

VILLAGE OF ESTRAL BEACH  
ORDINANCE #1031

AN ORDINANCE TO AMEND ORDINANCE #1031 ARTICLE XII.  
SECTION 1209 RESIDENTIAL YARD FENCES.

THE VILLAGE OF ESTRAL BEACH ORDAINS:

SECTION 1209 RESIDENTIAL YARD FENCES

Fences, not exceeding (6) six feet in height may occupy a side yard and rear yard.

(1) No residential fence or wall shall be erected in a required front yard, except, that on lots with a side decorative or ornamental fence shall be allowed, such as, but not limited to, a split-rail or a two-rail fence, including a chain link fence; but not to include fences of solid type construction and not to exceed (4) four feet in height, may be constructed along the alley, street line, or extension of the side yard to the front of said lot.

(2) Decorative or ornamental fences constructed under this section shall not be intended to enclose or be capable of enclosing animals or human beings.

(3) Prior to construction of any fence, decorative or ornamental allowed by this section, a site plan showing the location and type of fence to be constructed shall be submitted to the Building Department for approval.

(4) No fence, decorative or ornamental fence shall be constructed without first obtaining the approval set forth herein ordinance No. 1031, section 1303.

(5) Authorized: Each person, being the owner of the property in the Village of Estral Beach, may construct and maintain partition fences shall be constructed of post sunk into the soil to a minimum depth of (2) two feet, and of a height or location of which would not be in violation of the Village of Estral Beach Zoning Ordinance. Owners of adjacent lots may amicably agree upon the character of their partition fences, and the proportion in which they shall bear the expenses thereof.

Conflicting Ordinances: All prior existing ordinances adopted by the Village of Estral Beach inconsistent of in conflict with the provisions of this ordinance are, to the extent of such conflict or inconsistency, hereby, expressly repealed.

SECTION 1209 #2 This ordinance shall take effect immediately after the date of publication thereof.

THIS ORDINANCE HAS BEEN PASSED BY THE VILLAGE OF ESTRAL BEACH COMMISSION ON JUNE 18, 2002, AND WAS CAUSED TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE VILLAGE OF ESTRAL BEACH, COUNTY OF MONROE, STATE OF MICHIGAN ON JUNE 25, 2002.

Susan Gossett, President  
SUSAN GOSSETT

Carol A. Vandercook, Clerk  
CAROL A. VANDERCOOK

VILLAGE OF ESTRAL BEACH  
ORDINANCE #1031

AN ORDINANCE TO AMEND ORDINANCE #1031 ARTICLE XIII.  
SECTION 1303 BY ADDING SECTION 1303 #3 AND SECTION 1303 #4.

THE VILLAGE OF ESTRAL BEACH ORDAINS:

SECTION 1303 #3 - ZONING PERMIT REQUIRED:

No land use, building or part thereof, fence, swimming pool accessory building, or any appurtenance there shall be hereafter erected, altered, moved, or repaired (excluding normal maintenance and repair), constructed, moved, enlarged, replaced, used, occupied, removed or demolished, nor shall the same be used of such building or land or part thereof, unless a zoning permit is first issued by the Building Official or by such deputies of his department as the Building Official may delegate. Such zoning permit shall be required in addition to any other permits required under the provisions of the Code.

SECTION 1303 #4 - APPLICATIONS FOR ZONING PERMIT:

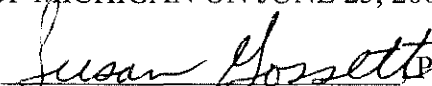
An Application for a zoning permit shall be made to the Building Department. Such application shall be accompanied by a plot plan in duplicate, drawn to scale, showing:

- 1) The exact dimensions of the lot.
- 2) The shape, size, height and location on the lot of all buildings and/or other structures to be erected, altered or moved.
- 3) Dimension and location on the lot of all existing structures.
- 4) Such other information as may be deemed necessary for the proper enforcement of the zoning code or any other provision of the ordinance of the Village of Estral Beach.
- 5) Duplicate plans drawn to scale, of the proposed building or alteration.

Conflicting Ordinances: All prior existing ordinances adopted by the Village of Estral Beach inconsistent or in conflict with the provisions of this ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

SECTION 1303 #5 This ordinance shall take effect immediately after the date of publication thereof.

THIS ORDINANCE HAS BEEN PASSED BY THE VILLAGE OF ESTRAL BEACH COMMISSION ON JUNE 18, 2002, AND WAS CAUSED TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE VILLAGE OF ESTRAL BEACH, COUNTY OF MONROE, STATE OF MICHIGAN ON JUNE 25, 2002.

 President  
SUSAN GOSSETT

*Carol A. Vandercook* Clerk  
CAROL A. VANDERCOOK

ORDINANCE NO. 1031  
ZONING ORDINANCE -  
VILLAGE OF ESTRAL BEACH, MONROE COUNTY  
MICHIGAN

TITLE

AN ORDINANCE ENACTED UNDER ACT 207, PUBLIC ACTS OF 1921, AS AMENDED, GOVERNING THE INCORPORATED PORTIONS OF THE VILLAGE OF ESTRAL BEACH, MONROE COUNTY, MICHIGAN TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND FOR PUBLIC AND SEMIPUBLIC OR OTHER SPECIFIED USES; AND TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS, AND OTHER STRUCTURES; TO REGULATE AND TO DETERMINE THE SIZE OF YARDS, COURTS, AND OPEN SPACES; TO REGULATE AND LIMIT THE DENSITY OF POPULATION; AND FOR SAID PURPOSES TO DIVIDE THE VILLAGE INTO DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE REGULATIONS, RESTRICTIONS AND BOUNDARIES OF SUCH DISTRICTS; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS; AND IMPOSING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

PREAMBLE

PURSUANT TO THE AUTHORITY CONFERRED BY THE PUBLIC ACTS OF THE STATE OF MICHIGAN IN SUCH CASE, MADE AND PROVIDED, AND FOR THE PURPOSE OF PROMOTING AND PROTECTING THE PUBLIC HEALTH, SAFETY, PEACE, MORALS, COMFORT, CONVENIENCE, AND GENERAL WELFARE OF THE INHABITANTS OF THE VILLAGE OF ESTRAL BEACH BY PROTECTING AND CONSERVING THE CHARACTER, AND SOCIAL AND ECONOMIC STABILITY OF THE RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND OTHER USE AREAS; BY SECURING THE MOST APPROPRIATE USE OF LAND; PREVENTING OVERCROWDING THE LAND AND UNDUE CONGESTION OF POPULATION; PROVIDING ADEQUATE LIGHT, AIR, AND REASONABLE ACCESS; AND FACILITATING ADEQUATE AND ECONOMICAL PROVISION OF TRANSPORTATION, WATER, SEWERS, SCHOOLS, RECREATION, AND OTHER PUBLIC REQUIREMENTS, AND BY OTHER MEANS, ALL IN ACCORDANCE WITH A PLAN, NOW THEREFORE:

ENACTING CLAUSE

The Village of Estral Beach Ordains:

ARTICLE I

SHORT TITLE

SEC. 100. SHORT TITLE:

This Ordinance shall be known and may be cited as the Village of Estral Beach Zoning Ordinance No. 1031.

ARTICLE II

DEFINITIONS

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure", and the word "dwelling" includes "residence"; the word "person" includes "corporation", "co-partnership", "association", as well as an "individual"; the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes the words "plot" or "parcel";

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the words "used" or "occupied" includes the words "intended", "designed" or "arranged to be used or occupied!"

Terms not herein defined shall have the meaning customarily assigned to them.

**Alley:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

**Alterations:** any change, addition, or modification in construction or type of occupancy or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

**Apartment:** a suite of rooms or a room in a multi-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

**Auto Repair Station:** A place where, along with the sale of engine-fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as a body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

**Basement:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

**Block:** The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the Village.

**Building:** Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

**Building Height:** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

**Building Inspector:** The building inspector or official designated by the Village of Estral Beach.

**Building Line:** a line formed by the face of the building, and for the purpose of this Ordinance, a minimum building line is the same as a front setback line.

**Clinic:** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

**Convalescent or Nursing Home:** A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing, and medical care.

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**Development:** The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

**District:** A portion of the incorporated area of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**Drive-In:** A business establishment so developed that its retail or service character is dependent on providing a drive-way approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

**Dwelling Unit:** A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

**Dwelling, One-Family:** A building designed exclusively for and occupied exclusively by one (1) family.

**Dwelling, Two-Family:** A building designed exclusively for occupancy by two (2) families living independently of each other.

**Dwelling, Multiple-Family:** A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

**Erected:** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

**Essential Services:** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, stream, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate services by such utilities or Village departments for the general health, safety, or welfare.

**Excavation:** Any breaking of ground, except common household gardening and ground care.

**Family:** One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

**Farm:** The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

**Floor Area, Residential:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

**Floor Area, Usable (For the purpose of computing parking):** That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "usable Floor Area". Measurement of usable floor area shall be the sum of horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**Garage, Private.** An accessory building or portion of a main building designed or used solely for the storage of motordriven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**Garage, Service:** Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

**Gasoline Service Station:** A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

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

**Hotel:** A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered:

- a. Main service
- b. Furnishing of linen
- c. Telephone, secretarial, or desk service.
- d. Bellboy service

A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

**Junk Yard:** An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

**Kennel, Commercial:** Any lot or premise on which three(3) or more dogs, cats or other household pets are either permanently or temporarily boarded. Kennel shall also include any lot or premises where household pets are bred or sold.

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

**Lot:** A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

**Lot, Corner:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the



purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

**Lot Interior:** Any lot other than a corner lot.

**Lot, Through:** Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

**Lot Zoning:** A single tract, of land, located within a single block, which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or build upon as a unit, under single ownership or control.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

**Lot Area:** The total horizontal area within the lot lines of the lot.

**Lot Coverage:** The part or percent of the lot occupied by buildings including accessory buildings.

**Lot Depth:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**Lot Lines:** The lines bounding a lot as defined herein:

(a) **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of the corner lot, or double frontage lot, is that line separating said lot from either street.

(b) **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

(c) **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of Record:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by the Village or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**Lot Width:** The horizontal distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot lines.

**Main Building:** A building in which is conducted the principal use of the lot upon which it is situated.

**Main Use:** The principal use to which the premises are devoted and the principal purpose for which the premises exist.

**Major Thoroughfare:** An arterial street which is intended to serve as a large volume trafficway for both the immediate Village area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term on the Major Thoroughfare Plan to identify those streets comprising the basic structure of the Major Thoroughfare Plan.

**Master Plan:** The comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Village, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

**Mezzanine:** An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

**Motel:** A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

**Municipality:** Village of Estral Beach.

**Nonconforming Building:** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of the Ordinance in the district in which it is located.

**Nonconforming Use:** A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

**Nursery, Plant Materials:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

**Nuisance Factors:** An offensive annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of the people or things, such as: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise or congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic.

**Off Street Parking Lot:** A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, and to provide access for entrance and exit for the parking of more than three (3) vehicles.

**Open Front Store:** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

**Parking Space:** An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage of parking of permitted vehicles.

**Public Utility:** A person, firm, or corporation, Municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

**Room:** For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room, and bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing 1, 2, or 3 bedroom units and including a "den" "library" or other extra room as a bedroom for the purpose of computing density.

**Setback:** The distance required to obtain front, side or rear yard open space provisions of this Ordinance.

**Sign:** The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

**Sign Accessory:** A sign which is accessory to the principal use of the premises.

**Sign Non-accessory:** A sign which is not accessory to the principal use of the premises.

**Story:** That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50%) percent, by cubic content, is below the height level of the adjoining ground.

**Story, Half:** An uppermost story lying under a sloping roof having an area of at least two hundred (200) square ft. with a clear height of seven feet six inches (7'6") For the purpose of this ordinance, the usable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

**Street:** A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

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

**Temporary Use or Building:** A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

**Trailer Coach (Mobile Home):** Any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

**Trailer Court (Mobile Home Park):** Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes are located.

**Travel Trailer:** A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit and not exceeding two hundred (200) square feet in area.

**Use:** The principle purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

**Yards:** The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

b. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of the corner lot, the rear yard may be opposite either street frontage.

c. **Side Yard:** An open space between a main building and the side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

**Zoning Exceptions and Variances:**

a. **Exception:** An exception is a use permitted only after review of an application by the Board of Appeals, Planning Commission, or Legislative Body other than the Administrative Official (Building Inspector), such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this Ordinance.

b. **Variance:** A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

c. The "Exception" differs from the "Variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this Ordinance appear as "conditional approval" by the Planning Commission, Legislative Body, or board of appeal. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:

1. They require large areas.
2. They are infrequent.
3. They sometimes create an unusual amount of traffic.

4. They are sometimes obnoxious or hazardous.
5. They are required for public safety and convenience.

ARTICLE III  
ZONING DISTRICTS AND MAP

SEC. 300. DISTRICTS: For the purpose of this Ordinance, the Village of Estral Beach is hereby divided into the following districts:

- R-1 One-Family Residential District
- R-2 One-Family Residential District
- RM Multiple-Family Residential District
- B Business District
- I Industrial District
- TC Trailer Court District
- WM Waterfront Marina District

SEC. 301. BOUNDARIES: The Boundaries of these districts are hereby established as shown on the Zoning Map, Village of Estral Beach Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein:

a. Unless shown otherwise, the boundaries of the district are lot lines, section lines, the centerlines of streets, alleys, roads or such lines extended, and the corporate limits of the Village of Estral Beach.

b. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, by the Board of Appeals.

SEC. 302. ZONING OR VACATED AREAS: Whenever any street, alley or other public way, within the Village of Estral Beach shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and come a part of the land formerly within such vacated street, alley or public way shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used for that same use as is permitted under this Ordinance for such adjoining lands.

SEC. 303. ZONING OF ANNEXED AREAS: Any areas annexed to the Village of Estral Beach shall immediately upon such annexation be automatically classified as an R-2 District until a Zoning Map for said area has been adopted by the Village Commission. The Planning Commission shall recommend appropriate zoning for such area within three (3) months after the matter is referred to it by the Village Commission.

SEC. 304. DISTRICT REQUIREMENTS: All buildings and uses in any district shall be subject to the provisions of "GENERAL PROVISIONS" and "GENERAL EXCEPTIONS".

ARTICLE IV  
R-1 and R-2, ONE FAMILY  
RESIDENTIAL DISTRICTS

Preamble: These districts are designed to be composed of low density residential home development. The regulations are intended to stabilize, protect and encourage the residential character of the District and prohibit activities compatible with a residential neighborhood. Development is limited to single-family dwellings plus such other uses as schools, parks, churches and certain public facilities which serve residents of the District

SEC. 400. PRINCIPAL USES PERMITTED: In One-Family Residential Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

- a. One-Family detached dwellings.
- b. Publically owned and operated libraries, parks, parkways, and recreational facilities.
- c. Accessory buildings and uses, customarily incident to any of the above permitted uses.

SEC. 401. CONDITIONAL USES: The following uses shall be permitted after review and recommended approval of the site plan by the Planning Commission, and Village Commission approval subject to the conditions hereinafter imposed for each use, and subject further to such other reasonable conditions which in the opinion of the Planning Commission are necessary to provide adequate protection to the neighborhood and to abutting properties:

- a. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity. Further, no building and/or structure shall be located in any required front or side yard.
- b. Non-profit recreational areas and recreation facilities when not operated for profit and primarily intended to serve Village residents when approved by the Planning Commission after first holding a Public Hearing, and further providing that one hundred percent (100%) of the property owners abutting the proposed site shall be given written notice of the hearing at least ten (10) days prior to the hearing.
- c. Nursery schools, day nurseries and child care centers (not including dormitories); provided that for each child so cared for there is provided and maintained a minimum of one hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of at least one thousand (1,000) square feet and shall be fenced or screened from any adjoining land with planting. Any use permitted herein shall not be permitted in the interior of any residential block, and shall be located adjacent to a business district.
- d. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious educational and not operated for profit, all subject to the following conditions:
  1. Any use permitted herein shall be developed only on sites of at least twenty (20) acres in area and shall not be permitted on any portion of a recorded subdivision plat.
  2. All ingress to and egress from said site shall be directly onto a major thoroughfare.
  3. No building other than a structure for residential purposes shall be closer than seventy-five (75) feet to any property line.
- e. Churches and other facilities normally incidental thereto subject to the following conditions:
  1. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
  2. The principal buildings on the site shall be set back from abutting properties zoned for residential uses not less than fifteen (15) feet.
  3. Buildings of greater than the maximum height allowed may be allowed provided front, side and rear yards are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed.
- f. Public, parochial and private elementary, intermediate and/or secondary schools offering courses in general education, not operated for profit.
- g. Municipal office buildings when in character with the neighborhood.
- h. Cemeteries.
- i. Accessory buildings and uses customarily incident to any of the above uses.

SEC. 402. AREA AND BULK REQUIREMENTS: See ARTICLE X, "SCHEDULE OF REGULATIONS" limiting height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

ARTICLE V  
RM MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

Preamble: The RM Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the non-residential districts and the lower density One-Family Residential Districts. The Multiple-Family Districts are further provided to serve the limited needs for the apartment type or unit in an otherwise low density, single-family community.

SEC. 500. PRINCIPAL USES PERMITTED: In a Multiple-Family District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance, and after review and approval of a site plan by the Planning Commission.

a. All principal uses permitted and all conditional uses as regulated in the R-1 and R-2 Residential Districts with the lot area, yards, and floor area requirements for single-family dwellings equal to at least the requirements of the immediately abutting residential district.

b. Multiple-family dwellings.

c. Two-family dwellings.

d. Housing for the elderly.

e. Accessory buildings and uses customarily incident to any of the above uses.

SEC. 501. CONDITIONAL USES: The following uses shall be permitted after review and recommended approval of the site plan by the Planning Commission, and the Village Commission approval subject to the conditions hereinafter imposed for each use, and subject further to such other reasonable conditions which in the opinion of the Planning Commission are necessary to provide adequate protection to the neighborhood and to abutting properties:

a. General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, when the following conditions are met:

1. All such hospitals shall be developed only on sites consisting of at least sixty-thousand (60,000) square feet.

2. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least thirty (30) feet from front, rear and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least ten (10) feet.

b. Extended Care Facility, Convalescent Home or Nursing Home, not to exceed a height of two (2) stories when the following conditions are met:

1. The maximum coverage shall not exceed fifty (50) percent for all buildings including principal structures and those incident to the principal structure.

2. The maximum extent of development shall not exceed thirty (30) patient units per acre

c. Tourist homes and tourist rooms as part of a dwelling when the following conditions are met:

1. Such uses shall be permitted only within a dwelling occupied by the proprietor and shall be incidental to the use as a year round residential dwelling.

2. The property shall abut a major or secondary thoroughfare on at least one side.

3. Such use shall display not more than a total of four (4) square feet of sign area. Where such sign is illuminated such illumination shall be of a non-flashing type and shall be effectively screened from abutting residences.

d. Accessory buildings and uses customarily incident to any of the above uses.

SEC. 502. AREA AND BULK REQUIREMENTS: see ARTICLE X, "SCHEDULE OF REGULATIONS" limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

#### ARTICLE VI B-BUSINESS DISTRICTS

Preamble: The B Business District is designed to provide for office buildings and the great variety of large retail stores and related activities which occupy the prime retail frontage by serving the comparison, convenience and service needs of the entire Municipal area as well as a substantial area of the adjacent and surrounding residential

developments and agricultural area beyond the Municipal Limits. The district regulations are designed to promote convenient pedestrian shopping and stability of retail development by encouraging a continuous retail frontage.

SEC. 600. PRINCIPAL USES PERMITTED: In a Central Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- a. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: food, drugs, liquor, furniture, clothing, dry goods, notions, or hardware.
- b. Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe and ect.), tailor shops, beauty parlors, barber shops, interior decorators, photographers and dry cleaners.
- c. Restaurants and taverns where the patrons are served while seated within a building occupied by such establishment, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in restaurant or open front store.
- d. Theaters when completely enclosed.
- e. Offices and office buildings of an executive, administrative or professional nature.
- f. Banks, with drive-in facilities permitted when said drive-in facilities are incidental to the principal function.
- g. Municipal buildings and post offices.
- h. Offices and showrooms of plumbers, electricians, decorator or similar trades, in connection with which not more than twenty-five (25) per cent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise, and provided that: the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display. All storage of materials on any land shall be within the confines of the building or part thereof occupied by said establishment.
- i. Business schools, or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: dance schools, music and voice schools, and art studies.
- j. Newspaper offices and printing plants.
- k. Warehouse and storage facilities when incident to and physically connected with any principal use permitted, provided that such facility be within the confines of the building or part of thereof occupied by said establishment.
- l. Veterinary offices and hospitals.
- m. Other uses which are similar to the above and subject to the following restrictions:
  1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
  2. All business, servicing, or processing except for off-street parking or loading shall be conducted within completely enclosed buildings.
  3. Outdoor storage of commodities shall be expressly prohibited.
- n. Accessory structures and uses customarily incident to the above permitted uses.

SEC. 601. CONDITIONAL USES: The following uses shall be permitted after review and recommended approval of the site plan by the Planning Commission, and Village Commission approval subject to the conditions hereinafter imposed for each use, and subject further to such other reasonable conditions which in the opinion of the Planning Commission are necessary to provide adequate protection to the neighborhood and to abutting properties:

- a. Outdoor sales space for the sale of new and used automobiles, farm equipment, house trailers, and travel trailers subject to the following:
  1. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
  2. No major repair or major refinishing shall be done on the lot.
- b. Motel, subject to the following:
  1. Provided that it can be demonstrated that ingress and egress do not conflict with adjacent business uses.



2. No kitchen or cooking facilities are to be provided, with the exception of units for the use of the manager or caretaker.

3. Each unit shall contain no less than two hundred (200) square feet of floor area.

c. Business in the character of a drive-in restaurant, so called, or so called upon front store, subject to the following:

1. The curb cuts for ingress and egress to a service station shall not be permitted at such location that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.

2. The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.

3. Major automobile repair, engine and body repair, steam cleaning and undercoating when conducted on the site shall be within a completely enclosed building. The storage of wrecked automobiles on the site shall be obscured from public view. No automobile or vehicle of any kind, shall be stored in the open for a period exceeding one (1) week.

4. All restroom doors shall be shielded from adjacent streets and residential districts

SEC. 602. AREA AND BULK REQUIREMENTS: See ARTICLE X, "SCHEDULE OF REGULATIONS" limiting the height and bulk of buildings and minimum size of lot by permitted land use.

#### ARTICLE VII I INDUSTRIAL DISTRICTS

Preamble: The I Industrial District is designed so as to primarily accommodate wholesale activities, warehousing, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material.

SEC. 700. PRINCIPAL USES PERMITTED: In an Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

a. Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.

b. Any of the following uses:

(1) Warehousing and wholesale establishments, and trucking facilities.

(2) The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die gauge, and machining shops.

(3) The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.

(4) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

(5) Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.

(6) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

(7) Laboratories - experimental, film, or testing.

(8) Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

(9) Storage and transfer of electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Water and propane tank holders. Railroad transfer and storage tracks. Railroad rights-of-way. Freight terminals.



(10) Storage facilities for building materials, sand, gravel, stone, lumber, or storage of contractor's equipment and supplies.

- c. Central dry cleaning plants or laundries.
- d. Automotive repair garages, auto engine and body repair, and undercoating shops when completely enclosed.
- e. Non-accessory signs.
- f. Other uses which are similar to the above uses.
- g. Accessory buildings and uses customarily incident to the above permitted uses.

SEC. 701. **CONDITIONAL USES:** The following uses shall be permitted after review and recommended of the site plan by the Planning Commission, and Village Commission approval subject to the conditions hereinafter imposed for each use, and subject further to such other reasonable conditions which in the opinion of the Planning Commission are necessary to provide adequate protection to the neighborhood and to abutting properties:

a. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to: lumber yards, building materials, outlets, garage sales, upholsterer, cabinet maker, outdoor boat, or house trailer, automobile, or agricultural implement sales) or serve convenience needs of the industrial district (such as, but not limited to: eating and drinking establishments, banks, savings and loan associations, credit unions, automobile service stations, motel or bowling alley, trade or industrial schools, or medical or other offices serving the district, including an industrial clinic).

b. Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the "I-1" District.

c. Metal plating, buffering and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.

d. Accessory buildings and uses customarily incident to any of the above permitted uses.

e. Junk yards, provided such are entirely enclosed within an eight (8) foot obscuring wall. There shall be no burning on the site and all industrial processes including the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.

f. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.

g. Accessory buildings and uses customarily incident to any of the above permitted uses.

SEC. 702. **AREA AND BULK REQUIREMENTS:** See ARTICLE X, "SCHEDULE OF REGULATIONS" limiting the height and bulk of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

#### ARTICLE VIII TC TRAILER COURT DISTRICTS

Preamble: The T-C Trailer Court District is established to provide for housing not compatible with the type found commonly in the R-1 and R-2 Districts. The TC District is established to provide a higher density single family residential area which would not be compatible to the lower densities typically found within the R-1 and R-2 Districts.

SEC. 800. **PRINCIPAL USES PERMITTED:** Unless hereinafter provided, no building or premises shall be used and no building shall be hereafter erected or altered within the T-C Trailer Court District except for one or more of the following uses:

1. Trailer Court
2. Accessory structures customarily incident to the above permitted uses.

SEC. 801. **HEIGHT REGULATIONS:** In the T-C Trailer Court District, no structure shall exceed a height of twenty-five (25) feet or two (2) stories.

SEC. 802. **AREA REGULATIONS:** In the T-C Trailer Court District the minimum dimensions of yards and the minimum lot area per trailer coach shall be as follows:

1. The trailer court shall be permitted only on parcels of five (5) acres or more.

2. An open area shall be provided on each trailer coach lot to insure adequate natural light and ventilation to each trailer coach and to provide sufficient area for outdoor uses essential to the occupants of the trailer coach. Trailer coach lots shall average not less than six thousand (6,000) square feet in area exclusive of drives, open space in the trailer court or other open areas not specifically for trailer coach occupancy. The minimum width for trailer coach lots shall be sixty (60) feet.

**SEC. 803. SETBACK:**

1. No trailer coach shall be located closer than twenty-five (25) feet from any building within the court or any property line bounding the court. No building or trailer coach shall be located closer than twenty-five (25) feet from any public street right-of-way nor less than forty (40) feet from any major arterial street.

2. The trailer court site shall be enclosed by a masonry wall 4'-6" high and/or greenbelt planting, whichever the Village Commission deems necessary, adjacent to all abutting properties and public right-of-way. The wall shall be located within trailer court site.

**SEC. 804. YARDS:** Each trailer court site shall have the following minimum yard requirements.

Side Yard, fifteen (15) feet; Rear Yard, ten (10) feet; Front Yard, fifteen (15) feet.

**SEC. 805. SERVICE DRIVES AND SIDEWALKS:**

1. The trailer court shall have direct access to and abut a major arterial street having a minimum right-of-way of sixty (60) feet.

2. Trailer coach lots shall abut a service drive. All service drives shall have widths as scheduled below and shall be designed and graded for proper drainage according to standard road building practice and be approved by the Monroe County Road Commission prior to opening of the trailer court. All service drives shall be constructed of concrete of 8-6-8 M.S.H. GRADE A 3500 pound concrete or comparable asphaltic paving within one (1) year after issuance of permit. A case security bond guaranteeing monies for such work will be issued to the Village in the amount of a bona fide contract from parties performing such work.

3. Trailer courts shall provide an approved entrance road not less than thirty (30) feet wide, also contingent upon Monroe County Road Commission approval.

4. Schedule of Service Drive Widths:

a. One-way traffic street with no parking - minimum - 16 ft.

b. Two-way traffic street with no parking - minimum - 24 ft.

c. One-way traffic street with parallel parking one side - minimum - 22 ft.

d. Two-way traffic street with parallel parking one side - minimum - 30 ft.

e. One-way traffic street with parallel parking two sides - minimum - 32 ft.

f. Two-way traffic street with parallel parking two sides - minimum - 40 ft.

5. Parking spaces on service drives shall be clearly marked.

6. All service drives shall be provided with curbs and gutters and be properly drained.

7. The trailer court shall be designed to provide a concrete walk at least thirty-six (36) inches wide from entrance of park to all trailer coach sites and all required service facilities.

8. Street and yard lights sufficient to permit safe movement of vehicles and pedestrians at night shall be provided, and shall be so located and shaded as to direct the light away from adjacent properties.

**SEC. 806. OFF-STREET PARKING:** Two (2) concrete automobile parking spaces shall be required for each trailer site. One (1) such space may be placed in the service drive provided parking is permitted on said service drive in accordance with Section 805, paragraph 4 above, and further provided that each space so provided shall be a minimum of twenty-three (23) feet in length.

**SEC. 807. UNDERGROUND WIRING:**

1. Arrangements shall be made for all local distribution lines for telephone or electric services, exclusive of main supply and perimeter feed lines when located on section or quarter section lines, to be placed entirely underground throughout the trailer

court area, provided, however, that when a trailer court overlaps a section or quarter section line, main supply and perimeter feed lines located on such section or quarter section line shall be placed underground. The Village Commission may waive or modify this requirement where, in its judgement, circumstances exist which render compliance impracticable.

2. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephone and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephone and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

SEC. 808. REQUIRED CONDITIONS:

1. All trailer court development shall further comply with Act 243 of Public Acts of the State of Michigan, 1959, as amended.

2. There shall not be less than four hundred and fifty (450) square feet of floor space within each trailer coach.

3. There shall be provided for each trailer court a recreation area equal in size to at least two hundred (200) square feet per mobile home site. Said recreation area shall be no longer than one and one-half (1-1/2) times its width. Such area shall be graded, developed, sodded and maintained by the management, so as to provide recreation for the residents of the trailer court.

3. Actual construction of the trailer court shall be in accordance with the site plan. Any change which, in the opinion of the Building Inspector or official constitutes a major change in the site plan, shall be resubmitted to the Planning Commission.

ARTICLE IX  
WM WATERFRONT MARINA DISTRICTS

Preamble: The WM Waterfront Marina Districts are established primarily to accommodate boating, along with those activities and services related to harbor and waterway improvements, thereby facilitating navigation and providing safe and economical waterfront recreation development.

SEC. 900. PRINCIPAL USES PERMITTED: In a WM Waterfront Marina District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

a. Federal, State, Municipal, or private development of either the berthing, protection, or servicing of recreational boats, yachts, cruisers, inboards, outboards and sailboats.

b. Commissary facilities for the provision of food, beverages and the like to be stored aboard boats.

c. Federal, State, Municipal or private beaches, and water related recreation areas.

d. Retail businesses which supply commodities for persons using the facilities of the Waterfront Marina District, such as the sale of boats, engines and accessories, fishing equipment, and similar items.

e. Restaurants, lounges or clubs.

f. Hotels, motels or other such facilities to provide temporary home port accommodations.

g. Accessory structures and uses customarily incident to the above permitted uses.

h. Other uses which are similar to the above permitted uses.

SEC. 901. CONDITIONAL USES: The following uses shall be permitted after review and recommended approval of the site plan by the Planning Commission, and Village Commission approval subject to the conditions hereinafter imposed for each use, and subject further to such other reasonable conditions which, in the opinion of the Planning Commission are necessary to provide adequate protection to the neighborhood and to abutting properties.

a. Engine and hull repair shops.

b. Boat fuel stations.

ARTICLE X- SCHEDULE OF REGULATIONS

SEC. 1000. LIMITING HEIGHT, BULK, DENSITY AND AREA BY LAND USE:

USE DISTRICT	LOT AREA IN SQUARE FEET	LOT WIDTH IN FEET	MAXIMUM HEIGHT OF STRUCTURES		MINIMUM YARD SETBACK (PER LOT IN FEET)				MINIMUM FLOOR AREA PER UNIT (SQ, FT.)	MAXIMUM PER-CENTAGE OF LOT AREA COVERED BY ALL BUILDINGS
					SIDES					
			IN STORIES	IN FEET	FRONT	LEAST ONE	TOTAL TWO	REAR		
R-1 ONE-FAMILY RESIDENTIAL	6,000	50	2	25	25(b)	5 (b,c)	14 (c)	35 (b)	850 (o)	30%
R-2 ONE-FAMILY RESIDENTIAL	9,600 (a)	80	2	25	25(b)	8 (b,c)	20 (c)	35 (b)	1100 (o)	30%
RM MULTIPLE-FAMILY RESIDENTIAL	(d)	--	2 <sup>1</sup> / <sub>2</sub>	30	(e)	(e,h)	(e)	(e)	(d)	(d)
B BUSINESS	--	--	2 <sup>1</sup> / <sub>2</sub>	35	25(f)	(g,h,k)	(g,h,k)	10 (h,i,k)	none	(j)
I INDUSTRIAL	--	--	2	30	50 (f,m)	50 (h,l)	100 (h,l)	(h,l n,p)	none	(j)
TC TRAILER COURT	See Article VIII for regulations covering Trailer Court Districts									
WM WATERFRONT MARINA	--	--	2 <sup>1</sup> / <sub>2</sub>	35	50	25	50	35	none	(j)

SEC. 902. REQUIRED CONDITIONS: All principal and conditional in the WM Waterfront Marina Districts shall conform to the following required conditions.

- a. All dredging, construction and/or development shall be subject to the requirements of all subject Codes and Ordinances of the Village of Estral Beach.
- b. All requirements of SEC. 1108, PERFORMANCE STANDARDS, shall be strictly adhered to.
- c. All marinas shall have direct access to and abut a major arterial street having a minimum right-of-way of sixty (60) feet.

SEC. 903. AREA AND BULK REQUIREMENTS: See ARTICLE X, "SCHEDULE OF REGULATIONS" limiting the height and bulk of buildings, and the minimum size of lot permitted by land use.

## ARTICLE X

### SCHEDULE OF REGULATIONS

(SCHEDULE FOUND ON NEXT PAGE)

NOTES: (TO SEC. 1001):

(a) See SEC. 1001. Subdivision Open Space Plan regarding exceptions as to lot area, and the related density controls.

(b) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in SEC. 401 or 1000 whichever is greater.

(c) The side yard abutting upon a street shall not be less than ten (10) feet when there is a common rear yard relationship in said block and a common side yard relationship with the block directly across the common separating street. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required minimum front yard of the district.

(d) The total number of rooms of eighty (80) square feet or more (not including kitchen, dining and sanitary facilities) in a multiple structure of  $2\frac{1}{2}$  stories or less shall not be more than the area of the parcel, in square feet, divided by eight hundred and fifty (850). All units shall have at least one (1) living room and one (1) dining room, except that ten (10) per cent of the units may be an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

- One Bedroom - 2 rooms
- Two Bedroom - 3 rooms
- Three Bedroom - 4 rooms
- Four Bedroom - 5 rooms

Plans presented showing 1, 2, or 3 bedroom units and including a "den" "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way or of either interior or bounding roads.

e. In all RM Multiple-Family Residential Districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30) feet. All exterior yards shall be equal to at least thirty (30) feet. Parking may be permitted within a required side or rear yard but shall not cover more than thirty (30) per cent of the area of any required yard, or any minimum distance between buildings. The formula regulating the required minimum distance between two (2) buildings in all RM Districts is as follows:

S equals LA plus LB plus 2 (HA plus HB) divided by 6, where

S - Required minimum horizontal distance between any wall or building A any wall or building B or the vertical prolongation of either.

LA - Total length of building A is the length of that portion or portions of a wall or walls of building A from which, viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

LB - Total length of building B.

The total length of building B is the length of that portion or portions of a wall or walls of buildings B from which, when viewed directly from above, lines drawn perpendicular to building B will intersect any wall of building A.

HA - Height of building A.

The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the adjoining the portion or portions of the wall or walls along the total length of the building.

HB - Height of building B.

The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

(f) Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the Planning Commission. The setback shall be measured from the nearest side of existing and or proposed right-of-way lines, whichever is greater.

(g) No side yards are required along the interior side lot lines, except as otherwise specified in the building code. On the other exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten (10) feet on the side or residential street. If walls of structures, facing such interior side lot lines, contain windows, or other openings, side yards of not less than fifteen (15) feet shall be provided.

(h) A four foot six inch (4'6") obscuring wall or fence, and or greenbelt planting at the discretion of the Village Commission, shall be provided on those sides of the property abutting land zoned for residential use (refer to SEC, 1113).

(i) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings setback and loading requirements may be computed from the center of said alley.

(j) The maximum percentage of coverage shall be determined by the use and the provisions of required off-streets parking, loading, and unloading, and required yards.

(k) On unplatted land or on parcels or development areas of three (3) acres or more on area, required side and rear yards shall be sixty (60) feet in depth when abutting a residential district.

(l) No building shall be closer than fifty (50) feet to the outer perimeter (property line) of such district when said property line abuts any residential district.

(m) Off-street parking for visitors may be premitted within the required front yard provided that such off-street parking is not located within thirty (30) feet of the front lot line. The Board of Appeals may permit the front yard requirements to be reduced to not less than ten (10) feet for buildings constructed prior to the effective date of this Ordinance; provided that minimum off-street parking requirements can still be met.

(n) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link fence and greenbelt palnting so as to obscure all view from any adjacent residential, office or business district or a public street.

(o) The minimum first floor area of any single-family dwelling shall be no less than eight hundred and fifty (850) square feet. Where a single-family dwelling is constructed without a basement an additional one hundred (100) square feet shall be added to the minimum required first floor area requirements to provide space for utilities, such as, but not limited to: furance, hot water, laundry tubs, incinerator, and the like.

(p) Loading space shall be provided in the rear yard in the ratio as required in Article XI, "General Provisions," Sec. 1106., and shall be computed separately from off-street parking requirements.

Sec, 1001, Subdivision Open Space Plan:

I. Lot dimensions in the R-2 One Family Residential Districts may be reduced in accord with the following schedule, provided the number of residential lots shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each One-family District under Sect. 1000.

a. All calculations of density for residential development shall be predicated upon the R-2 One-family Districts having the following gross densities (including roads).

R-2 - 3.4 dwelling units per acre

b. Lot widths shall not be less than seventy-two (72) feet.

c. Lot depths shall not be less than one hundred and twenty (120) feet.

d. Minimum yard setbacks as indicated in Sec. 1000. of this Ordinance shall be provided.

e. Lot depths may be reduced to not less than one hundred (100) feet when such lots border on land dedicated as indicated in the following paragraph 2.

(2) For each squarefoot of land gained under the provision of paragraph 1 of this

Sec. 1001., within a residential subdivision, through the reduction of lot size below the minimum requirements as outlined in the schedule of regulations, equal amounts of land shall be dedicated to the common use of the lot owners in the subdivisions in a manner approved by the Village, or may, if approved by the Village, be dedicated to the Village.

3. The area to be dedicated for the common use of the subdivision shall in no instance be less than three (3) acres and shall be in a location and shape approved by the Village. Land dedicated to the Village shall in no instance be less than five (5) acres in area and shall be in a location and shape approved by the Village. A parcel divided by a road or stream shall be considered one parcel.

4. Access shall be provided to areas dedicated for the common use of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian access-ways.

5. In approving the application of the "Subdivision Open Space Plan", the Village shall consider the following objectives:

a. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.

b. To encourage developers to use a more creative approach in the development of residential areas.

c. To encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles on the site.

d. To encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.

6. Under this Subdivision Open Space Plan approach, the developer or subdivider shall dedicate the total park area (see Item 2) at the time of filing of the final plat on all or any portion of the plat, unless otherwise agreed to by the Village.

7. Application for approval of a "Subdivision Open Space Plan" shall be submitted at the time of submission of the Preliminary Plat.

#### ARTICLE XI - GENERAL PROVISIONS

##### SEC. 1100. CONFLICTING REGULATIONS:

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or Ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such Ordinance shall govern.

SEC. 1101. SCOPE: No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

SEC. 1102. NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES:

##### 1. Intent

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.



A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

2. Nonconforming Lots

a. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even through such lot fails to meet the requirements for area, or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirements variances may be obtained through approval of the Board of Appeals.

b. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

3. Nonconforming Uses of Land

Where at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise, lawful subject to the following provisions:

a. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this Ordinance.

b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

c. If such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, and subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

4. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason or restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No such structure may be enlarged or altered in a way which increases its nonconformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.

b. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

c. Should such structure be moved for any reason for any distance whatever, it

shall thereafter conform to the regulations for the district in which it is located after it is moved.

5. Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

b. Any nonconforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such buildings.

c. In any District, if no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

e. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or eighteen (18) months during any three year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

f. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

6. Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

7. Uses Allowed as Conditional Uses Not Conforming Uses

Any use which is permitted as a conditional use as provided in this Ordinance shall not be deemed a nonconforming use but shall without further action be deemed a conforming use in such district.

8. Change of Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing nonconforming use of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

SEC. 1103. Accessory Buildings:

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall

be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.

2. Buildings accessory to residential buildings shall not be erected in any required yard, except a rear yard.

3. Buildings accessory to residential buildings not exceeding one (1) story or fourteen (14) feet in height may occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any nonrequired rear yard, provided that in no instance shall the accessory building exceed six hundred (600) square feet.

4. No detached building accessory to a residential building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line.

In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

5. No detached accessory building in R-1, R-2, RM, and TC Districts shall exceed one (1) story or fourteen (14) feet in height.

Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to the Board of Appeals review and approval.

6. When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. A building accessory to a residential building shall in no case be located nearer than ten (10) feet to a street right-of-way line.

7. When an accessory building in any Residence or Business District is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the Board of Appeals.

**SECTION 1104. OFF-STREET PARKING REQUIREMENTS:** There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile offstreet parking space with adequate access to all spaces. The number of offstreet parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy as hereinafter prescribed;

1. Off-street parking may be located within any non-required yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted in a required front or side yard setback unless otherwise provided in this Ordinance.

2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

3. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of SEC. 1103, ACCESSORY BUILDINGS, of this Ordinance.

4. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.

5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

6. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.

8. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.

9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.

10. When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-half ( $\frac{1}{2}$ ) shall be disregarded and fractions over one-half ( $\frac{1}{2}$ ) shall require one (1) parking space.

11. For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA shall govern.

12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
<b>a. RESIDENTIAL</b>	
(1) Residential, One-family and Two-family	- One (1) for each dwelling unit
(2) Residential, Multiple-family	-Two (2) for each dwelling unit plus one-half ( $\frac{1}{2}$ ) space for each unit for visitor parking.
(3) Housing for the Elderly	-One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then one and one-half ( $1\frac{1}{2}$ ) spaces per unit shall be provided.
(4) Trailer Court	-Two (2) for each trailer site plus one (1) for each employee of the trailer court (refer to SEC. 806)
<b>b. INSTITUTIONAL</b>	
(1) Churches or temples	-One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
(2) Hospitals	-One (1) for each one (1) bed.
(3) Homes for the aged and convalescent homes.	-One (1) for each two (2) beds.
(4) Elementary and junior high schools	-One (1) for each (1) teacher, employee or administrator, in addition to the requirements of the auditorium.
(5) Senior high schools	-One (1) for each one (1) teacher, employee, or administrator and one (1) for each ten (10) students, in the addition to the requirements of the auditorium.
(6) Private clubs or lodges	-One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
(7) Private golf clubs, tennis clubs, or other similar uses.	-One (1) for each (2) member families or individuals.
(8) Golf courses open to the general public, except miniature or "par-3" courses.	-Six (6) for each one (1) golf hole and one (1) for each one employee.
(9) Fraternity or sorority	-One (1) for each five (5) permitted active members. or one (1) for each two (2) beds, whichever is greater.
(10) Stadium, sports arenas, or similar place of outdoor assembly	-One (1) for each three (3) seats or six (6) feet of benches.
(11) Theaters and auditoriums	-One (1) for each three (3) seats plus one (1) for each two employees.
<b>c. BUSINESS AND COMMERCIAL</b>	
(1) Planned Commercial or shopping center located in a B District	-One (1) for each one hundred (100) square feet of usable floor area.
(2) Auto Wash	-One for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash shall be provided. Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).

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- (3) Beauty parlor or barber shop.
    - Three spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair.
  - (4) Bowling alleys
    - Five (5) for each one (1) bowling lane.
  - (5) Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed seats.
    - One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
  - (6) Establishments for sale and consumption on the premises, of beverage, food or refreshments.
    - One (1) for each one hundred (100) square feet of usable floor space.
  - (7) Furniture and appliance, household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses.
    - One (1) for each eight hundred (800) square feet of usable floor area. For that floor use in processing, one (1) additional space shall be provided for each two (2) persons employed therein.
    - Two (2) for each lubrication stall, rack, or pit; and one for each gasoline pump.
  - (8) Automobile service stations
  - (9) Laundromats and coin operated dry cleaners
  - (10) Miniature and par-3" golf courses
  - (11) Mortuary established
  - (12) Motel, hotel or other commercial lodging establishments
    - One (1) for each two (2) machines.
    - Three (3) for each Hole plus one (1) for each 1 employee
    - One (1) for each fifty (50) square feet of usable assembly room floor space, parlors, and summer rooms.
    - One (1) for each 1 occupancy unit plus one (1) for each one (1) employee
    - One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room.
    - One for each one hundred (100) and fifty (150) square feet of usable floor space.
  - (13) Motor vehicle sales and service establishments.
  - (14) Retail stores except as otherwise specified herein.
    - One (1) for each one hundred (100) square feet of usable floor space
    - One (1) for each two hundred (200) square feet of usable floor space.
    - One (1) for each one Hundred (100) square feet of usable floor area in
- d. OFFICES
- (1) Banks
  - (2) Business offices or professional offices except as indicated in the following item.(3)
  - (3) Professional offices of doctors, dentists or similar professions.

waiting rooms, and one (1) for each examining rooms, dental chair, or similar use area.

e. INDUSTRIAL

(1) Industrial or research establishments

- Five (5) plus one (1) for every one and one-half (1½) employees in the largest working shift, or one (1) for every five hundred and fifty (550) square feet of usable floor space, or whichever is determined to be the greater. space one site shall also be provided to all construction workers during periods of plant construction.

(2) Wholesale establishments

- Five (5), plus one (1) for every one (1) employee in the largest working shift or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

Sec. 1105. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:

Wherever the off-street parking requirements in SEC. 1104. above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1: No parking lot shall be constructed unless and until a permit therefor is issued by the building inspector or official. Application for a permit shall be submitted in such form as may be determined by the Building Inspector or Official and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.

2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuver ing Lane Width	Parking Space Width	Parking Space Length	Total width Of one Tier of Spaces Plus Maneu- vering Lane	Total width of two tiers of Spaces Plus Maneu- vering Lane
0 (Parallel parking)	12 ft.	8 ft.	20 ft.	23 ft.	46 ft.
30 to 53	12 ft.	8 ft. 6	20 ft.	32 ft.	52 ft.
54 to 74	15 ft.	8 ft. 6	20 ft.	36 ft. 6 in.	58 ft.
75 to 90	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

4. Adequate ingress and egress to the parking lot by means of clearing limited and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

5. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety degree pattern may permit two-way movement.

6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distance from any adjacent property located in any single-family residential district.

7. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district and shall be subject further to the requirements of SEC. 1113 ARTICLE XI, "GENERAL PROVISIONS:."

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

8. The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Village Commission. The parking area shall be surfaced within one (1) year of the date the permit is issued. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water on to adjacent property or toward buildings, and plans shall meet the approval of the Village Commission.

9. All lighting is used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

10. In all cases where a wall stands to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than 10 feet from such alley line in order to permit a wider means of access to the parking area.

11. The Board Of Appeals, after recommendation of the Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

**SEC. 1106. OFF-STREET LOADING AND UNLOADING:**

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows.

1. All spaces shall be provided as required in ARTICLE X, SCHEDULE OF REGULATIONS, noted after minimum rear yards, except as hereinafter provided for "F1" Districts.

2. All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in "F1" Districts shall be provided in the following ratio of spaces to floor area.

**GROSS FLOOR AREA  
(IN SQUARE FEET)**

- 0-1,400
- 1,401-20,000
- 20,001-100,000

**LOADING AND UNLOADING SPACE  
REQUIRED IN TERMS OF SQUARE  
FEET OF USABLE FLOOR AREA**

- None
- One (1) space
- One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet.
- Five (5) spaces.

**SEC. 1107. USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:**

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in the specific use district classification, they shall be permitted by the Board of Appeals, after Planning Commission recommendations, under the conditions specified, and after public hearing.

These uses require special consideration since they service an area larger than the Village and require sizable land areas, creating problems of control with reference to shutting use districts. Reference to those using falling specifically within the intent of those Section, is as follows:



1. Outdoors Theaters

Because of outdoors theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in B Districts.

Outdoors theaters shall further be subject to the following conditions:

- a. The proposed internal design shall receive approval from the Building Inspector or Official as to adequacy of drainage, lighting and other technical aspects.
- b. Points of ingress and egress shall be available to the outdoor theaters from abutting major thoroughfares of at least one hundred and twenty (120) foot right-a-way or greater, and shall not be available from any residential street.
- c. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space in the ratio of one (1) waiting space for each ten (10) viewing stalls within the theater. No vehicle shall be permitted to wait or stand within a dedicated right-a-way.

2. Television and Radio Towers

Radio and television towers and their attendant facilities shall be permitted in I District provided use shall be located centerly on a parcel having a dimension of not less than one  $\frac{1}{2}$  (1) half times the height of the tower measured from the base of said tower to all points on each property line.

3. Auto Race Track (including midget auto and karting tracks).

Because auto race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project on the property so used, they shall be permitted in the I Districts when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject to future to the following conditions and such other controls as the Board of Appeals deems necessary to promote health, safety, and general welfare in the Village.

- a. All parking shall be provided as off-street parking within the boundaries of the development and shall meet the requirements of SECTIONS 1104 and 1105.
- b. All access to the parking areas shall be provided from major thoroughfare.
- c. All sides of the development not abutting the major thoroughfare shall be provided with a twenty (20) foot greenbelt planting and fence or wall so as to obscure from view all activities within the development. Said planting shall be in accord with Sec. 1109.

4. Horse and dog race tracks

Because horse and dog race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and require sizeable land areas which would be incompatible with business or residential districts, they shall be permitted in the I Districts when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions and such other controls as the board of appeals deems necessary to promote health, safety, and general welfare in the Village.

- a. All parking shall be provided as off-street parking within the boundaries of the development.
- b. All access to the parking areas shall be provided from a major thoroughfare.
- c. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot greenbelt planting and fence or wall so as to obscure from view all activities within the development. Said planting shall be in accord with SEC. 1109.

5. Riding Academies and Stables

Facilities for horseback riding, accessory trails and stables may be allowed by the Board of Appeals on parcels of five (5) acres or more, or on parcels zoned, I provided that animal housing facilities or enclosures are located at least two hundred and fifty (250) feet from any residential structure. Under a temporary permit basis, riding trails may be extend into the rugged and/or undeveloped portions of the R Districts.

6. Airports and Related uses

Airports, landing fields, and platforms, hangars, masts and other facilities for the operation of aircraft, may be permitted in I Districts, and shall be subject to the following conditions:



- a. The plans for such facility shall be given approval by the Federal Aviation Agency prior to submittal to the Board Of Appeals for their review and action.
- b. The standards for determining obstruction to air navigation as announced in the FAA Technical Order N-18, April 26, 1950 (as amended July 30, 1952) and any other amendments thereto shall be complied with. This standard shall be applied by the class of airport as determined by the FAA.
- c. The area of the "clear zone" (see Faa definition) shall be provided for within the land area under airport ownership, and in no instance shall the "clear zone" be above property zoned R-1, R-2, R-3, RM or TC.

7. Kennels

The raising of any fur bearing animals for commercial purposes or commercial kennels may be permitted on a farm of five (5) acres or more in size and the pens or cages shall be located not less than one hundred (100) feet from any front, side or rear property line, and further provided that such use shall not be injurious to the surrounding neighborhood. Commercial kennels shall only be allowed in I Districts regulations of SEC. 1000 are met.

8. Oil, Gas, or Brine Wells

Oil, Gas, or Brine wells, including the drilling operations for any underground natural resource, with the exception of water, may be permitted only in I Districts when authorized by the Board of Appeals if it can be shown that the use will not be injurious to the surrounding area, and after public hearing, subject to the following conditions:

- a. No buildings or structures of a permanent nature shall be erected, except that when such building is a permitted use within the I District.
- b. No truck parking or storage shall be located within three hundred (300) feet of any residential district, or within one hundred (100) feet of any other district.
- c. All the operation shall be screened with a wire screen or uniformly painted wood fence six (6) feet in height, with evergreen screen planting on any side adjacent to residentially zoned property.
- d. After the natural resources have been removed the property shall be restored by the replacement of top soil where feasible and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope, and the contour shall be caused to blend as nearly as possible with the natural surroundings.
- e. All truck operations shall be directed away from residential streets whenever possible.
- f. The Board of Appeals may require and bond as deemed necessary to insure that requirements are fulfilled and may revoke permission to operate at any time specified conditions are not maintained.

Sec. 1108. PERFORMANCE STANDARDS:

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area.

1. Smoke

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart: provided that the following exceptions shall be permitted: Smoke the shade of appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period, or periods, aggregating four minutes in any thirty minutes.

Method of Measurement:

For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the Umbrascope readings of smoke densities may be used when correlated with Ringlemann's Chart.

2. Dust, Dirt, and Fly Ash

No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining or operating, while using said process or furnace or combustion device, recognized and approved equipment, means, methods, devices or contrivance to reduce the quantity of gasborne or airborne solids, or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.00 grains per cubic foot.

solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

**Method for Measurements:**

For purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated so far as escape or emission into the open air is concerned. The Building Inspector or Official may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

**3. Open Storage**

The open storage of any industrial equipment, vehicles and all materials including wastes shall be screen from public view, from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored. Whenever, such open storage is adjacent to a residential zone in either a front, side or rear lot line relationship, whether immediately abutting or across a right-a-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six (6) feet in height.

**4. Glare and Radioactive Materials**

Glare from any process (such as or similar to arc welding, or acetylene torch cutting which emits harmful ultraviolet rays shall be preformed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, including electro magnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

**5. Fire and Explosive Hazards**

The storage and handling of flammable liquids, liquified petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as ammended.

**6. Noise**

Objectignable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

**7. Odors**

Creation of offensive odors shall be prohibited.

**8 Wastes**

No waste shall be discharged from the public sewer system which is dangerous to the public health and safety. The following standards shall apply at the point wastes are discharged into the public sewer.

a. Acidity or alkalinity shall be neutralized within an average PH range of between  $5\frac{1}{2}$  to  $7\frac{1}{2}$  as a daily average on the volumetric basis, with a temporary variation of PH 4.50 to 10.0.

b. Wastes shall contain no cyanides. Wastes shall contain no chlorinate solvents in excess of 0.1 p.p.m.; and shall contain no more than 5 p.p.m. no florides shall be in excess of 10.0 p.p.m. and contain no more than 5 p.p.m. of hydrogen sulphide and shall contain not more than 10 of sulphur dioxide and nitrates; and shall contain not more than 25 p.p.m. of chromates.

c. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average of 500 p.p.m. or fail to pass a number eight standard sieve or have a dimension greater than  $\frac{1}{2}$  inch.

d. Wastes shall not have a chlorine demand greater than 15 p.p.m.

e. Wastes shall not contain phenols in excess of .05 p.p.m.

f. Wastes shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.

Sec. 1109. PLANT MATERIALS:

Whenever in this ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall therefore be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided:

1. Plant Material Spacing.

a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.

b. Where plant materials are placed in two or more rows, plantings shall be staggered in rows.

c. Evengreen trees shall be planted not more than thirty (30) feet on centers.

d. Evengreen trees (narrow) shall be planted not more than six (6) feet on centers.

e. Deciduous trees shall not be planted more than thirty (30) feet on centers.

f. Tree like shrubs shall be planted not more than ten (10) feet on centers.

g. Large deciduous shrubs shall not be planted no more than 4 feet on centers.

2. Suggested plant materials

a. Evengreen trees

minimum size-Five (5) feet in height Five (5) feet in height

(1) Juniper

(2) Hemlock

(3) Fir

(4) Pine

(5) Spruce

(6) Douglas-Fir

b. Narrow Evengreens

minimum size-three (3) feet in height

(1) Column Hinoki Cypress

(2) Blue Columnar Chinese Juniper

(3) Pyramidal Red-Cedar

(4) Swiss Stone Pine

(5) Pyramidal White Pine

(6) Irish Yew

(7) Douglas Arbor-Vitae

(8) Columnar Giant Arbor-Vitae

c. Tree Like Shrubs

minimum size- Four (4) feet in height

(1) Flowering Crabs

(2) Russian Olives

(3) Mountain Ash

(4) Dogwood

(5) Redbud

(6) Rose of Sharon

(7) Hornbeam

(8) Hawthorn

(9) Magnolia

d. Large Deciduous Shrubs

minimum size-Six (6) feet in height

(1) Honeysuckle

(2) Viburnum

(3) Mock-Orange

(4) Forsythia

(5) Lilac

(6) Ninebark

(7) Cotoneaster

(8) Hazelnuts

(9) Eveonymus

(10) Privet

(11) Buckthorn

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- (12) Sumac
  - e. Large Deciduous Trees
- Minimum size-Eight (8) feet in height
- (1) Oaks
- (2) Hard Maples
- (3) Hackberry
- (4) Planetree
- (5) Birch
- (6) Beech
- (7) Ginkgo
- (8) Honeylocust
- (9) Sweet-gum
- (10) Hop Hornbeam
- (11) Linden
- 3. Trees not permitted
  - a. Box Elder
  - b. Soft Maples (red silver)
  - c. Elms
  - d. Poplars
  - e. Willows
  - f. Horse Chestnut
  - g. Tree of Heaven
  - H. Catalpa

Sec. 1110. SIGNS:

- 1. The following conditions shall apply to all signs erected or located in any use district.
  - a. All signs shall conform to all codes and Ordinances of the Village of Estral Beach and, where required, shall be approved by the Building Inspector or Official and a permit issued.
  - b. No sign except those established and maintained by the Village, County, state, or federal governments, shall be located in, project to, or hangover a public right-of-way or dedicated public easement.
  - c. No sign otherwise permitted shall project above or beyond the maximum height limitation of the uses district in which located, except that for a planned commercial or shopping center development involving three (3) acres or more under one (1) ownership the Board Of Appeals may modify the height limitation.
  - d. All directional signs required for the purpose of orientation, when established by the Village, County, State, or Federal government, shall be permitted in all use districts.

USE DISTRICTS

"R" Districts

RR" Districts

RM and TC Districts

RM and TC Districts

B Districts

B and WM Districts

B, I, and WM Districts

I Districts

B and I Districts

I Districts

I Districts

Sec. 1111. EXTERIOR LIGHTING:

All lighting for parking areas or for the external illumination of buildings and uses shall be directed from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.

Sec. 1112. CORNER CLEARANCE:

In all districts, no fences, wall, shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

Sec. 1113. WALLS:

1. For those Use Districts and uses listed below, there shall be provided and maintained on these sides abutting or adjacent to a residential district an obscuring wall as required below:

USE	REQUIREMENTS
a. TC Tripler Court District and RM Multiple Family District	4'6" high wall
b. Off-street Parking Area	4'6" high wall
c. B and WM Districts	4'6" high wall
d. I Districts, (open storage areas, loading and unloading areas, service areas)	5' to 8'0" high wall

2. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this ordinance requires conformance with front yard setback lines in abutting residential districts. Required walls may upon approval of the board of appeals, be located on the opposite side of any alley right-of-way from a nonresidential zone that abuts a residential zone that when mutually agreeable to affected property owners, The continuity of the required wall on a given block will be a major consideration of the Board of Appeals in reviewing such request.

3. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Building Inspector, All walls herein required shall be constructed of materials approved by the Building Inspector to be durable, weather resistant, rust proof and easy maintained; and wood or wood products shall be specifically excluded.

Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Building Inspector and shall not be less than four (4) inches wider than the wall to be erected. Masonry walls may be constructed with openings above thirty-two (32) inches above grade provided such openings are not larger than sixty-four (64) square inches, provided that the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum wall height requirement.

4. The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided in that no instance shall a required wall be permitted to be less than four feet six inches (4'-6") in height. In consideration of requests to waive wall requirements between nonresidential and residential districts, the Board of Appeals shall refer the request to the Planning Commission for a determination. In such cases as the Planning Commission determines the residential district to be future nonresidential area, the Board of Appeals may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as herein before described, for each subsequent waiver prior to the granting of such waiver by the Board of Appeals.

Sec. 1114. USE RESTRICTION:

No portion of a lot or parcel once used in complying with the provisions of this Ord. for yards, lot area per parcel, density as for a development in the multiple-family

district, or percentage of lot occupancy, in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.

Sec. 1115. SITE PLAN REVIEW (ALL DISTRICTS):

1. A site plan shall be submitted to the Planning Commission for approval of:

a. Any use or development for which the submission of a site plan is required by any provision of this Ordinance.

b. Any development, except single-families and two families residential, for which off-street parking areas are provided as required in SEC. 1104 OFF-STREET PARKING REQUIREMENTS.

c. Any use in an RM, B, I, TC, or WM District lying contiguous to, or across a street from, a single-family residential district.

d. Any use except single-family residential which lies contiguous to a major thoroughfare or collector street.

e. All residentially related uses permitted in single-family districts such as, but not limited to: churches, schools, and public facilities.

2. Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance.

3. The following information shall be included on the site plan:

a. A scale of not less than 1"=50' if the subject property is less than three (3) acres and 1"=100' if three (3) acres or more.

b. Date, north point and scale.

c. The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.

d. The location of all existing and proposed structures on the subject property and all existing structures within 100' of the subject property.

e. The location of all existing and proposed drives and parking areas.

f. The location and right-of-way widths of all abutting streets and alleys.

g. The names and addresses of the architect, planner, designer or engineer responsible for the preparation of the site plan.

h. In the process of reviewing the site plan, the Planning Commission shall consider:

a. Single-family development on the basis of subdivision.

b. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.

c. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:

(1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

(2) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.

d. The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.

Sec. 1116. RESIDENTIAL ENTRANCEWAY:

In "R" Districts, so called entranceway structures, including but not limited to: walls, columns, and gate marking, entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided by Sec. 1112. CORNER CLEARANCE, provided that such entranceway structures shall comply to all codes and ordinances of the Village of Estral Beach, and be approved by the Building Inspector and a permit issued.

Sec. 1117. SWIMMING POOLS:

Swimming pools, whether private, public or commerical, provided a building permit is obtained. Plans and construction shall meet the requirements of the State Health Department. Swimming pools shall not be constructed or placed nearer to the street than the established front building line and the property on which they are located must be securely fenced with a substantial chain link or other non-climbable fence. Fence gates shall be of a self-closing type. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.

ARTICLE XII - GENERAL EXCEPTIONS AS TO AREA, HEIGHT AND USE

The regulations in the Ordinance shall be subject to the following interpretations and exceptions:

Sec. 1200. ESSENTIAL SERVICES:

Essential services shall be permitted as authorized and regulated by law and other Ordinances of the Village, it being the intention hereof to exempt such essential services from the application of this Ordinance.

Sec. 1201. VOTING PLACE:

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting connection with a municipal or other public election.

Flag Pole

Sec. 1202. HEIGHT LIMIT:

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

Sec. 1203. LOT AREA:

Any lot existing and of record at the time this Ordinance became effective may be used for any principal use permitted, other than conditional uses for which special lot area requirements are specified in this Ordinance, in the district in which such lot is located, whether or not such lot complies with the lot area requirements of this Ordinance, except as provided in SEC. 1102. 2.b "NONCONFORMING LOTS", of this Ordinance. Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

Sec. 1204. LOTS ADJOINING ALLEYS:

In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this Ordinance, one-half ( $\frac{1}{2}$ ) the width of such alley abutting the lot shall be considered as part of such lot.

Sec. 1205. YARD REGULATIONS:

When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple-family district, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

Sec. 1206. MULTIPLE DWELLING SIDE YARD:

For the purpose of side yard regulations, a row house or a multiple-dwelling shall be considered as one (1) building occupying one (1) lot. When more than one (1) structure is involved on one (1) zoning lot, the above requirement shall not negate the formula contained in SEC. 1000., pertaining to the distance spacing for multiple dwellings.

Sec. 1207. PORCHES:

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

Sec. 1208. PROJECTIONS INTO YARDS:

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two(2) inches for each one (1) foot width of such side yard, and may extend or project into a required front yard or rear yard not more than three (3) feet.

Sec. 1209. RESIDENTIAL YARD FENCES:

Fences or walls of not more than six (6) feet in height may be constructed in residential districts within a required rear or side yard, and not more than thirty (30) inches in height within a required front yard, e.g., along the property line.

Sec. 1210. ACCESS THROUGH YARDS:

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yards.

ARTICLE XIII

ADMINISTRATION AND ENFORCEMENT

Sec. 1300. ENFORCEMENT:

The provisions of this Ordinance shall be administered and enforced by the Building Inspector or by such deputies of his department as the Building Inspector may delegate to enforce the provisions of this Ordinance.

Sec. 1301. DUTIES OF BUILDING INSPECTOR:

The Building Inspector shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

The Building Inspector shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of SEC. 1102.

Under no circumstances is the Building Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector. The Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with the applicant despite violations of contracts, such



as conenants or private agreements which may occur upon the granting of said permit.

Sec. 1302. PLOT PLAN:

The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

(1) The actual shape, location and dimensions of the lot.  
(2) The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.

(3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

(4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

Sec. 1303. PERMITS:

The following shall apply in the issuance of any permit:

(1) Permits Not to be issued

No building permit shall be issued fo the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.

(2) Permits required

No building or structure, or part thereof, shall be hereinafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Village of Estral Beach Building Code, Housing Law of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

Sec. 1304. CERTIFICATES:

No land, building, or part thereof, shall hereafter be occupied by, or for, any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate.

(1) Certificate of New Use of Land

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

(2) Certificate for New Use of Buildings

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

(3) Certificate Not to be Issued

No certificate of occupancy shall be issued for any building, structure, or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.

(4) Certificates Required

No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.

(5) Certificates Including Zoning

Certificates of Occupancy as required by the Village Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.

(6) Certificates for Existing Buildings

Certificates of Occupancy shall be issued, upon application, for existing buildings, structures, or parts thereof, or existing uses of land, if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

(7) Records of Certificates

A record of all certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

(8) Certificates for Dwelling Accessory Buildings

Buildings or structures accessory to dwelling shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

(9) Application for Certificates

Application for certificates of occupancy shall be made in writing to the Building Inspector on forms furnished by him, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structures or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

Sec. 1305. FINAL INSPECTION:

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

Sec. 1306. FEES:

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Building Inspector in advance of issuance. The amount of such fees shall be established by resolution of the Village Commission and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

Sec. 1307. INTERPRETATION:

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or Ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations, or permits; the provisions of this Ordinance shall control.

Sec. 1308. ZONING COMMISSION:

The Village Planning Commission is hereby designated as the Commission specified in Section 4, of Act 207 of the Public Acts of 1921, and in Act 285 of 1931, and shall perform the duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.

**Sec. 1309. PLANNING COMMISSION APPROVAL:**

In cases where the Village Planning Commission is empowered to recommend approval of certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.

The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules or procedure.

The Planning Commission may impose such conditions or limitations in recommending approval as may in its judgement be necessary to fulfill the spirit and purpose of this Ordinance.

**Sec. 1310. CHANGES AND AMENDMENTS:**

The Village Commission may from time to time, on recommendations from the Planning Commission, on its own motion, or on petition amend, supplement or change this Ordinance in accordance with the procedure established in Act 207 of the Public Acts of 1921, as amended.

**Sec. 1311. FEES - PETITION FOR AMENDMENTS:**

Upon presentation of petition for admendment of the Zoning Ordinance by the owner of real estate to be affected such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Village Commission shall be placed in the General Fund to partly defray the expense of publishing the required notices of public hearings, and the expenses of said public hearing.

**Sec. 1312. VIOLATIONS:**

Any firm, corporation violating any of the provisions of this Ordinance shall be guilty of misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred (\$100.00) dollars and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days ofr each offense, or by both such fine and imprisonment in the discretion of the court, together with the cost of such prosecution.

**Sec. 1313. PUBLIC NUISANCE PER SE:**

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

**Sec. 1314. FINES, IMPRISONMENT:**

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

**Sec. 1315. EACH DAY A SEPARATE OFFENSE:**

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

**Sec. 1316. RIGHTS AND REMEDIES ARE CUMULATIVE:**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**ARTICLE XIV BOARD OF APPEALS**

**SEC. 1400. CREATION AND MEMBERSHIP:**

There is hereby established a Board of Appeals which shall perform its duties and exercise its powers as provided in Section 5 of Act 207 of the Public Acts of 1921, as amended ans in such a way that the objectives of this Ordinance shall be observed, public safety secured, and

substantial justice done.

The Board shall consist of five (5) members appointed by the Village Commission. Appointments shall be for a period of one (1), two (2) and three (3) years, respectively, so as nearly as may be to provide for appointment of an equal number each year, thereafter each member to hold office for the full three (3) year term. The Zoning Board of Appeals shall annually elect its own Chairman, Vice Chairman and Secretary. The compensation of the appointed members of the Board of Zoning Appeals may be fixed by the Village Commission.

SEC. 1401. MEETINGS:

All meetings of the Board of Appeals shall be held at the call of the chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. The Clerk or his representatives, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Four (4) members of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

SEC. 1402. APPEAL:

An appeal may be taken to Board of Appeals by any person, firm or corporation, or by an officer, Department, Board or Bureau affected by a decision of the Building Inspector. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Building Inspector and with the Board of Appeals a notice of Appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of record.

The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

SEC. 1403. FEES:

The Village Commission may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Board of Appeals. At the time the notice of appeal is filed, said fee shall be paid to the Secretary of the Board of Appeals, with the Secretary shall forthwith pay over to the Village Treasurer to the credit of the general revenue fund of the Village.

SEC. 1404. JURISDICTION:

The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, exception or conditional approval permit and to authorize a variance as defined in this Section and laws of the State of Michigan. Said powers include:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Building Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance.

2. Variance

To authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. In granting a variance, the Board may attach thereto such condition regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.

3. Exceptions and Conditional Approval

To hear and decide in accordance with the provisions of this Ordinance, requests for exceptions, for interpretations of the Zoning Map, and for decisions on conditional approval situations on which this Ordinance specifically authorizes the Board to pass. Any exception or conditional approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zone district in question and and otherwise promote the purpose of this Ordinance, including the following:

a. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.

b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission.

c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.

d. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it can not otherwise be appropriately improved without such modifications.

e. Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Village and for periods not to exceed six (6) months in developed sections.

f. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible, use which do not require the erection of any capital improvement of a structural nature.

The Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

(1) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.

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(2) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.

(3) All setbacks, land coverage, offstreet parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Village shall be made at the discretion of the Board of Appeals.

(4) In classifying uses as not requiring capital improvement, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments such as, but not limited to: golf-driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.

(5) The use shall be in harmony with the general character of the district.

(6) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance. Further, the Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.

g. Permit modification of wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.

4. In consideration of all appeals and all purposed variations to this Ordinance the Board shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in the public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Village of Estral Beach. The concurring vote of 2/3 of the members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this Ordinance or the Zoning Map, such power or authority being reserved to the Village President and the Village Commission of the Village of Estral Beach in a manner provided by law.

SEC. 1405. ORDERS:

In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the orders, requirements, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.

SEC. 1406. NOTICE:

The Board shall make no decision except in a specific case and after a public hearing conducted by the Board. It shall by general rule or in specific cases, determine the interested parties who, in the opinion of the Board, may be affected by any matter brought before it, which shall in all cases include all owners of record of property within three hundred (300) feet of the premises in question, such notices to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll. The Board may require any party applying to the Board for relief to give such notice to other interested parties as it shall prescribe.

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SEC. 1407. MISCELLANEOUS:

No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and affect if a building permit for said erection alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

ARTICLE XV - VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

ARTICLE XVI.

SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE XVII - EFFECTIVE DATE

Public hearing having been held hereon, the provisions of this Ordinance are hereby given effect, pursuant to the provisions of Section 4, of Act 207 of the Public Acts of 1921, as amended.

Made and passed by the Village Commission of the Village of Estral Beach, Monroe County, Michigan on this 6th day of March, 1973.

1. Date of Public Hearing 6th of March, 1973.
2. Date of Publication March 16, 1973.
3. Date of Adoption by Village Commission 6th of March, 1973.
4. Date and Time Ordinance Shall take Effect March 16, 1973.