be required to conduct a comprehensive review and evaluation of the proposal as determined by City Staff, the Planning Commission or City Council.
 - b. Notice of the public hearing shall be published in accordance with State Statutes.
 - c. The applicant shall give written notice to owners of adjoining property as required by law.
 - d. The public hearing shall be conducted by the Planning Commission and a record of such proceedings shall be preserved in such manner as the Planning Commission shall, by rule, prescribe from time to time.
 - e. The Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the City Council.
 - f. After recommendation by the Planning Commission, the City Council may grant, deny or grant with modification, the proposed Planned Unit Development. If the City Council grants the proposed Planned Unit Development, it shall adopt an ordinance authorizing the Planned Unit Development as a special use.
 - g. Attached to the ordinance, as exhibits, shall be the Preliminary Plat of the Planned Unit Development and supporting documents as necessary. Approval of a Preliminary Plat of Planned Unit Development shall not constitute final approval of the Final Plat of Planned Unit Development, rather it shall be deemed an expression of approval of the concept and layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat of Planned Unit Development.
3. Final Plat:
 - a. The Planned Unit Development may be final platted in segments. The Final Plat or plats of the Planned Unit Development shall conform substantially to the Preliminary Plat of Planned Unit Development as approved. The Preliminary Plat of Planned Unit Development shall generally specify uses of land and locations of buildings, whereas the Final Plat of Planned Unit Development shall designate with particularity of the uses of land and the location of buildings.
 - b. An application for approval of a Final Plat of Planned Unit Development shall be filed in writing with the City Zoning Administrator. The City Zoning Administrator shall transmit the application to the Planning Commission for review. The application shall contain such information as may be required to conduct a comprehensive review and evaluation of the application as determined by the City Staff, the Planning Commission or City Council.

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- c. The review shall be conducted by the Planning Commission and a record of such proceedings shall be preserved in such a manner and the Planning Commission shall, by rule, prescribe from time to time.
 - d. The Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the City Council.
 - e. After recommendation by the Planning Commission, the City Council may grant, deny or grant with modification, the proposed Planned Unit Development. If the City Council grants the proposed Planned Unit Development, it shall adopt an ordinance authorizing the Planned Unit Development as a special use. Attached to the ordinance as exhibits shall be the Final Plat of Planned Unit Development and supporting documents as necessary.

Sec. 9-37. Content of planned unit development submittals.

For each stage in the Planned Unit Development review process, the following information and data shall be submitted:

1. Concept Plan: The following information and data is required:
 - a. Data regarding site conditions, land characteristics, available community facilities and utilities, and other related general information about uses of land on site and surrounding sites.
 - b. Sketch drawing showing the proposed location of the uses of land, major streets and other features.
 - c. Property survey and legal description of the subject parcel of land.
2. Preliminary Plat: The following information and data is required:
 - a. Preliminary Plat: A drawing of the Planned Unit Development, at a scale of one hundred feet to one inch (1" = 100'), composed of one (1) or more sheets showing the following information:
 1. Title by which the proposed Planned Unit Development is to be referred.
 2. Legal description of the property and total acreage included.
 3. Date, scale, north point, and date of preparation.
 4. Name and address of the owner, applicant, engineer and land surveyor.
 5. Location of corporate boundary, county and township lines at or near the Planned Unit Development.
 6. Location, dimensions and acreage of proposed land uses including single-family residential, multi-family residential, business areas, industrial areas, open spaces and school sites.
 7. Location and dimensions of proposed streets, alleys, easements and storm water control areas.
 8. Dimensions of the lots into which the property is proposed to be subdivided.
 9. Density of the Planned Unit Development for both the entire development and individual land use areas.
 10. Location map showing the location of the Planned Unit Development within the City.
 11. Character of the surrounding area adjacent to the Planned Unit Development including existing land uses, subdivision of lands, location and dimensions of streets, alleys, easements, and storm water control areas, and location of buildings and structures.

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12. The zoning classification of the subject property and the surrounding area adjoining the site.
 13. Location and dimensions of existing streets, alleys, easements, storm water control areas, buildings, structures and public utilities within the Planned Unit Development.
 14. Plan for sidewalks or pedestrian access and circulation.
 15. General internal uses of each building or structure.
 16. Ground elevations on the tract showing one foot (1') contours for land that slopes less than one-half percent (.5%); two foot (2') contours for land that slopes more than one-half percent (.5%); spot elevations at all breaks in grades, along all drainage channels or swales, and at selected points not more than one hundred feet (100') apart in all directions.
 17. Flood plain lines including floodway and flood fringe delineation.
- b. Character: An explanation of the character of the Planned Unit Development, the reasons why it needs the flexibility of the Planned Unit Development regulations, how the official plan affects the property, and how it accomplishes the purposes of the Planned Unit Development regulations.
 - c. Design Schedule: A listing of the area, lot width, yard, height and bulk requirements applicable to the Planned Unit Development.
 - d. Service Facilities: Information on all service facilities and off-street parking facilities.
 - e. Preliminary Engineering: Engineering in sufficient detail which will convey the general basis of design of the sanitary sewer, water, storm water control, flood control and street facilities.
 - f. Natural Features Study: An analysis of the natural features and drainage patterns of the property.
 - g. Geological and Soil Analysis: An examination of the adequacy of the property for development.
 - h. Impact Studies: Impact studies and geological analysis and other information and data as the Planning Commission may require for the full and complete consideration of the Planned Unit Development.
3. Final Plat: The following information and data is required:
 - a. Final Plat: A drawing of the Planned Unit Development, suitable for recording with the County Recorder of Deeds, showing the following information:
 1. Designation with particularly the uses of the land and the location of buildings and structures.
 2. Title under which the proposed Planned Unit Development is to be recorded.
 3. Legal description of the property and total acreage included.
 4. Date, scale, north point and date of preparation.
 5. Location, dimensions and acreage of proposed land uses including single-family residential, multi-family residential, business areas, industrial areas, open spaces and school sites.
 6. Location and dimensions of proposed streets, alleys, easements and storm water control areas.
 7. Dimensions of the lots into which the property is proposed to be subdivided.
 8. Plan for sidewalks or pedestrian access and circulation.

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- b. Design Schedule: A listing of the area, lot width, yard, height and bulk requirements applicable to the Planned Unit Development.
 - c. Statement of Intent and Agreement: A document by the applicant setting forth the nature, kind, character and the extent of all the public improvements to be constructed, the specific park and school donation, applicable fees and charges, agreement on cost sharing of public improvement, and agreement on any other items.
 - d. Financing Surety: Guarantee of funds in accordance with the provisions of the City Subdivision Regulations.
 - e. Covenants: Final agreements, provisions or covenants which will govern the use, maintenance and continued protection of the Planned Unit Development.
 - f. Final Engineering: Complete and detailed engineering which shows the design of the sanitary sewer, water, storm water control, flood control, and street facilities including specifications.
 - g. Cost Estimate: Estimates of cost for all public improvements.
 - h. Other information and data as the City Staff, Planning Commission or City Council may require for full and complete consideration of the Planned Unit Development.

Sec. 9-38. Modification of the planned unit development.

A Planned Unit Development shall be constructed in accordance with the approved Preliminary or Final Plat of Planned Unit Development and all supporting data. These plats shall control and limit the use of the parcel of land (including the general internal use of buildings and structures) and the location of buildings and structures in the Planned Unit Development as indicated on the plats.

Modification to the Planned Unit Development shall be defined as follows:

1. Major changes are modifications which alter the concept or intent of the Planned Unit Development such as, changes in density, changes in location and type of uses of land, increases in the height of buildings or structures, reduction in the acreage of open space, modification increasing the number of dwelling units in any designated land use area, or alteration in road alignment.
2. Minor changes are changes not defined as major changes and which do not alter the concept or intent of the Planned Unit Development.

A revised Preliminary Plat of Planned Unit Development and supporting data shall be submitted upon a major change. The procedure for approval shall be in accordance with the provisions of Subsection 9-32-2 of the Article. If a Final Plat of Planned Unit Development has also been approved, it shall also be amended at the time of approval of the revised Preliminary Plat of Planned Unit Development.

Minor changes shall be approved by the City Council without the review and recommendation of the Planning Commission. This provision shall not prohibit the City Council from requesting of the Planning Commission its new review and recommendation.

Sec. 9-39. Findings of facts.

The Planning Commission shall not recommend nor the City Council grant a Planned Unit Development unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The design of the Planned Unit Development presents an innovative and creative approach to the development of land and living environments.

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2. The Planned Unit Development meets the requirements and standards of the Planned Unit Development regulations.
 3. The physical design of the Planned Unit Development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.
 4. Open space areas and recreational facilities are provided.
 5. The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.
 6. The Planned Unit Development is compatible with the adjacent properties and the neighborhood.
 7. The Planned Unit Development fulfills the objectives of the Comprehensive Plan and land use policies of the City.

Sec. 9-40. Effective period of planned unit development.

The Planned Unit Development shall be constructed in a timely manner. The Planned Unit Development shall be subject to revocation under the following conditions:

1. Final Platting does not occur within two (2) years from the date of approval of the Preliminary Plat of Planned Unit Development.
2. Construction does not commence and a letter of credit and proceed within two (2) years from the date of approval of the Final Planned Plat of a Planned Unit Development.

The City Council may extend those time limits in one (1) year increments.

The City Council may initiate or the owner of the parcel of land on which the Planned Unit Development is to be constructed may apply for the revocation of the Planned Unit Development. Said owner shall be notified, in writing, at least thirty (30) days prior to the City Council consideration of the revocation.

Upon the revocation of the Planned Unit Development, the parcel of land shall conform to the permitted uses and other regulations of the zoning district of which it is a special use unless an amendment or other special use is initiated by the City Council or is applied for by the owner of the parcel of land on which the Planned Unit Development was to be constructed and granted by the City Council in accordance with the provisions of Article 3 of this Ordinance.

ARTICLE 5 AG AGRICULTURAL DISTRICT

Sec. 9-41. Establishment and intent.

The Agricultural District otherwise known as AG District is hereby established and is intended to provide an environment suitable for and limited to those uses, activities, and structures related to agriculture. This zoning classification shall also serve as a development tool to preserve land prior to the availability of City sewer and water systems.

Sec. 9-42. Permitted uses.

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

1. Farm stands for the sale only of produce grown on the lot or parcel on which the farm stand is located.

2. Farming of any kind, including, but not limited to, raising of livestock and poultry (but not including feedlots), agriculture, floriculture, forestry, greenhouses, horticulture, nurseries, orchards, paddocks, truck farming, and viticulture.
3. Parks, playgrounds, and forest preserves.
4. Single-family detached dwellings, limited to no more than one (1) per lot.
5. Public and private utility facilities.

Sec. 9-43. Accessory uses.

Accessory uses, buildings, or other structures customarily incidental to and commonly associated with a principal use may be permitted; provided they are operated and maintained under the same ownership and on the same lot as the permitted use and do not include structural features inconsistent with the permitted use.

1. Barns.
2. Implement sheds.
3. Garages.
4. Silos.
5. Corn cribs.

Sec. 9-44. Area requirements.

The minimum area in the AG District shall be forty (40) acres.

Sec. 9-45. Lot width requirements.

The minimum lot width, at the front yard line in the AG District shall be five hundred feet (500').

Sec. 9-46. Yard requirements.

The minimum yards required in the AG District shall be as follows:

1. Single-Family dwellings:

Front yard	30 feet
Interior side yard	10 feet
Corner side yard	30 feet
Rear yard	30 feet

2. Agricultural Structures:

Front yard	100 feet
Interior side yard	50 feet
Corner side yard	100 feet
Rear yard	50 feet

3. Other uses:

Front yard	30 feet
Interior side yard	15 feet
Corner side yard	30 feet
Rear yard	30 feet

4. Minimum building separation shall be two hundred fifty feet (250') from dwelling to livestock structures, and one hundred feet (100') from dwelling to other agricultural structure.
5. Minimum separation of five hundred (500) feet from residential areas.

Sec. 9-47. Height limitations/bulk regulations.

1. The maximum height for all buildings and structures in the AG District shall be two and one-half (2 1/2) stories not to exceed thirty-five feet (35') except for barns and silos which may have a maximum height of fifty feet (50').
2. Minimum floor area for all one-story dwellings shall be eight hundred and forty (840) square feet exclusive of basements, attic and garages.
3. Minimum floor area for all multi-level dwellings shall be one thousand two hundred (1,200) square feet exclusive of sub-grade basements, attics and garages.
4. Minimum finished ceiling height of the first floor or main level shall be seven feet six inches (7'6"). Other floors or levels shall conform to City Building Code standards.

ARTICLE 6 R1 LOW DENSITY SINGLE-FAMILY RESIDENCE DISTRICT

Sec. 9-49. Intent.

The R1 District is intended to provide single-family areas of a low density character with lots containing a minimum of ten thousand (10,000) square feet.

Sec. 9-50. Permitted uses.

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the following uses:

1. Elementary schools, junior high schools, and senior high schools that do not have boarding facilities.
2. Parks, playgrounds, and forest preserves.
3. Single-family detached dwellings.
4. Public and private utility facilities approved as part of a subdivision plat.

Sec. 9-51. Special uses.

The following special uses may be permitted in specific situations in accordance with the procedures outlined in Article 3 of this Ordinance as appropriate:

1. Civic buildings.
2. Nursery schools, preschool and day care centers, subject to State licensing requirements.

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3. Planned Unit Developments.
 4. Public and private utility facilities not approved as part of a subdivision plat.
 5. Religious institutions.
 6. Swim and/or tennis clubs not for profit.
 7. Golf courses, non-commercial.

Sec. 9-52. Accessory uses.

1. Garages.
2. Sheds.
3. Antennas:
 - a. Radio.
 - b. Satellite Dish.

Sec. 9-53. Lot area requirements.

The minimum lot area in the R1 District shall be as follows:

1. Single-family detached dwellings; nursery schools, preschool, and day care centers: ten thousand (10,000) square feet per lot.
2. Elementary schools, junior high schools, and senior high schools: five (5) acres.
3. Golf courses; parks, playgrounds, and forest preserves; public and private utility facilities: none.
4. Religious institutions; civic buildings; swim and/or tennis clubs: two (2) acres.

Sec. 9-54. Lot width requirements.

The minimum lot width, at the front yard line, in the R1 District shall be as follows:

1. Single-family detached dwellings; nursery schools, preschool, and day care centers: eighty-five (85) feet per lot.
2. All other uses: one hundred (100) feet per lot.

Sec. 9-55. Yard requirements.

The minimum yards required in the R1 District shall be as follows:

1. Single-family detached dwellings:

Front yard	30 feet
Interior side yard	10 feet
Corner side yard	30 feet
Rear yard	25% of the lot depth which need not exceed 30 feet

2. All other permitted and special uses:

Front yard	30 feet
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Interior side yard	15 feet plus 1 foot for each 2 feet by which the building or structure height exceeds 28 feet
Corner side yard	30 feet plus 1 foot for each 2 feet by which the building or structure height exceeds 28 feet
Rear yard	30 feet

Sec. 9-56. Height limitations/bulk regulations.

The height and bulk standards in the R1 District are as follows:

1. The maximum height for all buildings in the R1 District shall be two and one half (2 1/2) stories, not to exceed thirty-five feet (35').
2. The floor area for a one-story dwelling shall not be less than eight hundred forty (840) square feet, exclusive of basement, attic and garage area.
3. The floor area for a multi-level dwelling shall not be less than one thousand two hundred (1,200) square feet exclusive of basement, attic and garage area.
4. The finished ceiling height for every part of the first or main floor shall be no less than seven feet six inches (7'6"). Other floors or levels shall conform to City Building Code standards.
5. The maximum hard-surface coverage shall not exceed thirty percent (30%) of gross lot area; including, but not limited to, swimming pools, decks and accessory buildings. Driveways, sidewalks, concrete or brick patios on grade are not included in the calculation of hard surface coverage.
6. No residence shall be erected, nor any existing building be altered, enlarged, moved or rebuilt, that is less than twenty-four feet (24') in width, nor less than eight hundred forty (840) square feet of first floor area exclusive of garage or other non-residential purpose areas.

ARTICLE 7 R2 SINGLE-FAMILY AND TWO-FAMILY RESIDENCE DISTRICT

Sec. 9-57. Intent.

The R2 District is intended to provide transitional uses of a low density character accommodating a variety of housing types compatible with low density single-family residence district.

Sec. 9-58. Permitted uses.

No building, structure or parcel of land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the following uses:

1. Any use permitted in the R1 District.
2. Elementary schools, junior high schools, senior high schools.
3. Two-family dwellings and duplexes.
4. Public and private utility facilities approved as part of a subdivision plat.

Sec. 9-59. Special uses.

The following special uses may be permitted in specific situations in accordance with the procedures outlined in Article 3 of this Ordinance.

1. Any special use in the R1 District.
2. Structures in excess of two and one-half (2 1/2) stories or thirty-five feet (35') in height, not to exceed fifty-five feet (55') in height.
3. Planned Unit Development

Sec. 9-60. Accessory uses.

1. Garages.
2. Sheds.
3. Antennas:
 - a. Radio.
 - b. Satellite dish.

Sec. 9-61. Lot area requirements.

The minimum lot area in the R2 District shall be as follows:

1. Single-family detached dwellings: ten thousand (10,000) square feet.
2. Two-family dwellings and duplexes: eight thousand (8,000) square feet per dwelling unit.
3. Elementary schools, junior high schools, senior high schools, colleges, and universities (non-boarding and boarding): five (5) acres.
4. Golf courses; parks, playgrounds, and forest preserves; public and private utility facilities: none.
5. Religious institutions; civic buildings; swim and/or tennis clubs; planned unit development: two (2) acres.

Sec. 9-62. Lot width requirements.

The minimum lot width, at the front yard line, in the R2 District shall be as follows:

1. Single-family detached dwellings; nursery schools, preschool, and day care centers: eighty-five (85) feet per lot.
2. All other uses: one hundred (100) feet per lot.

Sec. 9-63. Yard requirements.

The minimum yards required in the R2 District shall be as follows:

1. All residential uses:

Front yard	30 feet
Interior side yard	10 feet

Corner side yard	30 feet
Rear yard	30 feet

2. All other permitted and special uses:

Front yard	30 feet
Interior side yard	15 feet plus 1 foot for each 2 feet by which the building or structure height exceeds 28 feet
Corner side yard	15 feet plus 1 foot for each 2 feet by which the building or structure height exceeds 28 feet
Rear yard	25 feet

Sec. 9-64. Height limitations/bulk regulations.

The height and bulk standards in the R2 District are as follows:

1. The maximum height for all dwellings in the R2 District shall be two and one-half (2 1/2) stories, not to exceed thirty-five feet (35').
2. The minimum floor area per dwelling unit shall not be less than eight hundred and forty (840) square feet.
3. The finished ceiling height for every part of the first floor or main level shall be no less than seven feet six inches (7'6"). Other floors or levels shall conform to City Building Code standards.
4. The maximum hard-surface coverage shall not exceed thirty percent (30%) of gross lot area: including, but not limited to, swimming pools, decks and accessory buildings. Driveways, sidewalks, concrete or brick patios on grade are not included in the calculation of hard surface coverage.
5. All single-family dwellings shall meet the floor area requirements as specified in the R-1 District (Section 9-56 of this Ordinance).

ARTICLE 8 R3 MODERATE DENSITY SINGLE-FAMILY ATTACHED RESIDENCE DISTRICT

Sec. 9-65. Intent.

The R3 District is intended to provide transitional residential uses of moderate density accommodating a variety of housing types preserving open space and promoting alternate housing choices.

Sec. 9-66. Permitted uses.

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

1. Any use permitted in the R2 District.
2. Two-family dwellings and duplexes.
3. Non-commercial swim and tennis clubs, non-commercial recreation facilities subject to site plan review.

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4. Public and private utility facilities approved as part of a subdivision plat.

Sec. 9-67. Special uses.

The following special uses may be permitted in specific situations in accordance with the procedures outlined in Article 3 of this Ordinance.

1. Any special use in the R1 District except those that are permitted uses in the R3 District.
2. Nursery schools and day care centers.
3. Convalescent and nursing homes.
4. Structures in excess of thirty-five feet (35') in height, but not greater than sixty-five feet (65') in height.
5. Planned Unit Development.

Sec. 9-68. Accessory uses.

1. Garages.
2. Trash enclosure: side or rear yard only.
3. Shed.
4. Antennas:
 - a. Radio: Rear yard only.
 - b. Satellite Dish: Rear yard only.

Sec. 9-69. Lot area requirements.

The minimum lot area in the R3 District shall be as follows:

1. Two-family dwellings: seven thousand (7,000) square feet per dwelling unit.
2. Single-family attached dwellings: five thousand (5,000) square feet per dwelling unit.
3. Elementary schools, junior high schools, and senior high schools: five (5) acres.
4. Golf courses; parks, playgrounds, and forest preserves: public and private utility facilities: none.
5. Religious institution; civic buildings; swim and/or tennis clubs; convalescent and nursing homes: two (2) acres.
6. Nursery schools and day care center: twenty-one thousand five hundred (21,500) square feet.

Sec. 9-70. Lot width requirements.

The minimum lot width, at the front yard line, in the R3 District shall be as follows:

1. Two-family dwellings and duplexes:
Ninety (90) feet (forty-five (45) feet /unit).
2. Single-family attached dwellings:
One hundred (100) feet (per development site).

Sec. 9-71. Yard requirements.

The minimum yards required in the R3 district shall be as follows:

1. All residential uses, except multiple-family dwellings:

Front yard	30 feet
Interior side yard	10 feet
Corner side yard	30 feet
Rear yard	30 feet

2. All other permitted and special uses:

Front yard	30 feet plus 1 foot for each 2 feet by which the building or structure exceeds 28 feet in height
Interior side yard	15 feet plus 1 foot for each 2 feet by which the building or structure height exceeds 28 feet
Corner side yard	30 feet plus 1 foot for each 2 feet by which the building or structure heights exceeds 28 feet
Rear yard	30 feet plus 1 foot for each 2 feet by which the building or structure exceeds 28 feet in height

3. Buffer area: twenty (20) feet when adjacent to the R1 District.

Sec. 9-72. Height limitations/bulk regulations.

1. The maximum height of all buildings and structures shall be thirty-five feet (35').
2. For non-residential uses, principal and accessory buildings shall cover not more than thirty-five percent (35%) of the gross lot area.
3. The minimum floor area per dwelling unit shall not be less than eight hundred and forty (840) square feet.
4. Finished ceiling heights shall be no less than seven feet six inches (7'6") on the first floor or main level of each dwelling unit. Other floor or levels shall conform to City Building Code standards.
5. The maximum hard-surface coverage shall not exceed thirty percent (30%) of gross lot area; including, but not limited to, swimming pools, decks and accessory buildings. Driveways, sidewalks, concrete or brick patios on grade are not included in the calculation of hard-surface coverage.

ARTICLE 9 B1 GENERAL BUSINESS DISTRICT

Sec. 9-89. Intent.

The B1 General Business District is intended to accommodate a broad range of retail and service uses of moderate intensity. The development found in this classifications may range from single use sites to multi-tenant commercial centers.

Sec. 9-90. Permitted uses.

No building, structure or parcel of land shall be used and no building, or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

1. Antique shops.
2. Appliance stores, sales, rental and repair.
3. Auto parts and auto accessories stores.
4. Bakeries.
5. Banks and financial institutions without drive-through lanes.
6. Barber Shops.
7. Beauty Shops.
8. Bicycle shop; sales, rental and repair.
9. Blue printing, photo copying, engineering and drafting supply sales.
10. Book and stationary stores.
11. Candy, ice cream and yogurt stores.
12. Carpet stores.
13. Catering establishments.
14. China and glassware store.
15. Civic Buildings
16. Clothing and apparel stores.
17. Day care centers.
18. Drugstores.
19. Dry cleaning drop-off and pick-up only, without on-site processing.
20. Dry cleaning, using non-flammable non-explosive fluids, not to exceed four thousand (4,000) square feet.
21. Employment agency.
22. Food stores, meat markets, delicatessens, and convenience stores.
23. Furniture stores, upholstery service as a secondary use.
24. Furrier shops.
25. Garden supply and seed stores.
26. Gift and hobby shops.
27. Hardware
28. Interior decorating shop.
29. Laundromat.
30. Leather goods and luggage shops.

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31. Liquor stores, retail sales of packaged goods.
 32. Locksmith shop.
 33. Millinery stores.
 34. Music stores, sheet music sales, album sales, musical instrument, sales and repair.
 35. Meeting halls.
 36. Medical appliance store.
 37. Offices- business or professional; medical and dental (serving the local area rather the region).
 38. Office supply store.
 39. Paint and wallpaper stores.
 40. Parking lots.
 41. Pet shops.
 42. Photography or artists studios.
 43. Picture framing.
 44. Publishing, newspaper operations, not to exceed four thousand (4,000) square feet.
 45. Radio and television studio, recording studio.
 46. Restaurants, cafes not including drive-in or drive-through services.
 47. Sewing machine sales, service and repairs.
 48. Shoe stores, sales and repair.
 49. Tailor shop, dressmaking shop.
 50. Taxidermists.
 51. Tobacco shops.
 52. Toy store.
 53. Variety store.
 54. Video rentals and sales.
 55. Wearing apparel shops.
 56. Other uses which are of the same general character as the above permitted uses as determined by the City Zoning Administrator.

Sec. 9-91. Special uses.

The following special uses may be permitted in specific situations in accordance with the procedures outlined in Article 3 of this Ordinance.

1. Automobile sales, truck sales including service, but not including body rebuilding and painting.
2. Automobile service, automobile machining, automotive washing, including mechanical conveyors and blowers.
3. Cocktail lounge, tavern.

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4. Commercial satellite earth stations.
 5. Drive-through banking lanes.
 6. Farmstands.
 7. Indoor amusement and recreation establishments including billiard parlors, bowling alleys, gymnasiums, swimming pools, skating rinks and movie theaters.
 8. Meat market/butcher shops.
 9. Package wine and beer as an accessory use to a permitted use.
 10. Planned unit developments.
 11. Proprietary residence.
 12. Public and private utility facilities not including vehicle, or maintenance storage.
 13. Trailer or boat sales establishments not including manufactured home sales or semi-truck trailers.

Sec. 9-92. General requirements.

1. All business, servicing or processing, except for off-street parking or loading shall be conducted within completely enclosed buildings. The normal services and sales offered at automobile fuel stations, auto sales, trailer sales are excluded from this provision. The City Council may waive this provision by designating certain days on which business may be conducted outside of the building for special promotions.
2. All outside storage shall be prohibited. Trash containers shall be enclosed with fences or landscaping of at least one hundred percent (100%) opacity. Lighting of the facility shall be directed away from surrounding properties.

Sec. 9-93. Area requirements.

1. The minimum lot area shall be fifteen thousand (15,000) square feet.
2. The minimum District Area shall be two (2) acres (comprised of one (1) or more contiguous parcels).

Sec. 9-94. Lot width requirements.

1. The minimum lot width shall be one hundred (100) feet.

Sec. 9-95. Yard requirements.

The minimum yards required in the B1 District shall be as follows:

Front yard	30 feet
Interior side yard	15 feet*
Rear yard	30 feet*
Exterior side yard	30 feet

*A setback from all residential districts, of forty feet (40') shall be maintained. A minimum of twenty feet (20') of landscaped area shall be provided along such District boundary or property line separating the specified Districts. The required landscaped area shall be grass covered and densely planted with shrubs and trees to buffer adjacent residential land uses to provide a year-round visual screen in

accordance with the Site Plan Review Ordinance. A fence shall be required in cases where the City Council finds landscaping alone is insufficient to protect the health, safety and welfare of adjacent land owners or occupants. Designated parking areas shall be prohibited within the buffer area.

Sec. 9-96. Height limitations/bulk regulations.

The maximum floor area ratio for all buildings and structures in the B1 District shall be 0.6. The maximum height of all structures shall not exceed three (3) stories or thirty-five feet (35').

ARTICLE 10 B2 HIGHWAY BUSINESS DISTRICT

Sec. 9-113. Intent.

The B2 Highway Business District is intended to accommodate those retail and wholesale commercial activities which are considered roadside commercial uses.

Sec. 9-114. Permitted uses.

Any use permitted in the BI District in addition to the following uses:

1. Ambulance services.
2. Animal hospital, veterinary clinics.
3. Antique shop, second-hand stores.
4. Automobile accessory stores.
5. Automobile fuel stations, car washes.
6. Automobile and truck sales and rental including accessory repair and painting operations provided that such accessory repairs and painting is within an enclosed structure.
7. Bait stores.
8. Beverage - bottling and distributing.
9. Boat sales and service.
10. Building contractors shop.
11. Commercial recreation: bowling alley, skating rink, swimming pools, gymnasiums, health clubs.
12. Electrical showrooms and shops.
13. Exterminating shops.
14. Farm implements, sales and repair.
15. Ice sales.
16. Garages for automobile service and repair including body repair and painting and engine rebuilding provided all outside storage is enclosed by a fence, wall or structure providing a one hundred percent (100%) visual screen.
17. Greenhouses, nurseries and garden centers.
18. Hotels and motels.

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19. Janitorial Services.
 20. Parking lots.
 21. Pawn shops.
 22. Plumbing showrooms and shops.
 23. Restaurant, including drive-ins and drive-through.
 24. Trailer or boat sales establishments including manufactured home sales, service and repairs.
 25. Other uses which are of the same general character as the above permitted uses as determined by the City Zoning Administrator.

Sec. 9-115. Special uses.

1. Amusement parks including permanent carnivals, kiddie parks, miniature golf, golf driving range, batting cages and similar uses.
2. Building material and products, sales, accessory storage and accessory manufacturing of building comments sold on site.
3. Kennels
4. Stadiums and arenas.
5. Warehouses, providing goods and services directly to the consumer, self-service storage facilities but not including motor freight terminals.
6. Farmstands.

Sec. 9-116. General requirements.

1. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings. The normal services and sales offered at automobile service stations and eating and drinking establishments and retail sales of boats, motor vehicles, trailers, campers, mobile homes, model homes, and garages are excluded from this provision. The City Council may waive this provision by designating certain days on which business may be conducted outside the building or structure for special promotions.
2. All outside storage areas of goods, materials and products shall be enclosed with fences or landscaping of at least one hundred percent (100%) opacity.

Sec. 9-117. Area requirements.

1. The minimum lot area shall be fifteen thousand (15,000) square feet.

Sec. 9-118. Lot width requirements.

The minimum lot width shall be no less than one hundred feet (100').

Sec. 9-119. Yard requirements.

Front yard	30 feet
Exterior side yard	30 feet

Interior side yard	15 feet*
Rear yard	30 feet*

*A setback from all residential districts, of forty feet (40') shall be maintained. A minimum of twenty feet (20') of landscaped area shall be provided along such District boundary or property line separating the specified Districts. The required landscaped area shall be grass covered and densely planted with shrubs and trees to buffer adjacent residential land uses to provide a year-round visual screen in accordance with the Site Plan Review Ordinance. A fence shall be required in cases where the City Council finds landscaping alone is insufficient to protect the health, safety and welfare or adjacent land owners or occupants. Designated parking areas shall be prohibited within the buffer area.

Sec. 9-120. Height limits/bulk requirements.

The maximum floor area ratio for all buildings and structures in the B2 district shall be 0.6. The maximum height of all structures shall not exceed three (3) stories or thirty-five feet (35').

ARTICLE 11 OC OFFICE AND COMMERCIAL DISTRICT

Sec. 9-121. Intent.

It is the intent of this District to act as a transitional zone between intensive business areas and residential neighborhoods. This District should contain office, residential, institutional and support commercial facilities.

Sec. 9-122. Permitted uses.

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

1. Banks and financial institutions.
2. Civic buildings.
3. Cultural institutions.
4. Nursery schools, preschool and day care centers.
5. Offices - business or professional; medical or dental.
6. Parks, playgrounds and forest preserves.
7. Religious institutions.
8. Schools.
9. Veterinary offices.

Sec. 9-123. Special uses.

The following special uses may be permitted in specific situations as appropriate:

1. Convalescent and nursing homes.
2. Dwelling units.

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3. General retail.
 4. Parking lots or garages, principal.
 5. Planned unit developments.
 6. Public and private utility facilities.
 7. Services, including, but not limited to, barber shops, beauty shops, laundries, clothes cleaning and laundry pick-up stations, shoe repair, tailor shops, appliance repair shops, electricians' shops and similar stores or shops for the conduct of business.

Sec. 9-124. General requirements.

The following are requirements of this District:

1. All business, servicing, or processing, except off-street parking or loading, shall be conducted within completely enclosed buildings. The City Council may waive this provision by designating certain days on which business establishments may conduct their businesses outside the building or structure.

Sec. 9-125. Area requirements.

The minimum lot area shall be ten thousand (10,000) square feet.

Sec. 9-126. Lot width requirements.

The minimum lot width shall be one hundred feet (100') at the frontage line.

Sec. 9-127. Yard requirements.

The minimum building setback requirements shall be as follows:

Front yard	30 feet
Exterior side yard	30 feet
Interior side yard	15 feet*
Rear yard	30 feet*

*A setback from all residential districts, of forty feet (40') shall be maintained. A minimum of twenty feet (20') of landscaped area shall be provided along such District boundary or property line separating the specified Districts. The required landscaped area shall be grass covered and densely planted with shrubs and trees to buffer adjacent residential land uses to provide a year-round visual screen in accordance with the Site Plan Review Ordinance. A fence shall be required in cases where the City Council finds landscaping alone is insufficient to protect the health, safety and welfare or adjacent land owners or occupants. Designated parking areas shall be prohibited within the buffer area.

Sec. 9-128. Height limits/bulk requirements.

The maximum floor area ratio for all buildings and structures in the OC District shall be 0.5.

ARTICLE 12 ORI OFFICE, RESEARCH AND LIGHT INDUSTRIAL DISTRICT

Sec. 9-129. Intent.

The ORI Office, Research and Light Industry District is intended to provide an environment suitable for and limited to research and development activities, engineering and testing activities, office uses, warehousing, and limited manufacturing that will not have an adverse effect upon the environmental quality of the community.

Sec. 9-130. Permitted uses.

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

1. Banks and financial institutions.
2. Civic buildings.
3. Clinics - medical and dental.
4. Engineering and testing laboratories and offices.
5. Laboratories, offices, and other facilities for research and development, including basic, applied, development and technical services conducted by or for any individual, organization, or concern, whether public or private.
6. Low-nuisance industrial activities, including, but not limited to, electronic and scientific precision instruments manufacture, cloth products manufacture, light machinery production and assembly, printing and publishing.
7. Pilot plants in which processes planned for use in production elsewhere can be tested to the extent reasonably necessary for full investigation of the merits of a product or process, including commercial viability.
8. Production of prototype products when limited to the scale reasonably necessary for full investigation of the merits of a product, including commercial viability.
9. Warehouses and storage facilities, but excluding motor freight terminals.

Sec. 9-131. Special uses.

The following special uses may be permitted in specific situations as appropriate:

1. Food manufacturer, packaging and processing, not including meat packing, rendering plants and slaughter houses.
2. General retail and services located along a State or County highway.
3. Height limit increase.
4. Planned unit development. The primary use within a planned unit development shall be one or more of the principal permitted uses, and may include any of the following uses:
 - a. Cultural and recreational facilities, churches, auditoriums, and public gathering places.
 - b. Eating and drinking establishments.
 - c. Health clubs.
 - d. Schools.
5. Public and private utility facilities.

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6. Sales and storage of building materials and products.

Sec. 9-132. General requirements.

1. Warehouse and storage facility functions shall be conducted within enclosed buildings and structures.
2. All business, servicing, or processing, except for off-street parking and off-street loading, shall be conducted within completely enclosed buildings.
3. All outside storage areas of goods, materials, products, and trash containers shall be enclosed with fences or landscaping of at least seventy-five percent (75%) capacity. Lighting of the facility shall be directed away from surrounding properties.

Sec. 9-133. Area requirements.

The minimum area in the ORI District shall be two (2) acres, except for planned unit developments which shall have no minimum area required. The minimum lot area shall be twenty-four thousand (24,000) square feet, except for Planned Unit Developments which shall have a minimum area of five (5) acres.

Sec. 9-134. Lot width requirements.

The minimum lot width, at the frontage line, in the ORI District shall be one hundred feet (100').

Sec. 9-135. Yard requirements.

The minimum building setback and yard requirements shall be as follows:

1. General yard requirements (structures under thirty feet (30') in height).

Front yard	50 feet
Exterior side yard	50 feet
Interior side yard	30 feet*
Rear yard	30 feet*

*A setback from all residential districts, of sixty feet (60') shall be maintained. A minimum of thirty feet (30') of landscaped area shall be provided along such District boundary or property line separating the specified Districts. The required landscaped area shall be grass covered and densely planted with shrubs and trees to buffer adjacent residential land uses to provide a year-round visual screen in accordance with the Site Plan Review Ordinance. A fence shall be required in cases where the City Council finds landscaping along is insufficient to protect the health, safety and welfare of adjacent land owners or occupants. Designated parking areas shall be prohibited within the buffer area.

2. Special yard requirements (structures over thirty feet (30') in height).

The yard requirements stated in Subsection 1. of this Section shall be increased by one foot (1') for each three feet (3') in height that any building or structure on the lots exceeds a height of thirty feet (30'), and except that requirement for interior side yards adjacent to a railroad right-of-way shall be exempt from this special setback requirement.

Sec. 9-136. Height limits/bulk requirements.

The maximum height and floor area ratio for all buildings and structures in the ORI District shall be as follows:

1. The maximum height for all buildings and structures in the ORI District shall be one hundred feet (100'); however, this limit may be increased to one hundred fifty feet (150') by a special use after Public Hearing before the Planning Commission in accordance with the provisions of Article 3 of this Ordinance. Any such increased height shall be reasonably required for the particular research or development use to which the property in question is to be put.
2. The basic floor area ratio in the ORI District shall be 0.70. However, for those buildings and structures that provide special design improvements, a floor area ratio premium may be granted as a special use by the City after a Public Hearing before the Planning Commission in accordance with the provisions of Article 3 of this Ordinance. This premium may be added to the basic floor area ratio in accordance with the following:
 - a. If seventy-five percent (75%) or more of the required parking is provided underground or within the building, then a floor area ratio premium of 0.20 shall be allowed.
 - b. As the lot size increases, a floor area ratio premium of 0.02 will be granted for each additional acre in lot size above two (2) acres to a maximum of ten (10) acres.

ARTICLE 13 I GENERAL INDUSTRIAL DISTRICT

Sec. 9-137. Intent.

The I General Industrial District is intended to accommodate industrial activities which are general industrial uses.

Sec. 9-138. Permitted uses.

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

1. Abrasive manufacture.
2. Bakeries.
3. Banks and financial institutions.
4. Boot and shoe manufacture.
5. Bottling companies.
6. Brick and structural clay products manufacture.
7. Building materials and products sales and storage.
8. Business, professional, medical and dental offices.
9. Cartage and express facilities.
10. Chemical mixing, blending and storage facilities.
11. Civic buildings.

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12. Concrete products manufacture.
 13. Contractor and construction offices, shops, and storage yards.
 14. Dairy products processing.
 15. Dry cleaning establishments and laundries employing more than ten (10) persons.
 16. Electronic and scientific precision instruments manufacture.
 17. Electroplating.
 18. Feed mills.
 19. Food manufacture, packaging, and processing.
 20. Foundries and forge plants.
 21. Freight terminals, motor, and railroad.
 22. Fuel and ice sales.
 23. Furniture, bedding, and carpet manufacture.
 24. General manufacturing.
 25. Glass products production and sales.
 26. Grain storage and processing.
 27. Heavy machinery production.
 28. Light machinery production.
 29. Lithographing.
 30. Machine shop.
 31. Meat Packing, not including slaughter houses.
 32. Metal reduction and refinement.
 33. Metal stamping.
 34. Municipal facilities, including sewage disposal plants, garages and storage facilities, wells, water towers and offices.
 36. Paper products manufacture.
 37. Parking lots and garages, principal.
 38. Plastics processing.
 39. Pottery and ceramics manufacture.
 40. Printing and publishing establishments.
 41. Radio and television stations, studios and transmitting facilities.
 42. Rubber processing manufacture.
 43. Schools - vocational or trade.
 44. Steel manufacture.
 45. Stone products manufacture.

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46. Warehouses, storage, and distribution facilities.
 47. Wearing apparel manufacture.
 49. Woodworking.
 50. Other uses which are of the same general character as the other permitted uses as determined by the City Zoning Administrator.

Sec. 9-139. Special uses.

The following special uses may be permitted in specific situations as appropriate:

1. Asphalt products manufacture.
2. Automobile service stations, repair facilities, and car washes used in conjunction with an automobile service station.
3. Boiler and tank manufacturing.
4. Bulk storage and processing of petroleum products.
5. Eating and drinking establishments.
6. Garages for storage, repair, and servicing of motor vehicles, including body repair, painting and engine rebuilding.
7. Heliports.
8. Junk yards, automobile graveyards, and salvage.
9. Petroleum refining.
10. Planned unit developments.
11. Public and private utility facilities.
12. Recreation and social facilities.
13. Stadiums.

Sec. 9-140. General requirements.

1. All outside storage areas of goods, materials, products, and trash containers shall be enclosed with fences or landscaping of at least seventy-five percent (75%) opacity. Lighting of the facility shall be directed away from surrounding properties.
2. Where the I District abuts or is across an existing or proposed right-of-way from property located in a residence district, screening by fences or landscaping of at least seventy-five percent (75%) opacity shall be provided.

Sec. 9-141. Area requirements.

The minimum area in the I General District shall be one (1) acre. The minimum lot area requirement shall be one (1) acre.

Sec. 9-142. Lot width requirements.

The minimum lot width, at the front yard line, in the I District shall be one hundred feet (100').

Sec. 9-143. Yard requirements.

The minimum setbacks required in the I District shall be as follows:

1. General yard requirements (structures under thirty feet (30') in height).

Front yard	50 feet
Exterior side yard	50 feet
Interior side yard	30 feet*
Rear yard	30 feet*

*A setback from all residential districts, of sixty feet (60') shall be maintained. A minimum of thirty feet (30') of landscaped area shall be provided along such District boundary or property line separating the specified Districts. The required landscaped area shall be grass covered and densely planted with shrubs and trees to buffer adjacent residential land uses to provide a year-round visual screen in accordance with the Site Plan Review Ordinance. A fence shall be required in cases where the City Council finds landscaping alone is insufficient to protect the health, safety and welfare of adjacent land owners or occupants. Designated parking areas shall be prohibited within the buffer area.

2. Special yard requirements (structures over thirty (30) feet in height).

The yard requirements stated in Subsection 1. of this Section shall be increased by one foot (1') for each three feet (3') in height that any building or structure on the lots exceeds a height of thirty feet (30'), and except that requirement for interior side yards adjacent to a railroad right-of-way shall be exempt from this special setback requirement.

Sec. 9-144. Height limits/bulk requirements.

The maximum floor area ratio for all buildings and structures in the I District shall be .30.

ARTICLE 14 NONCONFORMING USES

Sec. 9-149. Statement of purpose.

This Ordinance establishes separate zoning districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those nonconforming uses which substantially and adversely affect the orderly development and taxable value of other property in the district not be permitted to continue without restriction.

The purpose of this Article is to provide for the regulation of nonconforming uses and to specify those circumstances and conditions under which they shall be permitted to continue.

Sec. 9-150. Authority to continue nonconforming uses.

Any use which existed lawfully at the time of the adoption of this Ordinance, or any amendment hereto, and which remains or becomes nonconforming upon the adoption of this Ordinance; or any amendments hereto, may be continued, provided that 1.) if the use is located in building or structure, it may be continued during the remainder of the normal life of the building or structure in which the nonconforming use is conducted or until the building or structure has deteriorated to the extent that it is no longer safe for the housing of the nonconforming use therein, or 2.) if the use does not involve a principal building or structure, it may be continued so long as no

new principal or accessory building or structure is erected. The continuance of all nonconforming uses shall be subject to the regulations herein set forth.

No use which was not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance, and to the extent that, and in any manner, said unlawful use is in conflict with the requirements of this Ordinance, said use remains unlawful hereunder.

Sec. 9-151. Restrictions on nonconforming uses.

1. Repair and Alterations:

- a. Repairs and alterations may be made to a building or structure in which is conducted a nonconforming use provided that they are made in accordance with provisions of this Section. No repairs and alterations shall be made which increase the bulk of the building or structure unless they are intended to provide for a permitted use.
- b. Nothing in this Ordinance shall prevent the reconstruction, repairing, or rebuilding of a building or structure in which is conducted a nonconforming use rendered necessary by wear and tear or deterioration or which is required by the provisions of the building regulations of the City relative to the maintenance of said buildings or structures provided the cost of such work shall not exceed fifty percent (50%) of the replacement cost of such building or structure at the time such work is done.

2. Restoration: If a building or structure in which is conducted a nonconforming use is damaged by fire, collapse, explosion, or other casualty or natural disaster to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the replacement cost of the building or structure at the time of destruction of damage, the nonconforming use must cease any new construction or reconstruction must comply with all regulations, including use regulations, of the zoning district in which the building or structure is located.

In the event such damage or destruction is less than fifty percent (50%) of the replacement cost of the building or structure, the nonconforming use, if temporarily discontinued, shall not be reestablished unless restoration is started within six (6) months from the date of partial destruction and restoration proceeds and does not cease for a period of sixty (60) days and completion is accomplished within twenty-four (24) months from the date of partial destruction.

3. Expansion of Nonconforming Uses:

- a. A nonconforming use shall not be expanded into any other portion of the building or structure which was not occupied by the nonconforming use at the time of the adoption of this Ordinance or any amendment hereto.
- b. The nonconforming use of land which does not involve a building or structure or which is accessory to the nonconforming use of a building or structure shall not be expanded or extended beyond the area it occupies at the time of the adoption of this Ordinance or any amendment hereto.

4. Discontinuance of Nonconforming Uses: If a nonconforming use is discontinued for a continuous period of six (6) months, it shall not be renewed, and any subsequent use of the building, structure, or parcel of land shall conform to the use regulations of the zoning district in which such building, structure, or parcel of land is located.

5. Change of Nonconforming Uses: A nonconforming use may be changed to another use if it conforms to the use regulations of the zoning district in which the building, structure, or parcel of land is located or if it is of substantially the same character as the nonconforming use at the time of the adoption of this Ordinance or any amendment hereto.

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6. Relocation: No building or structure in which is conducted a nonconforming use shall be moved in whole or in part to any other location on the same or any other lot unless the use thereof conforms to the use regulations or the zoning district in which the building or structure is to be located.