

ORDINANCE NO. 233

ZONING ORDINANCE (as amended)

An Ordinance to establish zoning regulations for the Village of Edmore, Montcalm County, Michigan, providing for the administration, enforcement and amendment, and prescribing penalties for the violation thereof, in accordance with the provisions of Act 07 of the Public Acts of Michigan, 1921, as amended. The people of the Village of Edmore do ordain:

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CHAPTER I

TITLE, PURPOSE, SCOPE AND INTERPRETATION

SECTION 1.1 TITLE

This Ordinance shall be known, referred to and cited as the "Village of Edmore Zoning Ordinance."

SECTION 1.02 PURPOSE

This Ordinance is based upon the Village of Edmore Comprehensive Plan and is enacted pursuant to and designed to achieve the purposes set forth in the Zoning Enabling Act, as amended. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general appropriate trend and character of land, building and population development.

SECTION 1.03 SCOPE AND INTERPRETATION

This Ordinance shall not repeal other ordinances except as set forth in Section 19.03. Where this Ordinance imposes greater restrictions, limitations, or requirements upon any use of utilization of land than are imposed or required by other existing laws, ordinances, regulations, or private restrictive covenants, the provisions of this Ordinance shall control.

CHAPTER II

GENERAL PROVISIONS

The general provisions are applicable to all districts.

SECTION 2.01 THE EFFECT OF ZONING

Zoning affects every structure and use within the Village of Edmore and extends vertically. Except as hereinafter specified, no building, structure or premises shall hereafter be used or occupied and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the zone district in which it is located.

SECTION 2.02 RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Zoning Administrator.

SECTION 2.03 RAZING OF BUILDINGS

No building, excluding those of less than five hundred (500) square feet or less than sixteen (16) feet in height, shall be razed until a permit has been obtained from the Zoning Administrator who shall be authorized to require a performance bond in any amount not to exceed \$1,000 for each 1,000 square feet or fraction thereof of floor area of the building to be razed. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

SECTION 2.04 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS

- a. Property owners shall be responsible for the determination of the correct location of their property lines.
- b. In all Residential Districts, not more than one (1) principal building shall be placed on a lot of record.
- c. Any dwelling shall contain not less than nine hundred and sixty (960) square feet of usable ground floor area, exclusive of open porches, garages or steps. Where the district specifies a minimum area, said district control shall apply.
- d. Buildings on corner lots or lots having frontage on two (2) streets shall have applicable front yards on both streets.

- e. Required yard or lot: All lots, yards, parking areas, or other spaces created after the effective date of this ordinance shall comply with minimum requirements of the Zoning District in which they are located. No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered or reduced as to make said area or dimension less than the minimum required under this Ordinance, said area or dimension shall not be further reduced.
- f. No building or structure, except as otherwise provided, shall exceed a height of thirty-five (35) feet or two and one half (2 ½) stories, whichever is lesser, as measured from the mean grade of the building at the front setback.
- g. Existing platted lots: Where two (2) or more adjacent lots are in single ownership and where such lots contain less than the zone district requirements, such lots shall be combined in such a manner that they can be utilized in conformance with the Zoning Ordinance and does not meet the required lot area or width it may be utilized provided that all other requirements of its zone district can be met. In the event the conditions cannot be met and the Board of Appeals determines that there is no practical possibility of obtaining additional land it may permit its use if it will not adversely affect the character of the neighborhood.
- h. Exceptions: The requirements of all zones shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, water tanks, flagpoles, radio and television towers, masts and aerials, grain elevators, stacks, monuments, cupolas, domes, spires and penthouses housing necessary mechanical appurtenances.

SECTION 2.05 TRANSITION ZONING

The first Residential zoned lot with the side yard adjacent to a B-1, B-2 or I district (without any street intervening between said properties) may be used for uses permitted and as regulated in the Low Density (R-1) Zone District for new residence structures. Such transition lot cannot be construed to extend for more than one hundred fifty (150) feet from such commercial or industrial zone. In addition, said land may be used for offices for doctors, dentists, architects and similar professions. For approval of these uses, a detailed development plan and an architectural sketch of all structures to be erected shall be submitted to the Zoning Administrator to determine that the plan meets the following requirements:

- i. Yard and area requirements of the zone district:
- ii. Parking area and access drives:
- iii. Landscaping and screening plan:
- iv. That the proposed building has a residential appearance keeping in conformity with the character of the adjacent neighborhood.

SECTION 2.06 DRIVEWAY APPROACHES

Driveway approaches may be of gravel, or asphalt. The grade level of the driveway approach which lies on the Village right of way shall be such that it does not interfere or hamper grading, plowing or any Village maintenance, and shall be adequately drained to meet the requirement of the Montcalm County Drain Commission. Driveway approaches which lie in the Village right of way shall at no time be placed over a water curb stop, sewer lateral or utility service connection.

Driveway Approach Repair: General maintenance repair in the Village right of way shall be conducted by the property owner of which property abuts the Village right of way. Driveway approaches which lie in the Village right of way and must be removed or broken for maintenance of water, sewer, or utility placement or repair or any other reason shall be conducted in the following manner:

- i. The Village shall repair or replace gravel or asphalt lying in the Village right-of-way.
- ii. The property owner of which property abuts the Village right-of-way shall be responsible for require or replacement of approaches of cement or any materials not specified in one (i).

SECTION 2.07 FENCES, HEDGES & SHRUBS

For residence zones, all fences, hedges, or clumps of shrubs shall not exceed thirty (30) inches n height along streets, nor six (6) feet in height along all other sides of the lot or parcel. Fencing may be set on the property line, except that the fence must be on the property owner's side of a sidewalk and not block access to a sidewalk.

SECTION 2.08 MECHANICAL EQUIPMENT

Mechanical appurtenances, such as blowers, ventilating fans and air conditioning units, must not be placed closer than the side yard setbacks to adjoining properties. Corn blowers and dryers and similar equipment shall not be closer than five hundred (500) feet to any residential zoned lot or parcel.

SECTION 2.09 COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS

Commercial vehicles with over two axles shall not be parked or stored in residential districts except when performing services.

SECTION 2.10 FALLOUT SHELTERS OR STORM SHELTERS

Fallout or storm shelters are permitted in any zone district provided the Zoning Administrator approves the plans for entrances, exits, ventilation and conformity with the

character of the adjacent neighborhood. Such shelters shall not be used for storage or warehouse purposes.

SECTION 2.11 KEEPING OF PETS & LIVESTOCK

The keeping of horses and livestock is permitted on any parcel provided that there shall be a minimum of five (5) acres for the first animal and (1) additional acre for each additional animal up to and including ten (10) animals.

SECTION 2.12 ESSENTIAL SERVICES

The erection, construction, alteration or maintenance by public utilities or municipal departments, Boards or Commissions of overhead or underground gas, electrical, steam or water, distribution or transmissions systems, collection, communication, supply, or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, telephone exchange buildings, public utility buildings, and other similar equipment and accessories in connection therewith, reasonable necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare shall be permitted, as authorized or regulated by law and other ordinances and standards of the Village of Edmore in any district, it being the intention hereof to except such erection, construction, alteration and maintenance from the application of this Ordinance.

Notwithstanding the preceding exceptions:

- a. Electrical substations and /or gas regulator stations shall be provided with an enclosing fence or wall at least six (6) feet high and adequate to obstruct passage of persons or materials.
- b. Public utility buildings when located in any Residential District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.
- c. Public utility facilities in any district are required to be constructed and maintained in a neat and orderly manner, and any buildings required shall conform with the general architecture of the neighborhood.
- d. Such structure shall comply with the district setback provisions.

SECTION 2.13 OUTDOOR STORAGE & WASTE DISPOSAL

- a. All outdoor storage areas shall be enclosed by a fence or wall adjacent property and shall comply with the district setback provisions.

- b. All materials or wastes which might cause fumes, odors, or dust or which constitute a fire hazard or which may be edible by rodents or insects shall be stored outdoors only in closed watertight containers and screened from the street or adjacent property. No such material or wastes may be stored for a period exceeding ten (10) days.
- c. No materials or wastes shall be deposited on the premises in such forms or manner that they may be moved off the premises by natural causes or forces.
- d. Waste materials shall not be allowed to accumulate on the premises in such manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.
- e. All outdoor storage facilities for fuel, raw materials, and products for every use, as enumerated and limited herein, located less than one hundred (100) feet from any other district shall be enclosed by a solid fence or wall not less than six (6) nor more than ten (10) feet in height and must be maintained by the property owner.
- f. Property owners shall be liable for all storage and disposal of trash.

SECTION 2.14 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS

Every use shall be so operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise, or vibration beyond any boundary line of the lot or parcel of land upon which the use is located.

SECTION 2.15 TEMPORARY USES OR STRUCTURES REQUIRING BOARD OF APPEALS AUTHORIZATION

Upon application the Board of Appeals shall issue a permit in accordance with the following provisions for a temporary sales or construction office or storage yard for construction materials and equipment which are to be used on the same site.

- a. Each permit shall be valid for a period of six (6) calendar months and can be renewed by the Zoning Administrator for not more than two (2) successive periods. Further extensions require the issuance of a new permit by the Board of Appeals.
- b. The temporary use of structure is both incidental and necessary to the principal activity or use of the site.
- c. In issuing a permit the Board of Appeals may stipulate conditions with respect to access drives, parking areas, setbacks, screening or fencing and other factors which may be necessary to assure traffic safety and provide reasonable protection to adjacent properties.

**SECTION 2.16 TEMPORARY USES REQUIRING ZONING
ADMINISTRATOR AUTHORIZATION**

Upon application, the Zoning Administrator may issue a permit for the following temporary uses and may stipulate conditions necessary to assure traffic safety or to provide protection to adjacent properties. The denial of any permit or any stipulated condition may be appealed to the Board of Appeals for a final determination.

- a. Christmas Tree Sales yards for a maximum period of 45 days.
- b. The use of sidewalks or parking lots for display purposes within the B-1 District for periods up to five (5) days. Not more than three (3) permits shall be issued for the same lot, parcel or business in any calendar year.
- c. Roadside Markets for a minimum period of six (6) continuous months during any calendar year.
- d. Yard and Garage Sales lasting longer than three (3) days. Not more than two (2) permits shall be issued for the same lot or parcel in any calendar year.
- e. Bazaar, festival, carnival, or circus for a maximum period of 14 days. Not more than one (1) permit shall be issued for the same lot or parcel in any calendar year.

SECTION 2.17 ACCESSORY USES

- a. In any district, accessory uses, incidental only to a permitted use, are permitted when located on the same parcel as the principal building' provided, that such accessory uses shall not involve the conduct of any business, trade or industry.
- b. Private swimming pool provided it shall not be less than twenty (20) feet from the property line of the property on which it is located, shall be so walled, fenced or screened as to prevent uncontrolled access from the street or adjacent properties and shall meet all setback and height restrictions of the district.

SECTION 2.18 ACCESSORY BUILDINGS

- a. No accessory building may be built on any lot or parcel on which there is no principal building.
- b. No portion of an accessory building shall be utilized as a dwelling or as sleeping quarters.
- c. Accessory buildings are prohibited in any required front yard.
- d. Accessory buildings shall meet all side yard requirements and shall not be located closer than ten (10) feet to a rear lot line.

- e. No accessory building shall exceed one story or sixteen (16) feet in height.
- f. The total floor area of all accessory buildings shall not exceed the ground floor area of the principal building.
- g. An accessory building, any portion of which is located six (6) feet or less from the principal building, shall be attached to the principal building by a solidly covered breezeway, portico, covered colonnade or similar architectural device.

SECTION 2.19 HOME OCCUPATIONS

- a. Home occupations, which are occupations customarily incidental to the use of the premises as a dwelling place, but excluding occupations in which the use of the premises as a dwelling place is largely incidental to the occupation involved, may be permitted a special uses to be granted by the Planning Commission in residential districts in accordance with the procedures established in Chapter 12. Prohibited as a home occupation are personal services, photographic studios, restaurants, retail sales, and automobile repairs.
- b. Persons desiring a permit for a home occupation shall make application for same as a special use to the Planning Commission and if such application is acted on favorable by said Commission, a permit for same shall be issued. Such application for a permit shall contain such information as the Planning Commission may require, but in any event, shall include the following:
 - i. Name of applicant.
 - ii. Location of residence where the home occupation will be conducted.
 - iii. Total floor area of the first floor of the residence
 - iv. Area of room or rooms to be utilized in the conduct of the home occupation
 - v. A sketch showing the floor plan and the area to be utilized for the conduct of the home occupation.
 - vi. The nature of the home occupation.
- c. All home occupations shall be subject to the following:
 - i. The home occupation shall be conducted within the principal building and only by a resident of the building. Not more than one (1) person shall be employed who is not a resident of the premises.

- ii. No home occupation shall occupy more space than twenty percent (20%) of the total floor area of a residence exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters; provided, however, in no event shall such home occupation occupy more than three hundred (300) square feet. No rooms which have been constructed as an addition to the residence, nor any attached garage or porch which has been converted into living quarters, shall be considered as floor area until two (2) years after the date of the completion thereof, as shown by the records of the Planning Commission.
- iii. For the purpose of identification of such use, one (1) non-illuminated wall sign, not exceeding one (1) square foot in area, may be permitted. Such signs shall identify only the name of the profession and the name of the occupant of the premises.
- iv. No motor, other than electrically operated motors shall be used in conjunction with such home occupation; and the total horsepower of such permitted electrical motors shall not exceed three (3) horsepower, or one (1) horsepower for any single motor. All motors and equipment used in the conduct of any home occupation shall be shielded so as not to cause radio or television interference.
- v. There shall be no alteration in the residential character of the premises in connection with such home occupation.
- vi. No merchandise or articles for sale shall be displayed for advertising purposes and no sign or device relative to the sale of such merchandise shall be displayed on the premises.
- vii. No articles or materials used in connection with such home occupation shall be stored other than in the principal building so used.

SECTION 2.20 SIGNS

It is the intent of this Ordinance to regulate the size, location and manner of display of signs in the Village of Edmore. All signs hereafter erected shall conform to this Ordinance and all other codes and ordinances of the Village.

- a. ***EXCEPTED SIGNS.*** The following signs are exempt from the provisions of this ordinance with respect to permits, heights, area and location, unless otherwise specified herein.
 - i. Highway signs erected by the U.S. Government, State of Michigan, County of Montcalm, or Village of Edmore.
 - ii. Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.

- iii. Directional signs in conjunction with drives or off-street parking areas, provided any such sign does not exceed four (4) square feet in area, is limited to traffic control functions, and does not obstruct traffic vision.
- iv. Historic signs designating sites recognized by the State Historical Commission as Centennial farms or Historic Landmarks.
- v. Placards posted to control or prohibit hunting and/or trespassing within the Village.
- vi. Essential service signs denoting utility lines, railroad lines, hazards and precautions.
- vii. Memorial signs or tablets which are either (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.
- viii. Temporary signs promoting political parties or candidates so long as such signs are promptly removed after the completion of election activities.

b. ***PROHIBITED SIGNS***

- i. Automobiles, trucks and truck trailers, farm or industrial machinery, airplanes or other vehicles of any sort, whether operable or inoperable, are not permitted as a sign or billboard in any zoning district in the Village. The provision shall not be interpreted to prohibit lettering or advertising on operable commercial vehicles.
- ii. Any sign or sign structure which is structurally unsafe or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.
- iii. Any sign which, by reason of its size, locations, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads. In determining whether a sign may constitute a traffic hazard or interfere with traffic safety or visibility, the Building Inspector shall consider the following:
 1. Height, area, supporting structure and distance from the ground level of the sign.
 2. Lighting of the sign.
 3. Location of the sign in relation to roads, drives, points of ingress and egress, parking areas, sidewalks and other vehicular or pedestrian access ways.
 4. Location of the sign in relation to nearby buildings and structures.

- iv. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
 - v. Any sign unlawfully installed, erected or maintained.
 - vi. Any sign which is not accessory to the business being conducted on the property on which the sign is located except as otherwise provided in this ordinance.
 - vii. Any sign projecting into a public right of way or dedicated easement except those erected by the Village, County, State or Federal government.
- c. GENERAL PROVISIONS. The following provisions shall be applicable to all signs in all Districts:
- i. Any sign may be illuminated provided the source of light is not visible from any street right of way or adjoining property.
 - ii. No sign shall be illuminated by flashing or intermittent lighting; provided that a sign providing the time and temperature is not prohibited.
 - iii. No sign, other than an official sign, shall use the words "Stop", "look", "Danger" or other similar words, not by reason of location, content, coloring, or illumination mislead or confuse traffic or in any other way constitute a traffic hazard.
 - iv. No sign shall be located more than 35 feet above grade level.
 - v. The sign surface of any non portable, free standing sign shall be located a minimum distance of ten (10) feet above grade in order to not obstruct vision.
 - vi. All signs shall be maintained in structurally safe condition.
 - vii. Except as otherwise limited herein, directional, incidental, and official signs shall be permitted in all districts.
 - viii. Only one side of a sign with two sign faces shall be used to determine compliance with sign area restrictions. The sign area of signs with three or more sign faces shall be reduced to provide no more sign area than would be permitted by the foregoing sentence.
 - ix. No advertising or business sign shall be painted, constructed, erected or attached to a building prior to the issuance of a permit by the Zoning Administrator.
- d. SIGNS IN R-1, R-2, & R-3 DISTRICTS. In addition to signs permitted in all Districts pursuant to Section 2.20 (a) (viii) the following signs shall be permitted in the R-1, R-2, & R-3 Districts provided that they are located a minimum distance of ten (10) feet from any street right of way or property line.

- i. For residential use, one portable sign is permitted per lot for not more than five (5) days per calendar year.
 - ii. For permitted nonresidential uses one portable sign is permitted per lot for not more than 30 days per calendar year.
 - iii. For permitted nonresidential uses, multiple family dwellings, and mobile home parks, one business sign, which may be freestanding, not more than 64 square feet in sign area, is permitted per lot.
- e. SIGNS IN THE B-1, B-2 & I DISTRICTS. In addition to signs permitted in all districts permitted in all districts pursuant to Section 2.20 (a) the following signs shall be permitted in the B-1, B-2, & I Districts provided they are located a minimum distance of two (2) feet from any street right of way or property line.
- i. Business signs: Provided that not more than two (2) freestanding or wall signs shall be permitted per lot and, further, the aggregate business sign area per lot shall not exceed seventy five (75) square feet for the first fifty (50) feet of lot frontage and an additional three (3) square feet in area shall be permitted for each additional one (1) foot of lot frontage up to a maximum sign area of one hundred and fifty (150) square feet per lot.
 - ii. Portable sign: Provided that said sign or any substitutes there for shall be limited to an aggregate period of sixty (60) days per calendar year.
 - iii. One advertising sign as a principal use on the lot on which it is located, subject to the requirements of Act No. 106 of the Public Acts of Michigan of 1972, as amended.
- f. Advertising signs not regulated by Act No. 106 of the Public Acts of Michigan of 1972, as amended, are permitted within the B-12, B-2 and I Districts provided that:
- i. The sign shall be at least 200 feet from adjacent property lines and at least 300 feet from all other advertising signs.
 - ii. The sign shall be located no less than 25 feet from the street right of way.
 - iii. The sign shall not exceed 200 square feet in sign area nor be in excess of 35 feet in height.

**SECTION 2.21 MINIMUM REQUIREMENTS FOR DWELLINGS
OUTSIDE OF MOBILE HOME PARKS**

All dwelling units located outside of mobile home parks shall comply with the following requirements.

- a. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one half (7 ½) feet.
- b. The minimum width of any single family dwelling unit shall be twenty four (24) feet for at least sixty seven percent (67%) of its length, measured between the exterior parts of the walls having the greatest length. All dwelling units located in an R-1 or R-2 Residential District shall contain not less than 960 square feet of ground floor area, exclusive of open porches, garages or steps.
- c. There shall be a foundation of concrete or block around the entire exterior of all dwellings. The foundation shall have a minimum depth of forty two (42) inches below grade. The foundation shall provide a maximum exposed foundation above grade of eight (8) inches. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals.
- d. All dwellings without basements shall provide either a crawl space below the floor of the dwelling a minimum of sixteen (16) inches in depth with a vapor barrier consisting of two inches of concrete on the floor of the crawl space or shall be built and affixed to a monolithic permanent concrete slab consisting of a minimum of four inches of concrete. Any crawl space shall be provided with adequate drains to drain any accumulation of water in the crawl space. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals.
- e. All dwelling shall be firmly attached to the foundation so as to be watertight, or if a mobile home, shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards".
- f. The wheels, pulling mechanism and tongue of any mobile home shall be removed prior to placement on a foundation.
- g. All dwellings shall be connected to a sewer or water supply system approved by the Village.
- h. Above ground fuel tank containers are not allowed unless the lot is more than two hundred and fifty (250) feet from a natural gas service line. Any above ground fuel tanks/containers shall be screened from view from the adjoining street or adjacent dwellings by enclosure in a storage shed or opaque ornamental fencing.
- i. All dwellings shall provide steps or porch areas, permanently affixed to the foundations, where there exists an elevation differential or more than one (1) foot

between any door and the surrounding grade. All dwellings shall provide a minimum of two (2) points of ingress and egress.

- j. All habitable additions to dwellings shall meet all of the requirements of this ordinance.
- k. All single family dwellings shall provide for a minimum of eighty (80) square feet of enclosed storage space, excluding closets. Said enclosed storage space may consist of a basement, garage, shed or other structure, approved by the Zoning Administrator.
- l. All dwelling units shall provide for a driveway and or parking area surfaced with concrete, asphalt, or gravel.
- m. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, and shall require a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along side of the dwellings. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, roof pitch, design and appearance of the majority of residential dwellings located outside of the mobile home parks within five hundred (500) feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique contour, or relief from the common or standard designed home.
- n. Prior to the issuance of a zoning permit for any dwelling unit, construction plans, including a plot plat, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Zoning Administrator. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence. To assure that the dwelling unit complies with the standards for mobile home construction.

CHAPTER III

NONCONFORMING USES

SECTION 3.01 CONTINUANCE OF NONCONFORMING USES OR STRUCTURES

The lawful use of any building or structure and of any land or premises as existing and lawful at the time of enactment of this Zoning Ordinance, or in the case of an amendment, at the time of enactment of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or amendment.

SECTION 3.02 EXPANSION

Structures or uses nonconforming by reason of zoning classification, of height and area, parking and loading provisions only may be altered, remodeled or modernized provided that all height and area, parking and loading provisions are complied with respect to any extension or enlargement and provided that the Zoning Administrator shall determine that any alterations, remodeling or modernization shall not substantially extend the life of any nonconforming structure. Any structure which is nonconforming at the time of enactment of this Ordinance or amendment by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or any loading space to meet requirements for any extension, enlargements or change of use to one requiring greater areas for parking and/or unloading.

Non nonconforming use of any land or structure shall hereafter be enlarged or extended except after a variance by the Board of Appeals and which approval shall be granted only upon a finding of all of the following facts:

- a. That the enlargement or extension will not substantially extend the probable duration of such nonconforming use and that all enlargements since the use became nonconforming do not in total exceed fifty (50) percent of the area of the originally nonconforming area;
- b. That the enlargement or extension will not become a precedent for variations in the area;
- c. That the enlargement or extension will not interfere with the use of other properties in the vicinity for the uses for which they have been zoned nor with their use in compliance with all of the provisions of this Ordinance.

SECTION 3.03 RESTORATION AND REPAIR

Such repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made. In the event any nonconforming building or structure shall be damaged by fire, wind or an Act of God or the public enemy, it may be rebuilt or restored provided the cost thereof shall not exceed one half (1/2) the value of such building or structure after such rebuilding or restoration; said determination to be made by the Zoning Administrator or on appeal by the Board of Appeals.

In the event any nonconforming building or structure shall be damaged by fire, wind or an Act of God or the public enemy, and the cost of rebuilding or restoration shall exceed one half (1/2) the value of such building or structure after rebuilding or restoration, the same shall be permitted only with the approval of the Board of Appeals which approval shall be granted only upon a finding:

- a. That such rebuilding or restoration will not substantially extend the probable duration of such nonconforming use, and must conform to the original size and location, or
- b. That circumstances are such that the land previously occupied by such nonconforming use cannot then be advantageously used for a use permitted in the zone.

SECTION 3.04 NONCONFORMING USE DISCONTINUED

In event that any nonconforming use is discontinued, vacated, or nonoperating for a period of one (1) year, any subsequent use shall conform to the uses permitted in the district in which the premises are located.

SECTION 3.05 BUILDING UNDER CONSTRUCTION OF EFFECTIVE DATE OF ORDINANCE

Any building shall be considered to have been lawfully in use for the purpose for which constructed if on the effective date of this Ordinance a building permit has been obtained thereof, if required, or otherwise a substantial start has been made toward construction and will conform to the original permit with completion within one year of the effective date of this Ordinance.

SECTION 3.06 CHANGE OF A NONCONFORMING USE

A nonconforming use may be changed to another nonconforming use which is more restrictive than the existing use if approved by the Board of Appeals. However, once a nonconforming use is changed to a more restrictive nonconforming use, it shall not be changed back to its original nonconforming use. A nonconforming use cannot be reestablished after it has been changed to a conforming use.

CHAPTER VI

MAPPED DISTRICTS

SECTION 4.01 ZONE DISTRICTS

For the purpose of this Ordinance the Village of Edmore is hereby divided into the following zoned districts:

- a. **R-1** Low Density Single Family Residential District
- b. **R-2** One and Two Family Residential District
- c. **R-3** Medium Density Multiple Family Residential District
- d. **B-1** General Business District
- e. **B-2** Highway Business District
- f. **I** Industrial District
- g. **PUD** Planned Unit Development District

SECTION 4.02 THE ZONING MAP

The locations and boundaries of these descriptions are hereby established as shown on a map, entitled "The Zoning Districts Map of the village of Edmore, Michigan", which accompanies and is made a part of this Ordinance. Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

- a. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- b. Boundaries indicated as approximately following platted lines shall be construed as following Village boundaries.
- c. Boundaries indicated as approximately following Village boundaries shall be construed as following Village boundaries.
- d. Boundary lines parallel to streets, or roads, without indicating the depth from the street line, shall be construed as having a depth of one hundred thirty two (132) feet from the front line.

- e. Boundaries indicated as approximately following property lines or section lines or other lines shall be construed as following such lines as of the effective date of this Ordinance, (or applicable amendment).
- f. The Board of Appeals shall interpret the district boundaries in all circumstances not covered by subsections (1) through (e) above.

SECTION 4.03 AREAS NOT INCLUDED WITHIN A DISTRICT

In every case where property has not been specifically included within a district, including all cases of property becoming a part of this Village subsequent to the date of enactment of this Ordinance, such property shall be in the "R-1" Low Density Single Family Residential District.

CHAPTER V

R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 5.01 DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Village exclusively for low density, single family dwellings. Certain complimentary religious, educational, and recreational facilities may also be permitted as special uses.

SECTION 5.02 USE REGULATIONS

In the R-1 District, no land or buildings shall be used, and no buildings or structures shall be erected or converted, for any use or under any condition other than the following:

- a. Single family dwelling.
- b. Foster family homes, foster family group homes and adult foster care family homes.
- c. Agriculture on parcels of land outside the boundaries of a recorded subdivision having an area of not less than five (5) acres.
- d. Signs as regulated in Section 2.21.
- e. The following uses when authorized as a special use by the Planning Commission utilizing the standards and requirements provided in Chapter 12.
 - i. Churches, public, private and parochial schools, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization.
 - ii. Parks, playgrounds, community centers, governmental, administration or service buildings including fire stations and other public service facilities which are owned and operated by a governmental agency or nonprofit organization.
 - iii. Municipal, denominational and private cemeteries.
 - iv. Home occupations in accordance with the provisions of Section 2.20.
 - v. Family day care homes.

SECTION 5.03 AREA REGULATIONS

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard and lot area requirements:

- a. Front yard - There shall be a front yard setback of not less than thirty (30) feet.
- b. Side yard - There shall be total side yards of not less than twenty-five (25) feet; provided, however, that no yard shall be less than ten (10) feet.
- c. Rear Yard - There shall be a rear yard of not less than forty (40) feet.
- d. Lot Area - The minimum lot area for a single family dwelling shall be ninety-six hundred (9600) square feet.
- e. Lot Width - The minimum lot width at the front yard setback line shall not be less than eighty (80) feet.

SECTION 5.04 PARKING

Off street parking shall be provided in accordance with the regulations of Chapter 14.

CHAPTER VI

R-2 ONE & TWO FAMILY RESIDENTIAL DISTRICT

SECTION 6.01 DESCRIPTION AND PURPOSE.

It is the intent of this Ordinance to designate certain portions of the Village for medium density one and two family dwellings. Certain complimentary religious, educational and recreation facilities may also be permitted as special uses.

SECTION 6.02 USE REGULATIONS

In the R-2 District, no land or buildings shall be used, and no buildings or structures shall be erected or converted, for any use or under any condition other than the following:

- a. Single family dwellings.
- b. Foster Family homes, foster family group homes and adult foster care family homes.
- c. Two family dwellings
- d. The following uses when authorized as a special use by the Planning Commission utilizing the standards and requirements provided in Chapter 12:
 - i. Churches, public, private and parochial schools, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization.
 - ii. Parks, playgrounds, community centers, governmental, administration or service buildings including fire stations and other public service facilities which are owned and operated by a governmental agency or nonprofit organization.
 - iii. Municipal, denominational and private cemeteries.
 - iv. Home occupations in accordance with the provisions of Section 2.19.

SECTION 6.03 AREA REGULATIONS

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements:

- a. Front yard - There shall be a front yard setback of not less than twenty-five (25) feet.
- b. Side yard - There shall be a side yard setback of not less than seven (7) feet.

- c. Rear yard - There shall be a rear yard setback of not less than twenty-five (25) feet.
- d. Lot Area - The minimum lot area for a single family dwelling shall be eight thousand, seven hundred and twelve (8,712) square feet and for a two family dwelling thirteen thousand and sixty-eight (13,068) square feet.
- e. Lot Width - The minimum width at the front yard setback line shall not be less than sixty six (66) feet for a single family dwelling and ninety nine (99) feet for a two family dwelling.

SECTION 6.04 PARKING

Off street parking shall be provided in accordance with the regulations of Chapter 14.

CHAPTER VII

R-3 MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 7.01 DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Village for multiple family developments, including mobile home parks as a special use. Certain other related and complimentary uses are also permitted.

SECTION 7.02 USE REGULATIONS

In the R-3 District, no land or buildings shall be used, and no buildings or structures shall be erected or converted, for any use or under any condition other than the following:

- a. Any permitted in the R-2 Zoning District, subject to the same conditions, restrictions and requirements as are provided in the R-2 Zoning District.
- b. Multiple family dwellings.
- c. The following uses when authorized as a special use by the Planning Commission utilizing the standards and requirements provided in Charter 12.
 - i. Churches, public, private and parochial schools, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization.
 - ii. Parks, playgrounds, community centers, governmental, administration or service buildings including fire stations and other public service facilities which are owned and operated by a governmental agency or nonprofit organization.
 - iii. Municipal, denominational and private cemeteries.
 - iv. Home occupations in accordance with the provisions of Section 2.19.
 - v. Nursing homes and senior citizens housing.
 - vi. Nursery schools, trade and vocational schools, and schools for music, dance and other performing arts.
 - vii. Family day care homes, group day care homes, adult foster care small and large group homes, adult foster care congregate facilities and child care centers.
 - viii. Mobile home parks, provided they are in conformance with all state regulations governing mobile home parks, including the Mobile Home Commission Act of

1976, as amended, the mobile home code and rules promulgated thereunder, and this Ordinance. In considering a request for a mobile home park, the Planning Commission shall insure that the following standards and requirements can be met:

- 1) Minimum area - Each mobile home park shall be owned and operated as one (1) entity or on a subdivision basis and shall contain a site of at least ten (10) acres.
- 2) Buffer Zones - All mobile home parks shall provide and maintain, as a minimum, a fifty (50) foot buffer from any public street right of way or property line, whichever is greater, that borders the park and a twenty (20) feet buffer where the park boundary is adjacent to neighboring properties. The Planning Commission may require a greenbelt planting strip with a width of no less than ten (10) feet along all property lines. The greenbelt planting strip shall contain at least one (1) staggered row of deciduous and/or evergreen trees, spaced not more than twenty (20) feet apart and at least one (1) row of deciduous or evergreen shrubs at least three (3) feet high at planting time, spaced not more than (8) feet apart and which grow to an ultimate height of at least twelve (12) feet. Alternative screening devices may be utilized if they protect the mobile home park as effectively as the required landscaping described above and if approved by the Planning Commission when the Special Use Permit is granted. In considering whether to impose a greenbelt planting strip or alternative screening device, the Planning Commission shall consider the uses of the adjoining properties and whether these adjoining properties are compatible or incompatible with the mobile home park use.
- 3) Minimum Lot Area - all mobile home lots within the park shall have an average lot area of five thousand five hundred (5,500) square feet, not including open spaces.
- 4) Minimum Mobile Home Size - No mobile home in any mobile home park shall contain less than seven hundred twenty (720) square feet of living area.
- 5) Corner lots - Where a mobile home lot is bounded by two (2) streets, the front yard requirement shall be met for each street. No fence, structure or planting over thirty six (36) inches in height shall be located on any corner lot within the required front yards. Additionally, corner lots shall be occupied and maintained in a manner which will allow clear vision for vehicular traffic traveling on both roadways.
- 6) Parking - There shall be no on street parking allowed within a mobile home park. All parking shall be provided in off street parking areas with at least two parking spaces on site for each mobile home. All parking spaces, areas, or bays shall conform to the rules and standards set forth by the Michigan Mobile Home Commission.

- 7) Access from Major Streets - Each mobile home park containing at least 100 lots shall have a minimum of at least two (2) access streets that enter from a public street and all mobile home parks shall provide a continuous route of travel throughout the park.
- 8) Signs - A maximum of one (1) identification sign is allowed at each access point to the mobile home park. Each such sign shall not exceed twelve (12) square feet in area. In those cases where signs are intended to be read from both sides, the combined total area of both sides when combined shall not exceed twenty four (24) square feet. Each light is not visible and not the flashing or intermittent type and, furthermore, shall be located from the street a distance equal to the required front or side yard, whichever the case may be.
- 9) Mobile Home Sales - The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home park is prohibited. It shall be deemed a commercial operation to use mobile homes located on lots as models for the sale different mobile homes either on or off the premises of the park. However, mobile homes located on lots within the mobile home park may be sold by the owner or operator of the park provided that all mobile homes are installed on the lots and attached to all available utilities. This section shall not prohibit the sale of a resident's used mobile home in a mobile home park.
- 10) Underground Utilities - All public and private utilities shall be installed underground.
- 11) Skirting - Skirting shall be installed along the base of each mobile home, sufficient to hide the undercarriage and supports from view and in conformance with Michigan Mobile Home specifications regarding skirting.
- 12) Streets and Parking Areas - All streets and parking areas in a mobile home park shall be hard surfaced and properly drained as required by the Michigan Mobile Home Commission. Additionally, each internal street shall be curbed to allow appropriate accumulation of storm water on individual lots. Off street parking shall be provided for each mobile home as discussed in Section 6 above. Additionally, off street parking shall be provided for guests as required by the Mobile Home Commission. Dead-end streets leading into a turn around shall not be longer than 500 feet and shall provide adequate space for emergency vehicles to turn around.
- 13) Central Television Antenna - If a mobile home park has a master television antenna system. It must be underground. Exterior antennas shall not be permitted on individual mobile home lots.
- 14) Drainage - An adequate storm drainage system. Including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall

be provided. The requirements for each particular mobile home park shall be provided. Construction of storm drainage systems shall be in accordance with the standards, specifications, and rules adopted by the Michigan Department of Public Health.

- 15) Vehicle Storage - Outside storage of recreational vehicles, etc. Is prohibited. If a mobile home park is to allow storage of campers, 3-wheelers, trailers, motor homes, boats snowmobiles, and other vehicles ordinarily towed or driven for a special purpose, then the mobile home park shall provide a designated storage area which shall be screened by a solid-type fence five (5) feet in height around its perimeter or by some other screening device which is approved by the Planning Commission when the Special Use permit is granted.
- 16) Water and Sewer Service - Each mobile home in a mobile home park shall be provided with water and sewer service approved by the Michigan Department of Public Health and compatible with the water and sewer service systems as approved by the Village of Edmore. Each mobile home park and structures located therein shall be connected to the public sewer system as these systems become available.
- 17) Village Approval - Before the Planning Commission considers the issuance of a Special Use Permit for a mobile home park, the applicant shall submit a site development plan in accordance with Section 13.04 of this Ordinance.

SECTION 7.03 AREA REGULATIONS

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard and lot area requirements:

- a. Front Yard - There shall be a front yard setback of not less than twenty five (25) feet.
- b. Side Yard - There shall be total side yards as follows:
 1. For single and two family dwellings, there shall be a minimum side yard of ten (10) feet on each side.
 2. For multiple family dwellings and all other permitted uses, each side yard shall be no less than twenty (20) feet.
- c. Rear Yard - There shall be a rear yard of not less than thirty (30) feet.
- d. Lot Area :
 1. For single family dwellings, the minimum lot area shall be eight thousand, seven hundred and twelve (8,712) square feet.

2. For two family dwellings, the minimum lot area shall be thirteen thousand and sixty eight (13,068) square feet.
 3. For multiple family dwellings, the minimum lot area shall be five thousand (5,000) square feet for each dwelling unit.
 4. For all other permitted uses the minimum lot area shall be nineteen thousand, eight hundred (19,800) square feet.
- e. Lot Width:
1. The minimum lot width for a one or two family dwelling shall be sixty six (66) feet.
 2. The minimum lot width for multiple family dwelling shall be ninety nine (99) feet.
 3. The minimum lot width for all other permitted uses shall be one hundred fifty (150) feet.

SECTION 7.04 PARKING

Off street parking shall be provided in accordance with the regulations of Chapter 14.

CHAPTER VIII

B-1 GENERAL BUSINESS DISTRICT

SECTION 8.01 DESCRIPTION AND PURPOSE

This district is composed of certain land and structures used to provide for the retailing and wholesaling of goods primarily within the downtown area. When any of these type of enterprises are permitted, they are to be regulated in a manner that will protect the abutting residential districts.

SECTION 8.02 PERMITTED USES

For land and/or buildings, the permitted uses and height and area requirement of the B-1 Zone are as follows, unless authorized by the Zoning Administrator, all businesses shall be fully contained within a building.

- ♦ Antique shop, provided all articles for sale are displayed or stored within the shop.
- ♦ Automotive sales - New Cars.
- ♦ Automotive supply parts and accessories.
- ♦ Awning or canvas store
- ♦ Bakery
- ♦ Banks, loan and finance offices.
- ♦ Barber and/or beauty shops.
- ♦ Bars, grill and cocktail lounge.
- ♦ Billiard hall, pool hall or carom hall.
- ♦ Billboards: subject to requirements of Section 2.20
- ♦ Bus station and travel agency.
- ♦ Business or trade school.
- ♦ Camera and photo supplies store - optical and surgical goods and services.
- ♦ Catering service, delicatessen and confectionery store.
- ♦ Clinic; dental and medical including laboratory.
- ♦ Clothes or wearing apparel shop.
- ♦ Contractor (plumbing, heating, electrical etc.) Provided all operations and storage are completely enclosed in a building.
- ♦ Crating and packing service.
- ♦ Dairy products store and delicatessen - excluding "drive-in".
- ♦ Dance studio - photographic studio.
- ♦ Department store, specialty apparel, and discount stores.
- ♦ Diaper, linen and towel supply service.
- ♦ Drug store.
- ♦ Dry cleaning and laundry; custom and self service.
- ♦ Dry goods or notions store.
- ♦ Egg and poultry store (no outside slaughtering - excluding live poultry).
- ♦ Electrical supplies; wholesale and storage.
- ♦ Exterminator service.

- ♦ Factory and mill supplies
- ♦ Florist an gift shop - jewelry stores.
- ♦ Frozen food locker.
- ♦ Fruit and vegetable markets.
- ♦ Funeral home and ambulance service.
- ♦ Furniture and household furnishings.
- ♦ Garden and lawn supply store.
- ♦ Grocery, supermarkets, and meat processing (no slaughtering).
- ♦ Hardware and sporting goods.
- ♦ Hotels and motels.
- ♦ Ice distributing station.
- ♦ Juke box and vending machine service and distribution.
- ♦ Laboratory, medical or dental.
- ♦ Landing and take off areas for rotor propelled craft.
- ♦ Liquor store (sale by package only).
- ♦ Locksmiths.
- ♦ Luggage, camping supplies and equipment.
- ♦ Malt beverage, liquor and wine distribution.
- ♦ Musical instruments.
- ♦ Offices: Professional and Business (may include display and/or retail, wholesale sale of goods).
- ♦ Office machines, sales, and service.
- ♦ Office supply store.
- ♦ Ornamental iron work and fence service.
- ♦ Paint, wallpaper and floor coverings store.
- ♦ Parcel deliver station.
- ♦ Parking lot (subject to provisions of Chapter 13).
- ♦ Printing and publishing including processes related thereto.
- ♦ Professional studio.
- ♦ Plumbing and heating and sheet metal shops (including punching of material of one-eighth (1/8) inch or less in thickness).
- ♦ Radiator repair shop.
- ♦ Radio and TV sales, repair and broadcasting studios and towers.
- ♦ Resale shops, china, clothing and furniture, but does not include "auction houses".
- ♦ Restaurants.
- ♦ Retail stores.
- ♦ Shoe store; sales and repair.
- ♦ Sign painting and servicing shops.
- ♦ Special tools and gauges; checking and service.
- ♦ Tire and battery shops; excluding rebuilding and recapping.
- ♦ Trade schools.
- ♦ Travel agencies.
- ♦ Toys, playground equipment and variety stores.
- ♦ Other retail uses as approved by the Board of Appeals upon application for a zoning permit.

SECTION 8.03 AREA REGULATIONS

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot areas and building coverage are provided and maintained in connection with such building, structure or enlargement.

- a. Front Yard - none required.
- b. Side Yard - Where the side of a lot in the B-1 Zone abuts upon the side yard of a lot in any R District, there shall be a side yard of not less than fifteen (15) feet, in addition to the transitional use privileges detailed in Section 2.05.
- c. Rear Yard - Every lot shall be provided with a rear yard not less than ten (10) feet in depth; provided, however, when such lot abuts any R District, it shall have a rear yard not less than fifteen (15) feet in depth.
- d. Lot Area - There is no minimum lot area within the B-1 General Business District.
- e. Lot Width - There is no minimum lot width within the B-1 General Business District.

SECTION 8.04 GREENBELTS

A greenbelt as defined in Section 20.51 shall be provided and maintained along any side or rear yard which adjoins any Residential Zone.

SECTION 8.05 PARKING

Off street parking and loading areas shall be provided as regulated in Chapter 14.

CHAPTER IX

B-2 HIGHWAY BUSINESS DISTRICT

SECTION 9.01 DESCRIPTION AND PURPOSE

This district is composed of certain lands and structures located principally along major highways. In this district, the major uses are those freestanding uses that cater to the traveling public. It is the intent to develop attractive and efficient grouped business areas which are convenient and have buildings of harmonious design.

SECTION 9.02 PERMITTED USES

For land and/or buildings, the permitted uses and height and area requirements for the B-2 District are as follows:

- ♦ Antiques, reproductions, art goods and souvenirs.
- ♦ Apparel and accessories shop
- ♦ Automobile display room.
- ♦ Automobile truck and trailer sales.
- ♦ Automobile storage garage.
- ♦ Bank, loan and finance offices, including drive in branches.
- ♦ Bar, grill and cocktail lounge.
- ♦ Barber and beauty shops.
- ♦ Bottling of soft drinks and milk, provided a building used for such purpose shall be at least one hundred (100) feet from any Residential District.
- ♦ Candy, food, ice cream and soft drink shops, including "drive-ins".
- ♦ Child care centers.
- ♦ Delicatessens and "party" stores.
- ♦ Drugstore.
- ♦ Dry cleaning and laundry; custom and self serve.
- ♦ Eating place.
- ♦ Farm equipment sales and service.
- ♦ Florist and gift shop.
- ♦ Furniture, lamps, china, and/or appliance store.
- ♦ Garden and lawn center (supplies, furniture, plants, and shrubs).
- ♦ Grocery, specialty fruit, nut and candy stores, and supermarkets.
- ♦ Hardware, sporting goods and hobby shops.
- ♦ Jewelry, leather goods, luggage, optical goods and curios.
- ♦ Liquor, wine, gourmet shops (packaged goods only).
- ♦ Radio and TV sales, repair and broadcasting studios and towers.
- ♦ Offices; Professional and Business (may include display and/or retail, wholesale sale of goods) except Veterinary Clinic's.
- ♦ Pet shop, not including the treatment and boarding of animals.
- ♦ Photographic equipment and supplies.
- ♦ Shoe store; sales and repair.

- ♦ Sporting goods, equipment and supplies.
- ♦ Stone cutting, providing cutting operations are conducted within a completely enclosed building.
- ♦ Toy and novelty stores.
- ♦ Travel agency and bus station.
- ♦ Any other retail business or service establishment which is determined by the Board of Appeals to be of the same general character as the above permitted uses or to provide special convenience and service for the highway traveler.

SECTION 9.03 AREA REGULATIONS

- a. Front Yard - There shall be a front yard setback of not less than fifty (50) feet.
- b. Side Yard - No side yard shall be required where building are constructed on the side lot line and connect with building on adjacent parcels of land. If the buildings are not connected side yards of no less than twenty (20) feet shall be provided.
- c. Rear Yard - There shall be a rear yard of no less than twenty (20) feet.
- d. Lot Area - The minimum lot area shall be fifteen thousand (15,000) square feet and buildings shall not occupy more than twenty-five (25%) percent of the total area.
- e. Lot Width - The minimum lot width at the front yard setback line shall not be less than one hundred (100) feet.

SECTION 9.04 GREENBELTS

A greenbelt as defined in Section 20.51 shall be provided and maintained along any side of rear yard which adjoins any Residential Zone.

SECTION 9.05 PARKING

Off street parking and loading areas shall be provided as regulated in Chapter 14.

CHAPTER X

I INDUSTRIAL DISTRICT

SECTION 10.01 DESCRIPTION AND PURPOSE

This district is composed of certain land so situated as to be suitable for industrial development, but where the modes of operations of the industry may directly affect nearby non industrial development. The regulations are so designed as to permit the normal operations of almost all industries, subject only to those needed for their mutual protection and the equitable preservation of nearby non industrial uses of lands.

SECTION 10.20 PERMITTED USES

For land and /or buildings, the permitted uses and height and area requirements of the I - District are as follows:

- (a) Manufacturing, processing and/or fabrication - Any structure used there of shall not be less than one hundred (100) feet from any R or PUD District.
- ◆ Automotive and aircraft parts (not including tires) and metal working excluding presses of over twenty (20) tons capacity and machine operated drop hammers.
 - ◆ Automotive assembling, including major repair.
 - ◆ Bag, rug and carpet cleaning.
 - ◆ Bakery; large wholesale and chain types.
 - ◆ Bottling Plant, brewery, dairy products plant.
 - ◆ Candy, potato chips, flavoring extracts.
 - ◆ Cleaning or dyeing plants and laundries.
 - ◆ Cold storage plant.
 - ◆ Electrical equipment and motor.
 - ◆ Electric foundry or small foundry for nonferrous metals.
 - ◆ Experimental laboratory.
 - ◆ Felt and felt products.
 - ◆ Flexible hose lines and fittings;; basic manufacture.
 - ◆ Garage maintenance tools and equipment.
 - ◆ Garment making; apparel and accessories.
 - ◆ Heating an air conditioning equipment.
 - ◆ Mattress making and box springs.
 - ◆ Paper products fabrication.
 - ◆ Pharmaceuticals, cosmetics and toiletries.
 - ◆ Plastic products from purchased plastic materials.
 - ◆ Professional and scientific instruments.
 - ◆ Surgical supports and hospital equipment.
 - ◆ Tool and die shops - screw machine products.
 - ◆ Tube fabrication; bending and welding.
 - ◆ Wire fabricators.

- ◆ Wood products assembly.
- ◆ Any other light manufacturing, processing and/or fabrication but not including any uses specifically listed in Section 11.03 (a).

(b) Manufacturing (basic, processing and/or fabrication - Any structure used thereof shall be not less than two hundred (200) feet from any R or PUD District:

- ◆ Abrasives, acid, alcohol, ammonia, and asbestos.
- ◆ Bone black, carbon black, and lamp black.
- ◆ Brick, clay, tile manufacture.
- ◆ Canning and preserving plants.
- ◆ Charcoal and coke; basic manufacture.
- ◆ Chemicals; manufacture or processing.
- ◆ Cinder block fabrication.
- ◆ Creosote treatment.
- ◆ Detergents, soaps and by products.
- ◆ Forge plant, foundries.
- ◆ Fungicides and insecticides.
- ◆ Galvanizing and anodizing processes.
- ◆ Gases; manufacture - excluding refineries.
- ◆ Glass products.
- ◆ Glue, size or gelatin; manufacture.
- ◆ Grain milling and mixing.
- ◆ Graphite; manufacture.
- ◆ Insulation, manufacture or fabrication.
- ◆ Metals, ingots, castings, sheets, bars or rods.
- ◆ Oils, and fats, animal or vegetable; manufacture.
- ◆ Paints, pigments, enamels, japans, lacquer, varnishes.
- ◆ Paper pulp and cellulose.
- ◆ Paraffin, wax and wax products.
- ◆ Plastics, basic manufacture.
- ◆ Plating of metals.
- ◆ Rubber and rubber products; manufacture.
- ◆ Sauerkraut, vinegar and yeast; manufacture..
- ◆ Sawmill or planing mill.
- ◆ Serums, toxins, viruses; manufacture.
- ◆ Sound deadeners, caulking, mastic and undercoating; manufacture.
- ◆ Any other basic manufacturing processing and/or fabrication, but not including any uses specifically listed in Section 11.03 (iii) and Section 11.03 (a) (iv).

(c) Sales at wholesale and retail - Warehousing and storage; and repair, rental and servicing of any of the uses enumerated in Section (a) and (b) above, provided any building used for such purpose shall be located not less than seventy-five (75) feet from any R or PUD District.

(d) Other uses permitted.

- ◆ Auction houses - If operation ceases before midnight.
- ◆ Billboards - subject to the requirements of Section 2.20 General Provisions.
- ◆ Canteen Service.
- ◆ Contractor's yards for vehicles, equipment, materials, and/or supplies, but excluding asphalt and cement mixing, provided that such yards shall be not less than two hundred (200) feet from any R or PUD District.
- ◆ Garbage or trash disposal areas, dumps, sanitary landfills.
- ◆ Gasoline service stations, provided buildings used for such purposes shall not be nearer than one hundred (100) feet to any R or PUD District.
- ◆ Kennels - three hundred (300) feet from any R or PUD District.
- ◆ Livestock auction - Not closer than three hundred (300) feet from any R or PUD District.
- ◆ Municipal buildings, including warehouses, outside storage and garages, provided that such building and premises one hundred (100) feet to any R or PUD District.
- ◆ Offices and/or meeting halls (excluding halls for social purposes) shall not be nearer than twenty (20) feet from any R or PUD District.
- ◆ Parking and/or storage yards for motor vehicles (excluding junked vehicles) and including transport equipment, provided such yards shall be not less than two hundred (200) feet from any R or PUD District.
- ◆ Trucking freight terminal and yards, provided that such buildings shall be not less than two hundred (200) feet from any R or PUD District.
- ◆ Veterinary clinic not less than three hundred (300) feet from any R or PUD District.

(e) The following uses when conducted wholly within a completely enclosed building or within an area enclosed with an Industrial Grade woven wire fence of not less than six (6) nor more than ten (10) feet in height to be maintained by the property owner. All operations shall be at least fifty (50) feet from any R or PUD District.

- ◆ Building material sales yard, not including concrete or asphalt mixing.
- ◆ Retail lumber yard, including only incidental mill work.
- ◆ Coal, feed, fertilizer sales and storage.
- ◆ Carting, packing and moving companies including storage of goods and vehicles.
- ◆ Contractor's equipment storage yard or plant, but not including outdoor repair or outdoor salvage operations.
- ◆ Public utility material storage and service yard.
- ◆ Truck terminal including motor freight station and storage yard.
- ◆ Outdoor advertising service including construction and storage of materials and equipment.
- ◆ Pattern making (lightweight nonferrous metals)
- ◆ Welding shops.

SECTION 10.03 AREA REGULATIONS

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yard requirements are provided and maintained in connection with such building structure or enlargement.

- a. Front yard - There shall be a front yard setback of not less than forty (40) feet.
- b. Side Yard - There shall be a side yard setback of not less than twenty (20) feet.
- c. Rear Yard - There shall be a minimum rear yard setback of not less than thirty (30) feet.
- d. Lot Area - The minimum lot area shall be twenty thousand (20,000) square feet and buildings shall not occupy more than twenty-five (25) percent of the total lot area.
- e. Lot Width - The minimum lot width at the front yard setback line shall not be less than one hundred and fifty (150) feet.

SECTION 10.04 GREENBELTS

A greenbelt as defined in Section 20.51 shall be provided and maintained along any side or rear yard which adjoins any residential zone.

SECTION 10.05 PARKING AND LOADING AREAS

Off street parking and loading areas shall be provided as required in Chapter 14.

CHAPTER XI

PUD - PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 11.01 DESCRIPTION AND PURPOSE

The provisions of this Chapter provide enabling authority and standards for the submission, review and approval of applications for Planned Unit Developments. It is the intent of this chapter to authorize the consideration and use of Planned Unit Development Regulations for the following purposes:

1. To encourage the use of land in accordance with its character and adaptability.
2. To promote the conservation of natural features and resources.
3. To encourage innovation in land use planning and development.
4. To promote the enhancement of housing, employment, shopping, traffic circulation and recreational opportunities for the residents of the Village.
5. To promote and ensure greater compatibility of design and use between neighboring properties.
6. To provide for the regulation of legal land uses not otherwise authorized within this Ordinance.

The provisions of this Chapter are not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based. To that end, provisions of this Chapter are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Chapter to insure appropriate, fair and consistent decision making.

SECTION 11.02 PUD USE REGULATION

Subject to the provisions contained herein a Planned Unit Development may be approved in any location within the Village of Edmore. Any land use authorized in this Ordinance may be included in a Planned Unit Development, as a principal or accessory use, as well as any other legal land use not otherwise authorized in this Ordinance, subject to adequate public health, safety and welfare protection mechanisms being designed into the development, and the following:

1. **Minimum Size.** In order to be eligible for PUD rezoning the proposed area shall consist of a minimum of two (2) acres except in the case of a two-family or multiple family dwelling project there is no minimum area requirement.

2. Demonstration of Applicability. To be approved, any planned unit development must demonstrate that:
 - a. Grant of the planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.
 - b. In relation to underlying zoning, the proposed type and density of use shall not result in an unreasonable increase in the need for public services, facilities and utilities, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.
 - c. The proposed development shall be compatible with the general development plan of the Village and shall be consistent with the intent and spirit of this Chapter.
 - d. In relation to underlying zoning, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
 - e. The proposed development shall contain at least as much green area and usable open space as would otherwise be required by this Ordinance with respect to the most dominant use in the development.
 - f. The proposed development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance.

SECTION 11.03 PROJECT DESIGN STANDARDS

The Planning Commission and Village Council shall in the review of a proposed Planned Unit Development, take into account the following specific design considerations, as they are necessary to insure compliance with all applicable regulations as well as the compatibility of the project with adjoining properties and the general area in which the property is located.

- a. Perimeter setbacks.
- b. Street drainage and utility design with respect to location, availability, ownership and compatibility.
- c. Underground installation of utilities.
- d. Insulation of pedestrian ways from vehicular streets and ways.
- e. Achievement of integrated and harmonious development with respect to signs, lighting, landscaping and construction materials.

- f. Noise reduction and visual screening mechanisms for adjoining residential uses.
- g. Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity and emergency access.
- h. Off street parking, loading, refuse and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration and odor emanating from such facilities on adjoining properties and uses.
- i. Screening and buffering with respect to dimensions and character.
- j. Yard areas and other open spaces.
- k. Density and intensity of development expressed in terms of percent of gross and net land area coverage or gross and net housing units per acre and the height of buildings and other structures.

SECTION 11.04 PROCEDURE FOR REVIEW AND APPROVAL

1. Effects. The grant of a planned unit development application shall require an amendment of the zoning ordinance and the zoning map constituting a part of this Ordinance. Further, an approval granted under this Chapter, including all aspects of the final plan and conditions imposed, shall constitute an inseparable part of the zoning amendment.
2. Preliminary Development Plan. The owner who elects to proceed under this PUD section shall submit to the Planning Commission a Preliminary Development Plan, together with an application for approval thereof, and including any then existing or proposed arrangements of street, lots, rail spurs, access points, buffer strips, and rail, water, highway or other transportation arrangement, and the relationship of the tract of land involved to surrounding property. Approval of the plan by the Planning Commission may be conditioned upon suggested changes in the plan which are in accord with the spirit, purpose and intent of this section and the Ordinance of the Village of Edmore.

Following review of the preliminary development plan the Planning Commission shall make its recommendations on findings of fact relative to Section 11.02 of this Chapter along with any comments and recommended modifications to the plan relative to Section 11.03. These shall be made part of the official minutes of the Planning Commission.

3. Transmittal of Planning Commission Recommendations. The Planning Commission shall transmit its recommendation and comments relative to the preliminary development plan to the applicant. A copy of the Planning Commission recommendations together with the preliminary development plan shall be forwarded to the Village Clerk.
4. Final Development Plan - Submission, Final Action. Within six (6) months following receipt of preliminary plan approval, the applicant shall submit to the Planning Commission three (3) copies of a Final Development Plan. This plan shall constitute an application to amend this Ordinance, and shall be noticed for public hearing before the Planning Commission and acted upon by the Planning Commission and Village Council. If the final plan has not been submitted within such period, the preliminary plan approval shall lapse, and the applicant must recommence the review process, provided, the Planning Commission may extend the time for submission of the final plan upon a showing by the applicant that no material change of circumstance has occurred.
5. Final Development Plan Application Requirements. Application for final development plan approval shall include the following:
 - a. A final site plan meeting all the requirements for site plan review under Section 13.04 of this Ordinance.
 - b. All open spaces, including preserves and recreational areas, and each proposed use for such areas.
 - c. In the event the property on which the project is to be situated consists of three (3) or more acres, the Village Council may after recommendation of the Planning Commission, require one or more of the following as part of final development plan submission:
 - 1) Evidence of market need for the use(s) and economic feasibility of the project.
 - 2) A Community Impact Statement.
 - 3) A Traffic Impact Assessment.
 - 4) An Environmental Impact Assessment.
 - 5) A Fiscal Impact Assessment.

SECTION 11.05 PERFORMANCE GUARANTEES

The Village Council after recommendation from the Planning Commission, or at its own discretion, may require reasonable performance guarantees to insure the completion of proposed improvements.

SECTION 11.06 CONDITIONS

Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of:

1. Insuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased demand caused by the land use or activity;
2. Protecting the natural environment and conserving natural resources and energy;
3. Insuring compatibility with adjacent uses of land; and
4. Promoting the use of land in a socially and economically desirable manner.

Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the project and those immediately adjacent, and the community as a whole. They shall be reasonably related to the matters affected by the planned unit development, shall be necessary to meet the intent and purpose of this Ordinance, and be related to the objective of insuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved Planned Unit Development.

SECTION 11.07 PHASING AND COMMENCEMENT OF CONSTRUCTION

1. PHASING: Where a project is proposed for construction in phases, the planning and design shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the Planned Unit Development and the residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, phasing shall contemplate that at least 35 percent of all proposed residential units are completed concurrent with the first phase of any nonresidential construction; completion of at least 75 percent of all proposed residential construction prior to the second phase of nonresidential construction; and completion of 100 percent of all residential construction prior to the third phase of nonresidential construction. For purposes of carrying out this provision, the percentages shall be approximations and determined at the discretion of the Village Council and, further, such percentages may be significantly varied should the Village Council determine that the applicant has presented adequate and effective assurances that the residential component or components of the project shall be completed within a specified period.
2. COMMENCEMENT AND COMPLETION OF CONSTRUCTION: Construction shall be commenced within one year following final approval of a planned unit development, or within one year of any other necessary governmental approval for

commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. If construction is not commenced within such time, the Planning Commission may initiate action to rezone the property back to its former zoning district. An extension for a specified period may be granted by the Village Council upon good cause shown if such request is made to the Village Council prior to the expiration of the initial period.

SECTION 11.08 EFFECT OF APPROVAL.

If and when approved, the planned unit development amendment, and all conditions imposed, if any, shall constitute the land use authorization for the property. All improvements conformity with such amendment.

SECTION 11.09 FEES.

There shall be an advance payment of fees at the time of filing of the preliminary plan and at the time of filing of the final plan, in accordance with a fee schedule established by the Village Council.

CHAPTER XII

SPECIAL USES

SECTION 12.01 PURPOSE.

Special uses are those uses of land with characteristics requiring individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities. The purpose of this chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special uses as provided in the various zone districts.

SECTION 12.02 APPLICATION PROCEDURES.

An application for permission to establish a special use shall be submitted and reviewed in accordance with the following procedures:

- a. **Application.** Applications for a special use shall be submitted to the Zoning Administrator. The Zoning Administrator will review the application and, if complete, transmit it to the Planning Commission. Each application shall be accompanied by a fee in accordance with the schedule of fees adopted by resolution of the Village Council to cover the costs of processing the application. No part of the fee shall be refundable.
- b. **Required Information.** An application for a special use shall be accompanied by the following documents and information:
 1. A completed Special Use application on a form supplied by the Village.
 2. A site plan, containing the items specified by Section 13.04.
- c. **Public Hearing.** Upon receipt of a completed application for special use, the Planning commission shall call and serve notice of a public hearing in accordance with the Zoning Enabling Act for the purpose of receiving comments relative to the special use.

SECTION 12.03 BASIS OF DETERMINATION.

Prior to approval of a special use, the Planning Commission shall review the particular circumstances of the special use under consideration and shall approve a special use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

1. The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

2. The special use shall not change the essential character of the surrounding area.
3. The special use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety of welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.
4. The special use shall not place demands on public services or facilities in excess of capacity.

SECTION 12.04 APPROVAL.

Following its review of the application for a special use, comments received at the public hearing, the site plan and other materials submitted in relation to the application, the Planning Commission may deny, approve or approve with conditions the special use in accordance with the criteria for approval stated in Section 12.03 and such other standards contained in this Ordinance which relate to the special use under consideration. Upon approval of approval with conditions by the Planning Commission, the applicant may apply for a zoning permit.

SECTION 12.05 EXPIRATION.

Approval of a special use pursuant to this Chapter shall expire one (1) year from the date of approval unless the authorized use or activity has commenced prior to such expiration; provided, however, that the Planning Commission may approve the extension of such time period for up to one additional year.

CHAPTER XIII

SITE PLAN REVIEW

SECTION 13.01 PURPOSE.

The purpose of this Chapter is to determine compliance with the provisions, standards, and conditions of this ordinance; to promote orderly development of the Village; and to minimize any adverse effects of development on the inhabitants of the development and the surrounding area. The Planning Commission may adopt procedures to encourage preliminary, informal review of proposed site plans. Such preliminary review or approval shall not, however, affect the requirement for formal approval as herein required.

SECTION 13.02 SCOPE.

The Zoning Administrator shall not issue a zoning permit for any principal use requiring more than four (4) parking spaces, for any use requiring the issuance of a Special Use Permit or any other use or structure requiring site plan review under this Ordinance until a site plan has been reviewed and approved by the Planning Commission.

SECTION 13.03 APPLICATION PROCEDURES.

An application for Site Plan Review, plus either a preliminary or proposed final site plan shall be submitted to the Zoning Administrator. The Zoning Administrator will review the application and, if complete, transmit the same to the Planning Commission.

SECTION 13.04 CONTENTS OF SITE PLAN APPLICATION.

Site plans shall include the following, as deemed necessary by the Zoning Administrator:

- a. Legal description of the property.
- b. Small scale sketch of properties, streets, and use of land within one-quarter (1/4) mile of the property.
- c. A map of the property at a scale not to exceed (1" = 100'). The following items shall be shown on the map:
 1. Date site plan was prepared.
 2. Name and address of person who prepared site plan.

3. The topography of the site and its relationship to adjoining land.
4. Existing man-made features.
5. Dimensions of setbacks, locations, heights and size of buildings and structures.
6. Street right-of-way, indicating proposed access routes, internal circulation and relationship to existing rights-of-way.
7. Proposed grading.
8. Location and type of drainage, sanitary sewer, storm sewer, and other utilities.
9. Location and type of fences, landscaping, buffer strips, and screening.
10. Location and type of signs and on-site lighting.
11. Proposed parking areas and drives which shall conform with the provision of Chapter 14.
12. Easements, if any.

SECTION 13.05 PLANNING COMMISSION REVIEW.

The Planning Commission shall review the final site plan and either approve, deny or approve with conditions the final site plan based on the purposes, objectives and requirements of this Ordinance and specifically the following:

- a. Ingress and egress to property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control and access in cases of fire or emergency.
- b. Off-street parking and loading areas with particular attention to noise, glare and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
- c. Sewer, water and storm drainage.
- d. Screening and buffering with reference to type, dimensions and character.
- e. Sign, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.
- f. Required yards.

- g. General compatibility with adjacent properties.
- h. The general purposes and spirit of this Ordinance and the Comprehensive Development Plan of the Village.

SECTION 13.06 PLANNING COMMISSION APPROVAL.

Upon approval of said plan, the Chairman of the Planning Commission and the applicant shall sign at least three (3) copies thereof. One (1) signed copy shall be made a part of the Planning Commission's files and one (1) shall be forwarded to the Zoning Administrator. The third copy shall be returned to the applicant.

- a. The Planning Commission is empowered to require a performance bond or other guarantee in an amount up to the estimated cost of constructing any special features associated with the project which the Commission may find necessary. Such performance guarantee shall be delivered to the Clerk of the Village at the time of the issuance of the permit authorizing the activity or project in order to insure faithful completion of the improvements indicated on the approved site plan. Said performance bond shall be forfeited if the improvements are not completed. The Village shall rebate a proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of Section 13.06(b) have not been met, the amount of the aforementioned performance guarantee shall be used by the Village to return the property to a safe and suitable condition; and the balance, if any, shall be returned to the applicant.
- b. Each development shall be under substantial construction within one (1) year after the date of final site plan approval by the Planning Commission. However, the Commission may grant an extension for up to one additional year. If the Site Plan approval expires, it shall be null and void.

CHAPTER XIV

PARKING AND LOADING SPACES

SECTION 14.01 GENERAL.

In all districts off-street parking spaces shall be provided, at the time any building is erected, enlarged or increased in capacity.

SECTION 14.02 NUMBER OF OFF-STREET PARKING SPACES REQUIRED.

In all districts off-street parking shall be provided in accordance with the following schedule.

<u>Use</u>	<u>Minimum Parking for each family unit</u>
(a) Single family dwellings including mobile homes.	Two (2) for each family unit.
Multiple family dwellings.	Two and one-half (2 1/2) for each family unit, one of which shall be covered.
(b) Lodging, rooming, and boarding houses, dormitories, fraternity and sorority houses.	Two (2) for each three (3) guest rooms or each six (6) beds for guests, whichever is greater.
(c) Private clubs and lodges.	One (1) for each five (5) active members and one (1) for each employee with a minimum of one (1) for each one hundred (100) square feet of floor area.
(d) Hospitals, institutions, and clinics.	One (1) for each patient bed.
(e) Sanitariums or convalescent nursing homes.	One (1) for each two (2) beds.
(f) Homes for aged, orphanages or asylums.	One (1) for each three (3) beds.
(g) Hotels	One (1) for each guest room.
(h) Motels and tourist homes.	One (1) for each sleeping room.
(i) Theaters, auditoriums,	One (1) for each three (3) seats.

stadiums.

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
(j) Dance hall, studio, skating rink, assembly halls and convention halls without fixed seats.	Two (2) for each one hundred (100) square feet of floor area open to the public.
(k) Bowling alleys.	Eight (8) for each alley.
(l) Private, elementary and junior high schools.	Two (2) for each three (3) employees normally engaged in or about the buildings and grounds plus one (1) for each four (4) auditorium seats.
(m) Senior high schools and institutions of higher learning.	Two (2) for each three (3) employees normally engaged in or about the buildings and grounds, and one (1) additional for each four (4) students enrolled in the institution.
(n) Churches.	One (1) for each four (4) seats in the main worship unit.
(o) Community Center.	One (1) for each one hundred (100) square feet of assembly floor area.
(p) Libraries, museums and post offices.	One (1) for each one hundred (100) square feet of floor area.
(q) Professional offices and buildings.	One (1) for each two hundred (200) square feet of floor area.
(r) Restaurants and night clubs, grills, taverns, bars, dining rooms, dairy bar, soda fountain.	One (1) for each two (2) seats.
(s) Medical doctors office or dental clinic.	Four (4) for each doctor.
(t) Banks, business offices and public buildings not specifically mentioned elsewhere.	One (1) for each one hundred fifty (150) square feet of floor area.
(u) Mortuaries or funeral homes.	One (1) for each fifty (50) square feet of floor area used for services.

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
(v) Civic or social club.	One (1) for each fifty (50) square feet of assembly room.
(w) Public meeting halls.	Two (2) for each one hundred (100) square feet of public area.
(x) "Drive-In" establishments.	Eight (8) for each one hundred twenty-five (125) square feet of ground floor area.
(y) Use groupings.	
(i) Retail stores, supermarkets, department stores, billiard or pool rooms, personal service shops - general business.	One (1) for each two hundred (200) square feet of gross floor area.
(ii) Manufacturing, processing and/or fabrication, manufacturing buildings and/or business offices and/or research laboratories and/or other facilities related, but not necessarily connected to a manufacturing or industrial building.	One (1) for each one (1) employee on the maximum shift of peak employment period.
(iii) Other uses not specifically mentioned.	In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for use which is so mentioned and to which said use is similar in terms of parking demand shall apply.
(iv) Mixed uses in the same building.	In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one (1) use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein.
(z) One designated parking space per employee will be provided for uses where employee spaces are not specified.	

SECTION 14.03 JOINT USE OF FACILITIES.

Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the individual requirements at the peak period of usage.

SECTION 14.04 LOCATION OF FACILITIES.

Off-street parking facilities shall be located as hereafter specified. When a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve. Property owners shall be responsible to have at all times maintained the minimum standards herein set forth.

- a. For all residential buildings and for all existing nonresidential buildings and uses in residential zones, required parking shall be provided on the premises with the building or use they are required to serve.
- b. For all commercial and all nonresidential buildings and uses in business zones, required parking shall be provided within three hundred (300) feet of the building or use they are required to serve.
- c. For industrial buildings or uses, required parking shall be provided within one thousand (1,000) feet of the buildings or uses they are required to serve.

SECTION 14.05 SIZE OF PARKING SPACE.

Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet, exclusive of access drives or aisles, and shall be a minimum of nine (9) feet in width.

SECTION 14.06 REQUIREMENTS FOR PARKING AREAS.

Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking area for multiple dwellings, businesses, industries, public assembly and institutions shall be developed and maintained in accordance with the following requirements.

- a. It shall be effectively screened on each side which adjoins or faces premises situated in any R or PUD District by a fence of acceptable design, wall or compact evergreen hedge. There shall also be provided on each side and rear, which adjoins any R or PUD district, a greenbelt ten (10) feet in width landscaped with lawn and low

shrubby clumps backed up by a solid planting of evergreen trees at least five (5) feet tall and four (4) feet wide.

- b. It shall be properly graded for drainage, surfaced with concrete or asphalt pavement, maintained by the property owner and kept in good condition, free of dust, trash, and debris; the driveways will be treated similarly.
- c. It shall not be used for repair, dismantling or servicing of any vehicles.
- d. It shall be provided with entrances and exits so located as to minimize traffic congestion.
- e. It shall be provided with wheel or bumper guards so located that no part of parked vehicles will extend beyond the parking area.
- f. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
- g. No part of any public or private parking area, regardless of the number of spaces provided, shall be closer than five (5) feet to the public street or highway right-of-way line.

SECTION 14.07 OFF-STREET LOADING SPACES.

For every building or addition to an existing building hereafter erected to be occupied by manufacturing, storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles or materials or merchandise, there shall be provided and maintained on the same premises with such building or additional off-street loading spaces in relation to floor areas as follows, plus an area or means adequate for maneuvering, ingress or egress.

- a. Up to twenty thousand (20,000) square feet - one (1) space.
- b. Twenty thousand (20,000) to fifty thousand (50,000) square feet - two (2) spaces.
- c. Fifty thousand (50,000) to one hundred thousand (100,000) square feet - three (3) spaces.
- d. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.

Each such loading space shall be at least twelve (12) feet in width, forty-five (45) feet in length, and fifteen (15) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any residence district.

CHAPTER XV

ADMINISTRATION AND ENFORCEMENT

SECTION 15.01 ZONING ADMINISTRATION.

The provisions of the Ordinance shall be administered and enforced by the Zoning Administrator.

SECTION 15.02 ZONING ADMINISTRATOR.

The Zoning Administrator shall be appointed by the Village Council for such term and subject to such conditions and at such rate of compensation as the Village Council shall determine. To be eligible for appointment to the post of Zoning Administrator, the applicant must:

- a. Be generally informed of the provisions of this Ordinance;
- b. Have a general knowledge of the building arts and trades; and
- c. Be in good health and physically capable of fulfilling the duties of the Zoning Administrator.

Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction. The Zoning Administrator may be removed by the Village Council for nonperformance of duty or misconduct in office upon written charges and after public hearing.

SECTION 15.03 DUTIES AND LIMITATIONS OF THE ZONING ADMINISTRATOR.

The Zoning Administrator shall administer and enforce the provisions of this Ordinance and shall have the power to grant such Permits and Certificates of Occupancy as are required by this Ordinance, as amended, and shall be responsible for the inspection of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. The principal duties include the following activities:

- a. Assist citizens in determining what zoning forms and procedures apply to proposed zoning requests and land use changes.
- b. Assist citizens in the completion of required permit application forms.

- c. Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.
- d. Issue the appropriate permit when all provisions of the Ordinance have been complied with. If the use is not in compliance with the Ordinance, the applicant is notified and assisted with an appropriate alternative procedure or appeal procedure, if the applicant so chooses.
- e. Perform inspection duties to insure proposed land use changes are and will remain in compliance with the Ordinance.
- f. Identify, monitor and control nonconforming uses.
- g. Investigate alleged violations of the Ordinance and enforce corrective measures when required.
- h. Defend decisions of Office before the Board of Appeals.
- i. Keep the zoning map, text and office records up to date by recording all amendments, and retaining all official documents.
- j. Periodically report to the Planning Commission and Village Council on the status of zoning operations.
- k. Propose solutions to any problems encountered in administering the Zoning Ordinance.
- l. Establish and administer rules of procedures with the office.
- m. Provide information on zoning to citizens and public agencies upon request.
- n. Help develop and conduct in connection with the Planning Commission or Zoning Board, a continuing program of public education on zoning matters.
- o. Perform other duties as specified by the Village Council or by local ordinance.

SECTION 15.04 ZONING PERMITS REQUIRED.

It shall be unlawful for any person, firm, or corporation to excavate, erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the Village of Edmore without first obtaining a permit from the Zoning Administrator.

SECTION 15.05 APPLICATIONS FOR ZONING PERMITS.

To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

- a. Identify and describe the work to be covered by the permit for which application is made;
- b. Describe the land on which the proposed work is to be done, by lot, block, track, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
- c. Indicate the use or occupancy for which the proposed work is intended;
- d. Be accompanied by plans and specifications as required in Section 15.06;
- e. State the valuation of the proposed work;
- f. Be signed by permittee, or his authorized agent, who may be required to submit evidence to indicate such authority; and
- g. Give such other information as reasonably may be required by the Zoning Administrator, including, but not limited to, the following:
 1. The actual shape, location and dimensions of the lot; if the lot is not a lot of record, sufficient survey data to locate the lot on the ground;
 2. The shape, size, area and location of the building or structure to be excavated, erected, constructed, enlarged, altered, repaired, moved, improved, converted, or demolished, and of any buildings or other structures already on the lot;
 3. The existing and intended use of the lot and of all structures upon it; or
 4. Such other information concerning the lot, adjoining lots, or other matters as may be essential for determining whether the provisions of this Ordinance and the Building Code are being observed.

SECTION 15.06 ZONING AND BUILDING PERMIT PLANS AND SPECIFICATIONS.

With each application for a zoning permit, and when required by the Zoning Administrator for enforcement of any provisions of this Ordinance, two sets of plans and specifications shall be submitted. The Zoning Administrator may require plans and specifications to be prepared and sealed by an engineer or architect licensed by the State to practice as such. In

addition to zoning permits, building permits are required by the Montcalm County Building Inspector at the Montcalm County Courthouse located in the City of Stanton.

SECTION 15.07 CERTIFIED PROPERTY SURVEYS.

The Zoning Administrator, at his/her discretion, may require a certified property survey to insure that the provisions of this Ordinance are met.

SECTION 15.08 ISSUANCE OF ZONING PERMITS.

The application, plans, and specifications filed by an applicant for a zoning permit shall be checked by the Zoning Administrator. Such plans may be reviewed by other officials of the Village to check compliance with the laws and ordinances under their jurisdiction. If the Zoning Administrator is satisfied that the work described in an application for a permit and the plans filed therewith conform to the requirements of this Ordinance and other pertinent laws and ordinances, and that the fee specified in Section 15.09 has been paid, he/she shall issue a permit therefore to the applicant; however:

- a. Issuance of a zoning permit shall in no case be construed as waiving any provision of this Ordinance.
- b. The Zoning Administrator, under no circumstances, is permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, erect, construct, enlarge, move, alter, improve, remove, convert, demolish or use ether buildings, structures or land.
- c. The Zoning Administrator, under no circumstances, is permitted to make changes in this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties as Zoning Administrator.
- d. The Zoning Administrator shall issue a permit when the imposed conditions of this Ordinance are met by the applicant, regardless of the effect of such a permit on contracts, such as deed covenants or private agreements.
- e. If any application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval.
- f. No oversight or dereliction on the part of the Zoning Administrator or his/her representative or any official or employee of the Village of Edmore vested with the duty or authority to issue permits or licenses shall legally authorize, waive or excuse the violation of any of the provisions of this ordinance. No permit nor any license for any use, building or purpose shall be issued by any official or employee of the Village of Edmore, if the same would be in conflict with the provisions of this Ordinance. Any permit of license so issued shall be null and void.

SECTION 15.09 FEES.

Zoning permit fees shall be charged and collected by the Zoning Administrator in accord with the fee schedule adopted by resolution of the Village Council.

SECTION 15.10 INSPECTIONS.

All construction or work for which a zoning permit is required shall be subject to inspections by the Zoning Administrator. The Zoning Administrator, upon notification from the permit holder or his agent, shall make the inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with the Zoning Ordinance.

SECTION 15.11 TIME LIMIT ON ZONING PERMITS.

All Zoning Permits shall expire twelve (12) months from the date of issuance, but may be renewed for an additional twelve (12) months.

SECTION 15.12 CERTIFICATE OF OCCUPANCY.

No building or structure, except as provided in the Zoning Ordinance, shall be used or occupied, and no change in the use or occupancy of a building or structure or portion thereof shall be made until the Zoning Administrator has issued a Certificate of Occupancy. Such Certificate shall affirm that the building or structure conforms in all respects with the provisions of this Ordinance and the Building Code.

- a. A temporary Certificate of Occupancy may be issued by the Zoning Administrator for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.
- b. Upon written request from the owner or tenant, the Zoning Administrator may issue a Certificate of Occupancy for any building, structure or premises existing at the time of enactment of this Ordinance certifying, after inspection, the extent and kind of use made of the building, structure or premises and whether such use conforms to the provisions of this Ordinance.
- c. No permit or certificate shall be issued for any illegal use or occupancy existing at the time of the adoption of this Ordinance. Furthermore, the issuance of a Certificate of Occupancy shall in no case be construed as waiving any provision of this Ordinance.

SECTION 15.13 ADDITIONAL FEES.

Application and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by a fee in accord with the schedule adopted by the Village Council.

CHAPTER XVI

BOARD OF ZONING APPEALS

SECTION 16.01 ZONING BOARD OF APPEALS.

A Zoning Board of Appeals is hereby created. Such Board shall consist of the elected members of the Village Council of Edmore.

SECTION 16.02 OFFICERS.

The Board shall elect from its membership, a chairman, a vice-chairman and such other officers it may deem necessary. The Board is authorized to appoint an Executive Secretary for the Board.

SECTION 16.03 RULES OF PROCEDURE.

The Board of Appeals shall adopt rules of procedure. These rules shall be available for public inspection at the office of the Board.

- a. Meetings shall be held at the call of the chairman and at such other times as may be determined or specified in its rules of procedures. All meetings shall comply with the Michigan Open Meetings Act.
- b. The presence of two-thirds (2/3) of the membership shall constitute a quorum; it shall take a concurring vote of 2/3 of the members to reverse an order or decision of the Zoning Administrator, Planning Commission or any other official to whom authority is granted under this Ordinance or to decide on any matter upon which it is required to pass by this Ordinance or to grant a variance from the provisions thereof.
- c. A record of the proceedings of each meeting shall be kept by the Board, relating evidence presented by the applicant and the resolution by the Board, the vote of each member on each question or, if absent or failing to vote, indicating such fact. These shall be a public record and filed within five (5) days at the office of the Board.
- d. The Board shall receive reasonable assistance from other departments in carrying out the functions of the Board.

SECTION 16.04 POWERS OF THE BOARD OF ZONING APPEALS.

- a. To grant a variance from the terms and provisions of this Ordinance as provided in this Chapter.

- b. To decide any question involving the interpretation of this Ordinance.
- c. To hear and decide appeals of decisions made by the Zoning Administrator.
- d. To hear and decide appeals of decisions made by the Planning Commission with respect to Site Plan Reviews and the issuance of Special Use Permits including Home Occupations.

SECTION 16.05 BASIS FOR GRANTING VARIANCES.

Where by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions, or other extraordinary conditions of land, buildings, or structure, or of the development of property immediately adjacent to the property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulties or would cause undue hardship.

No variance in the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board makes findings, based upon competent material and substantial evidence on the whole record:

- a. That special conditions or circumstances exist which are peculiar to the land, structure or buildings involved and which are not applicable to other lands, structures or buildings in the same district.
- b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
- c. That the special conditions or circumstances do not result from the actions of the applicant.
- d. That the authorizing of such variance will not be of substantial detriment to the neighboring property and will not be contrary to the spirit and purpose of this Ordinance.
- e. That with respect to use variances, the property cannot reasonably be used in a manner consistent with existing zoning.

No nonconforming use of neighboring lands, structures or buildings shall in itself, be considered grounds for the issuance of a variance.

SECTION 16.06 CONDITIONS OF APPROVAL.

In authorizing a variance or exception or in reversing a decision on an appeal, the Board may, in addition to the specific conditions of approval called for in this Ordinance, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonable necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest.

SECTION 16.07 TIME LIMITATIONS ON VARIANCES.

Any variance granted by the Board shall automatically become null and void after a period of six (6) months from the date granted unless the owner or his agent shall have taken substantial steps toward effecting the variance as granted by the Board.

SECTION 16.08 PROCEDURE FOR APPEAL.

The following procedure shall be required:

- a. The Board of Appeals shall not consider any application or appeal without the payment by the applicant or appellant to the Village Treasurer of a fee in the amount established by the Village Council. Such application or appeal shall be filed with the Zoning Administrator who shall transmit the same, together with all plans, specifications and other papers pertaining to the application, or appeal, to the Board; provided that whenever a land use variance is requested, copies of the applications or appeals, plans, specifications and other papers shall also be transmitted to the Planning Commission, who shall review the same and submit a recommendation to the Chairman of the Board prior to the Scheduled hearing.
- b. When an application or appeal has been filed in proper form and with the required data, the Secretary of the Board shall immediately place the said application or appeal upon the calendar for hearing and cause notices stating the time, place, and object of the hearing to be served. such notices shall be served personally or by mail at least ten (10) days prior to the day of such hearing, upon the applicant, or the appellant, the Zoning Administrator, and all persons to whom any real property within three hundred (300) feet of the premises in question shall be assessed and to the occupants of all single and two-family dwellings within three hundred (300) feet of the premises in question. Such notices shall be served personally or by regular mail, addressed to the respective owners and tenants at the address given in the last assessment roll. Any party may appear at such hearing in person or by agent or by attorney.
- c. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served upon such other property owners as it decides

may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

SECTION 16.09 DECISIONS OF THE BOARD.

The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon. A copy of the Board's decision shall be transmitted to the applicant, or appellant, and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and observed by him/her and shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made unless the Board finds the immediate effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

SECTION 16.10 STAY OF PROCEEDINGS.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board after notice of appeal shall have been filed with him, that, by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Board or by the Circuit Court on application, after notice to the Zoning Administrator.

CHAPTER XVII

CHANGES AND AMENDMENTS

SECTION 17.01 AMENDMENTS.

An amendment to this Ordinance may be initiated by: (a) The Village Council on its own motion; (b) the Planning Commission; or (c) petition subject to the following conditions:

1. Any amendment initiated by any of the methods enumerated above shall be referred to the Planning Commission, which shall cause a complete study of the proposed amendment to be made, shall make a tentative report, and shall hold a public hearing thereon. Not less than fifteen (15) days notice of public hearing shall be given by the publishing of said notice at least once in a newspaper of general circulation in the Village, stating the time and place of the hearing and substance of the proposed amendment. Fifteen (15) days notice of the public hearing shall be given by the publishing of said notice at least once in a newspaper of general circulation in the Village, stating the time and place of the hearing and substance of the proposed amendment. Fifteen (15) days notice of the time and place of said hearing shall be given by registered United States Mail to each public utility and railroad company owning or operating any utility or railroad within the district or zone affected. After public hearing the Planning Commission shall make its final recommendation to the Village Council, accompanied by a summary of the comments submitted at the public hearing.
2. Upon receipt of the final recommendation of the Planning Commission, the Village Council shall hold a public hearing before the adoption of the proposed amendment.
3. In the case of an amendment rezoning an individual property or several adjacent properties, notice of the proposed rezoning and hearing shall be given by registered mail to the owners of the property at least fifteen (15) days before the hearing.
4. If a protest against the proposed amendment is presented to the Village Council before the final legislative action on the amendment and the protest is duly signed by:
 - a. The owners of at least twenty (20%) percent of the area of land included in the proposed change; or
 - b. The owners of at least twenty (20%) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change excluding public owned land.

An amendment to this Ordinance may be passed only by a two-thirds (2/3) vote of the Village Council.

SECTION 17.02 PROCEDURE FOR AMENDMENT PETITIONS.

1. All petitions for amendments to this Ordinance shall be in writing, signed and filed in triplicate with the Village Clerk.
2. All petitions for amendments shall contain the following:
 - a. Name and address of the petitioner who shall have a legal or equitable interest in the land subject to the petition.
 - b. Name, address and interest of every other person having legal or equitable interest in land subject to the petition.
 - c. Street address and legal description of the property subject to the proposed amendment.
 - d. Present zoning classification of the land.
 - e. Proposed change in zoning classification of the land.
 - f. Present and proposed use of the property.
 - g. A scale diagram showing the property subject to the proposed amendment, all public and private rights-of-way, and lots and parcels of land within three hundred (300) feet of the property. This diagram shall be drawn to a scale of one hundred (100) feet to the inch.
 - h. On the diagram required by subparagraph (g) or on another diagram drawn to the same scale, a site plan including location, dimensions and use of existing and proposed structure, easements, water courses, fences and curb cuts on the property proposed for rezoning.
3. Upon examination and approval of the application as to form, the Village Clerk shall forthwith transmit the application to the Planning Commission, which shall process the petition according to the provision set out in Section 17.01.
4. All applications for amendments shall be accompanied by a fee of one hundred (\$100) dollars to be used for the purpose of defraying the cost of processing an application.
5. Upon adoption of a Zoning Ordinance or subsequent amendments, notice of adoption shall be published once in a newspaper of general circulation in the Village within fifteen (15) days after adoption. The notice shall contain the following provisions:
 - a. "A Zoning Ordinance regulating the development and use of the land has been adopted by the Village Council of the Village of Edmore".

- b. The effective date of the Ordinance.
- c. The place and time where a copy of the Ordinance may be purchased or inspected.
- d. In the case of an amendment to an Ordinance, either a summary of the amendment and area affected, or the text of the amendment shall be included with the notice.

CHAPTER XVIII

PENALTIES FOR VIOLATION

SECTION 18.01 PENALTIES FOR VIOLATION.

Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than ninety (90) days or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 18.02 VIOLATIONS DECLARED NUISANCES.

Any building or structure erected, altered, enlarged, rebuilt or moved, or any use carried on in violation of any provisions of this Ordinance is hereby declared to be a nuisance per se. Any court of competent jurisdiction may order such nuisance abated and the owner guilty of maintaining a nuisance per se.

CHAPTER XIX

DEFINITIONS

SECTION 19.01 RULES APPLYING TO TEXT.

The following listed rules of construction apply to the text of this Ordinance:

- a. The particular shall control the general.
- b. With the exception of this chapter, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- c. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- d. Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- e. A "building" or "structure" includes any part thereof.
- f. The word "person" includes a firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them, as well as a natural person.
- g. The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended", "arranged", "designed to be used", or "occupied".
- h. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- i. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

The following listed terms and words are defined for the purpose of their use in the Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

SECTION 19.02 ACCESSORY BUILDING OR STRUCTURE

A subordinate building or structure on the same premises with a main building, utilized for an accessory use. Where an accessory building is attached to a main building, such accessory building shall be deemed a part of the principal building.

SECTION 19.03 ACCESSORY USE

A use naturally and normally incidental and subordinate to a principal use, building, or structure on the same premises.

SECTION 19.04 AGRICULTURE

The cultivation, raising, and storage of crops, animals, and animal products, including nurseries, hatcheries, apiaries, forestry, floriculture, vita-culture, pasturage, and dairying.

SECTION 19.05 ALLEY

A dedicated public right of way not more than thirty (30) feet in width and not less than twenty (20) feet in width which provides only a secondary means of access to abutting property but not being intended for general traffic circulation.

SECTION 19.06 AUTOMOBILE REPAIR - MAJOR

General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, collision service, including body repair and frame straightening,

SECTION 19.07 AUTOMOBILE REPAIR - MINOR

Minor repairs, incidental replacement of parts, motor service to passenger vehicles and commercial vehicles not exceeding one (1) ton capacity, and a place where gasoline, or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public or applied directly into motor vehicles, including sale of accessories, but not including any operation specified under automobile repair - major.

SECTION 19.08 AUTOMOBILE SALVAGE

The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled or wrecked vehicles or their parts.

SECTION 19.09 AUTOMOBILE SERVICE STATION

A building, structure, or land used for the retail sale of fuel, lubricants, grease, and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing but not including major automobile repair or bulk fuel distributing.

SECTION 19.10 AUTOMOBILE WASH ESTABLISHMENT

A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

SECTION 19.11 BASEMENT

A portion of a building or room located more than one-half (1/2) below grade and below the principal or first floor.

SECTION 19.12 BILLBOARD OR SIGN BOARD

Any structure or portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed not related to the premises or the nature of the business conducted thereon or the products sold or manufactured thereon but not including the display of official court or public office notices.

SECTION 19.13 BOARD OR BOARD OF APPEALS

The Zoning Board of Appeals of the Village of Edmore.

SECTION 19.14 BOARDING HOUSE, LODGING HOUSE, OR ROOMING HOUSE

A dwelling where meals or lodging and meals are provided for compensation to persons who are not members of the family for not less than one (1) week in duration.

SECTION 19.15 BUILDABLE AREA

The buildable area of a lot is the space remaining after the minimum setback and open space requirements of the ordinance have been complied with.

SECTION 19.16 BUILDING OR STRUCTURE

Anything which is constructed or erected, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, storing, or enclosing persons, animals, or personal property or carrying on business activities or other similar uses, including tents, stands, cabins, and mobile homes.

SECTION 19.17 BUILDING, MAIN OR PRINCIPAL

A building in which is conducted the principal or main use of the lot on which it is situated.

SECTION 19.18 ALTERATIONS, STRUCTURAL

Any change, addition, or modification in construction or type of use or occupancy, any change in the supporting structural members of a building such as walls, partitions, columns, beams, girders, or any change in the roof. Any change which may affect the structural integrity of the building or may be referred to herein as altered or reconstructed.

SECTION 19.19 BUILDING HEIGHT

The vertical distance from the established grade to the highest point of the roof if a flat roof to the deck of mansard roofs and to the mean height level between eaves and ridge of gable, hip, gambrel, shed, or warped roofs. When the terrain is sloping, the ground level is measured at the wall line.

SECTION 19.20 BUILDING PERMIT

The written authority as issued by the Montcalm County Building Inspector, permitting the construction, moving, alteration, or use of a building or structure in conformity with the provisions of this ordinance and the County's building code.

SECTION 19.21 BUILDING SETBACK

The minimum distance from the front lot line or right-of-way line to the nearest point of the exterior of the building or structure.

SECTION 19.22 BUILDING SETBACK LINE

The line situated at the outer surface of a building or enclosed wall, at the ground surface level pertaining to the minimum setback distance established from the front street property line, thus defining an area of the lot adjacent to the front line in which no part of a building shall project or be located, except as otherwise provided by this ordinance.

SECTION 19.23 CAMP OR CAMPGROUND

Temporary or permanent buildings, tents, or other structures together with their appurtenances pertaining thereto, established or maintained as temporary living quarters, operated continuously for a period of five (5) days or more for recreation, religious, education, or vacation purposes.

SECTION 19.24 CARPORT

Any roofed structure or shelter or a portion of a building open on two (2) or more sides which may or may not be attached to a dwelling, other than an attached or detached garage, used for the purpose of storing motor vehicles.

SECTION 19.25 COMMISSION OR PLANNING COMMISSION

The planning commission for the municipality of the Village of Edmore.

SECTION 19.26 COMMON OPEN SPACE

Any area or space other than required yard areas which is unobstructed and unoccupied by buildings, roads, or other manmade structures and is readily accessible to all those for whom it is required.

SECTION 19.27 COMPREHENSIVE PLAN

The plan so designated by the Planning Commission which conveys land use policy, a major thoroughfare plan and a plan for public facilities and which is designed to provide and accomplish the objectives of Act 207 of the Public Acts of Michigan of 1921, as amended.

SECTION 19.28 CONVALESCENT OR NURSING HOME

A residential facility for the care of children, the aged, or infirm, those suffering bodily disorders wherein twenty (20) or more persons are provided care for compensation. Said facility shall conform to, and qualify for, license under applicable state law.

SECTION 19.29 DISTRICT OR ZONE

A portion of the municipality under which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this ordinance.

SECTION 19.30 DRIVE-IN ESTABLISHMENT, DRIVE-THROUGH ESTABLISHMENT

A commercial business establishment which offers goods or services to customers in vehicles, including an establishment where customers may serve themselves.

SECTION 19.31 DWELLING

Any building or portion thereof used in whole or in part as a home, residence or sleeping place with permanently or temporarily including one (1) family, two (2) family, multi-family apartment - hotels, boarding, lodging, and rooming houses, but not including hotels, motels, recreational vehicles, mobile homes, tents, or other unconventional structures.

SECTION 19.32 DWELLING, AGRICULTURAL

A dwelling or dwellings used to house persons primarily engaged in agriculture on the parcel or adjacent parcels, and which dwelling or dwellings are incidental or subordinate to a principal agricultural use on or nearby the dwelling site.

SECTION 19.33 DWELLING UNIT

One (1) or more rooms designed or used as an independent housekeeping establishment for one family and containing kitchen facilities, including a stove or cooking device and a permanently installed sink, bathroom facilities, and sleeping facilities.

SECTION 19.34 DWELLING - SINGLE FAMILY DETACHED

A building which is entirely surrounded by open space on its building lot, used and designed for one (1) family only.

SECTION 19.35 DWELLING - MULTIPLE

A building used or designed as a residence for three (3) or more families living independently of each other, including apartments or condominiums.

SECTION 19.36 DWELLING - TWO (2) FAMILY OR DUPLEX

A detached building containing two (2) dwelling units and designed for use by two (2) families living independently.

SECTION 19.37 DWELLING - EARTH SHELTERED OR UNDERGROUND

A dwelling which is more than one-half (1/2) below grade to provide climatic, noise, or life safety protection.

SECTION 19.38 ERECTED

Includes built, constructed, reconstructed, moved upon, or any other physical operation on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered part of the erection.

SECTION 19.39 ESSENTIAL SERVICES

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmissions, or distribution systems, collections, communication, supply, or disposal systems (including towers, structures, plies, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchange and/or repeater buildings, electric substations, gas regulatory stations, and other similar equipment and accessories in connection therewith) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety, or general welfare. This definition shall not include sanitary landfills, recycling centers, or nonpublic utility transfer stations.

SECTION 19.40 FAMILY

One or more persons living together as a single non-profit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic relationship based on consanguinity, marriage, adoption, or other domestic bond. This definition does not include any society, combine club, fraternity, sorority, association, federation lodge, coterie, organization or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.

SECTION 19.41 FARM DWELLING

Any single family dwelling located on an active farm serving as the principal residence for the persons primarily engaged in operating the principal agricultural use of the said farm.

SECTION 19.42 FARM

A contiguous tract of land of not less than five (5) acres in area which is directly farmed or used for commercial agriculture by the owner-operator, manager, or tenant farmer by his own labor or with assistance of members of his household or hired employees. A farm includes a farm dwelling and accessory buildings necessary for the storage or housing of farm implements, product, or animals, or used for the operation of the farm. Farms may include greenhouses, nurseries, orchards, hatcheries, dairy farms, poultry farms, apiaries, truck farming and forestry. Establishments such as fish hatcheries, stockyards, recreation parks, stone quarries, gravel, dirt or sand pits, keeping furbearing animals or game, piggeries, commercial feedlots, kennels, stables, riding academies, or mineral extraction are not considered farm uses.

SECTION 19.43 FENCE

Any permanent barrier, partition, or structure erected as a dividing structure, or as an enclosure, and not part of a structure requiring building permits. A fence does not include retaining walls.

SECTION 19.44 FLOOD PLAIN

Those areas which are subject to inundation at a high flood water level in a flood of one (1) percent yearly probability as determined by an engineer or agency designated by the board.

SECTION 19.45 FLOOD HAZARD AREA

That area subject to flooding on the average once in every hundred years based on information supplied by the U.S. Geological Survey.

SECTION 19.46 FLOOR AREA

The area of all floors computed by measuring the dimensions of the outside walls of a building, excluding elevation shafts, stairwells, hallways, bulkheads, floor space used for mechanical equipment, attics with headroom of seven (7) feet or less, basements, private garages, mezzanines, private verandahs, terraces, and decks.

SECTION 19.47 FOSTER & DAY CARE FACILITIES

Facilities defined, licensed and regulated by the State of Michigan in Public Act 218 of 1979, as amended, Public Act 87 of 1972, as amended, or Act 116 of 1973, as amended.

- a. Adult Foster Care Family Home - A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days a week and for 2 or more consecutive weeks, but excluding the care and treatment of persons released from or assigned to adult correctional institutions.
- b. Adult Foster Care Small Group Home - An adult foster care facility with the approved capacity of not more than twelve (12) adults who shall be provided foster care.
- c. Adult Foster Care Large Group Home - An adult foster care facility with the approved capacity to receive more than twenty (20) adults who shall be provided foster care.
- d. Adult Foster Care Congregate Facility - An adult foster care facility with the approved capacity to receive more than twenty (20) adults who shall be provided foster care.
- e. Foster Family Home - A private home in which one (1) but not more than four (4) minor children, not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- f. Foster Family Group Home - A private home in which more than four (4) but less than seven (7) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

- g. Family Day Care Home - A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption, for more than four (4) weeks during a calendar year.
- h. Group Day Care Home - A private home in which more than six (6) but not more than twelve (12) minor children are given care & supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption, for more than four (4) weeks during a calendar year.
- i. Child Care Center - A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child and where care is provided for not less than two (2) consecutive weeks.

SECTION 19.48 GARAGE, PUBLIC OR COMMERCIAL

Any building not a private garage, used for commercial parking, storing, caring for, renting, servicing, repairing, refinishing, equipping, adjusting for remunerations, hire or sale any vehicle or for housing more than three (3) motor vehicles.

SECTION 19.49 GARAGE, PRIVATE

An accessory building or a portion of a main building used primarily for the storage of not more than three (3) passenger vehicles, not exceeding one ton each for use of the occupants of the premises.

SECTION 19.50 GRADE

A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

SECTION 19.51 GREENBELT

A planting or buffer strip at least ten (10) feet in width and composed of the following:
deciduous and evergreen trees at least four (4) feet in height spaced not more than ten (10) feet apart;
at least one row of shrubs and at least two (2) feet in height spaced not more than four (4) feet apart which shall be planted and maintained by the property owner.

SECTION 19.52 HOTEL

A building occupied or used as a predominantly temporary abiding place offered to the public for compensation and in which there are more than five (5) sleeping rooms. Boarding houses, motels, and apartments are excluded. Access is provided by an entrance and central service area.

SECTION 19.53 HOME OCCUPATION

Any profession or other occupation conducted in a residential district which is clearly incidental and secondary to the use of the lot and which conforms to the provisions of Section 2.20.

SECTION 19.54 INSTITUTIONAL OR PUBLIC USES

Churches, schools, hospitals, convalescent and nursing homes, parks, civic centers, libraries, governmental structures, and other non-profit establishments for public use.

SECTION 19.55 JUNK OR SALVAGE YARD

Any area used for the following:

Motor vehicle wrecking yard and parts yard, scrap materials, processing where junk scrap metals or reclaimed machinery or materials are bought, sold, exchanged, stored, packed, disassembled, handled, kept, abandoned, dismantled, demolished, dumped, displayed, baled, cleaned, salvaged, excluding motor vehicle sales areas when conducted as a principal use, uses carried on in a completely enclosed building, storage of accessory/farm equipment and supplies when accessory to a farming operation.

SECTION 19.56 KENNEL

Any place on which four (4) or more dogs four (4) months of age or older are kept for any reason other than veterinary medicine, including for board, breeding, or sale.

SECTION 19.57 LAWFULLY CREATED LOT

Any lot which complied with all applicable provisions regarding lot dimensions in the Village of Edmore Zoning Ordinance in effect on the date of creation of the lot.

SECTION 19.58 LOADING SPACE

Off street parking on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. An off street loading is not to be included as off street parking space in computation of off street parking space.

SECTION 19.59 LOT

A plot or parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including a main building and its accessory buildings and including such open spaces required by this ordinance and having its principal frontage upon a public street or officially approved private street.

SECTION 19.60 LOT AREA

The total horizontal area within the lot lines of a lot including any easements which may exist within such property lines and exclusion of rights of way for street or alley purposes.

SECTION 19.61 LOT CORNER

A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding one hundred thirty five (135) degrees.

SECTION 19.62 LOT COVERAGE

The part or percentage of lot which is covered by all buildings or structures including accessory buildings or structures, porches, arbors, breezeways, and patio roofs and not excluding fences, walls, hedges, or swimming pools.

SECTION 19.63 LOT, DOUBLE FRONTAGE OR THROUGH

A lot other than a corner lot having frontage on two (2) or more streets.

SECTION 19.64 LOT INTERIOR

A lot other than a corner lot.

SECTION 19.65 LOT DEPTH

The mean horizontal distance from the front lot line to the rear lot line.

SECTION 19.66 LOT LINE

A boundary of a lot.

SECTION 19.67 LOT LINE FRONT

That boundary of a lot which is the line of an existing or dedicated street. In the case of a corner lot, the front lot line is that line separating said lot from that street which is designated as the front street in the request for a building permit.

SECTION 19.68 LOT LINE REAR

The boundary of a lot most distant from the front lot line and most nearly parallel with the front lot line or, in the case of an irregular size and shape lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line.

SECTION 19.69 LOT LINE, SIDE

Any lot line which is not a front lot line or a rear lot line.

SECTION 19.70 LOT OF RECORD

A lot which actually exists in a subdivision plat as shown of the records of the county Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

SECTION 19.71 LOT WIDTH

The minimum distance between the side lot lines measured at the two points where the building setback line intersects the side lot lines.

SECTION 19.72 MOBILE HOME

A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without permanent foundation, when connected to the required utilities, and that includes the plumbing, heating air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle. All mobile homes must conform to the U.S. Department of Housing and Urban Development's Code for Mobile Home. Mobile home includes a double-wide unit.

SECTION 19.73 MODULAR HOME

A dwelling consisting of prefabricated units, designed to be incorporated at a building site into a single residential structure on a permanent foundation and meeting all the requirements of the building code.

SECTION 19.74 MOTEL

A building or group of buildings providing transient accommodations with motor vehicle parking contiguous to the building, and individual entrances from outside the building to serve each unit. The term motel shall include: drive-in hotel, tourist court, motor hotel, tourist room, motor court, tourist cabin, motor inn, motor lodge, or transient cabin.

SECTION 19.75. MOBILE HOME PARK

Mobile home park means a parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a change is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, and which is not intended for use as a temporary trailer park in accordance with the Mobile Home Commission Act 419, Michigan Public Acts of 1976, as amended.

SECTION 19.76 MOBILE HOME SUBDIVISION

A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 419 or 1976, as amended.

SECTION 19.77 NON-CONFORMING BUILDING OR STRUCTURE

A building structure or portions thereof lawfully existing at the effective date of this ordinance or effecting amendment and which fails to meet with regulations and requirements of the zoning district in which it is located.

SECTION 19.78 NON-CONFORMING USE

A lawful use of any part or all of a building or other structure, lot or tract of land existing at the time of adoption of this zoning chapter or any amendment thereto, which does not conform with the regulations of the zone district in which it is located.

SECTION 19.79 OPEN AIR BUSINESS

Includes uses operated for profit substantially in the open air including:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
- B. Outdoor display and sale of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses (transient or permanent).

SECTION 19.80 OUTDOOR ASSEMBLY

Any event, attended by more than one thousand (1,000) attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including but not limited to musical festivals, rock festivals, peace festivals, or similar gatherings, but does not mean: (1) an event which is conducted or sponsored by a governmental unit or agency or political subdivision of the State on publicly owned land or property, or (2) any event held entirely within the confines of a permanently enclosed and covered structure.

SECTION 19.81 PARKING AREA

An off street open area for the parking of motor vehicles for a fee or as an accommodation of clients, customers, residents, visitors, occupants, or the general public. Parking area shall include access drives within the actual parking area.

SECTION 19.82 PERSON

A legal entity or individual human being, including a firm, association, co-partnership, partnership, corporation, society, or organization.

SECTION 19.83 PLANNED UNIT DEVELOPMENT

A zoning district which permits integrated and coordinated residential dwellings and/or certain nonresidential uses, all to be developed according to approved area and site plans as provided in this Ordinance.

SECTION 19.84 PRINCIPAL OR MAIN USE

The primary or predominant use of the premises.

SECTION 19.85 PUBLIC UTILITY

Any person, firm, corporation, or governmental department, board or commission duly authorized under township, state, or federal regulations, to furnish electricity, gas, steam, communications, transportation, water, wastewater removal or similar essential services to the public; provided, however, that those persons involved in the reception or transmission of radio or television signals shall not be considered a Public Utility unless said signals are distributed directly to subscribers or customers through a closed circuit system of coaxial cables or similar network of signal conductors.

SECTION 19.86 RECREATION VEHICLE

A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, in accordance with Act 49, Michigan Public Acts of 1975, as amended. Recreation vehicles includes travel trailers, motor homes, pickup campers, tent trailers, off road vehicles, house car, house trailer, trailer home, trailer coach or other portable units.

SECTION 19.87 RIVER'S EDGE

The mean annual waterline of a river or tributary.

SECTION 19.88 ROADSIDE MARKET STAND

A farm building or structure used for the display or sale of agricultural products grown or produced on the premises upon which the stand is located.

SECTION 19.89 SIGNS

The definitions for signs are as follows:

- a. Sign - Any display, message, placard, drawing, poster, painting or other similar thing which is placed on or outside the exterior of a building in view of the general public and which is intended or used to advertise or inform; provided that official signs as defined in subsection (e) are excluded.
- b. Advertising Sign or Billboard - A sign which directs attention to a business, service or activity not conducted on the premises on which the sign is located, or products or commodities not sold, manufactured, processed or fabricated on such premises.
- c. Business Sign - A sign which directs attention to a business, service or activity conducted on the premises on which the sign is located, or products or commodities sold, manufactured, processed or fabricated on such premises.
- d. Directional Signs - A sign erected for the sole purpose of providing directional traffic control; provided the sign area for all such signs on a single lot shall not exceed 12 square feet.
- e. Incidental Sign - A sign advertising the sale, lease or rental of the real estate on which the sign is located, or the name and profession or occupation of the persons occupying the premises on which the sign is located, or the use of the premises; provided that the sign area for all such signs on the lot shall not exceed 6 square feet.
- f. Official Signs - A sign, including a directional sign, erected, leased, constructed, or required by the federal or state government or any political subdivision thereof.
- g. Portable Sign - A sign which is not permanently attached to the ground or a structure and which is intended to announce specific events and to be displayed on a temporary basis; provided that the sign area for such sign shall not exceed thirty-two (32) square feet and further no more than one such sign shall be permitted on any lot at any one time.

- h. Sign Area - The entire area within a single, continuous perimeter enclosing all elements of the sign which form an integral part of the sign.

SECTION 19.90 SINGLE OWNERSHIP

A parcel in separate and distinct ownership from adjacent lands when such adjacent lands are not at the applicable date owned by the same owner or the same owner in joint tenancy, tenancy in common or tenancy by the entireties with any other person or persons and where such adjacent lands owned by the same owner or by any person or persons with whom he may be engaged in a partnership or joint venture or by a corporation in which he owns more than fifty (50) percent of the stock issued and outstanding.

SECTION 19.91 SETBACK

The minimum horizontal distance from a lot line to the nearest roofed portion of any building or structure on said lot.

SECTION 19.92 SEASONAL OR SUMMER DWELLING

A dwelling other than a permanent residence occupied for less than six (6) months in any one year.

SECTION 19.93 SITE PLAN REVIEW

The submission of plans for review, as part of the process of securing zoning approval.

SECTION 19.94 SPECIAL EXCEPTION

A special exception is a use or structure which would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, and convenience. Such uses may be permitted in a zoning district as special exceptions if specific provision for such special exceptions is made in this Ordinance.

SECTION 19.95 SPECIAL USE

A special procedure wherein certain uses may be permitted after review when the affect of such uses on adjoining lands and the general welfare of the Village may require special

consideration and often also conditional regulations to insure compatibility and proper development in accordance with the intent of this ordinance.

SECTION 19.96 SPECIAL USE PERMIT

A permit for a use that would not be appropriate generally or without restriction throughout the zoning district; but which, if controlled as to the number, area, location or relation to the township, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provided in this Ordinance for them are met.

SECTION 19.97 SITE DEVELOPMENT PLAN

A reproducible scale drawing which shows the location and dimensions of all intended and existing buildings, structures, parking, loading facilities, streets, driveways, buildings, planting, landscaping, yard spaces, sidewalks, signs, drainage facilities, water supply, sewage systems and any other items that may be required by this ordinance.

SECTION 19.98 STABLE, PRIVATE

A building used for housing not more than three (3) horses for the use of the owner and his immediate family.

SECTION 19.99 STABLE, PUBLIC

A building used for housing horses or other domestic animals for commercial enterprise.

SECTION 19.100 STORY

That portion of a building between the surface of any floor and the surface of the floor next above it, or if there is not floor above it, then the surface between the floor and the ceiling next above.

SECTION 19.101 STREET

Any public thoroughfare dedicated for the purpose of traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, land boulevard, highway, road, or other thoroughfare except an alley.

SECTION 19.102 STRUCTURE

Anything constructed, erected, or placed materials or combination of materials with a fixed location above, on or below the ground, or attachment to something having such location, including buildings, signs, billboards, signs, light posts, utility poles, radio and television antennas, swimming pools, parking areas, pergolas, tennis courts, sheds, storage bins, but excluding fences, sidewalks, driveways, streets, and patios.

SECTION 19.103 SWIMMING POOL

A constructed basin (or structure) for holding of water for swimming and aquatic recreation and does not include any plastic, canvas, or rubber portable pools temporarily erected upon the ground with less than two (2) feet of water.

SECTION 19.104 TERMS

The present tense shall include the future; the singular number shall include the plural; and the plural, the singular. The word "Shall" is always mandatory. The words "zone" and "district" are the same. Reference to a whole shall apply to a part thereof. The word "lot" includes the words "plot" or "parcel". Any word or term not defined herein shall be used with a meaning of common utilization.

SECTION 10.105 THEATER

Any building or place used for presentation of dramatic spectacles, shows, movies, or other entertainment, open to the public with or without charge.

SECTION 10.106 TOWNHOUSE

That portion of a multiple dwelling which has a common sidewall with some other dwelling unit in the building but which extends throughout the vertical height of the structure and provides separate or individual front and rear yard areas and which has self-contained facilities for living, sleeping, and cooking and which is designed for occupancy by one (1) family.

SECTION 10.107 TRAVEL TRAILER

A vehicular portable unit built on a chassis designed to be used as a temporary dwelling for travel, recreation, and vacation, not exceeding eight (8) feet in width, or thirty-five (35) feet in length, and includes folding campers and truck mounted campers.

SECTION 19.108 USE

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

SECTION 19.109 VARIANCE

A relaxation or adjustment of any of the requirements of the zoning ordinance by the zoning board of appeals and meeting the requirements under Section 16.05.

SECTION 19.110 VEHICLE SALES AREA USES

An area used for the display, sale, or rental of used motor vehicles, boats, trailers, farm equipment, or other similar mobile equipment in operable condition where no repair work is done.

SECTION 19.111 YARD

The open space between any lot line and the setback required therefrom.

SECTION 19.112 ZONING PERMIT

A permit signifying compliance with the provisions of the Ordinance as to use, activity, bulk, and density, and with the requirements of all other development codes and ordinances currently in effect.

CHAPTER XX

MISCELLANEOUS PROVISIONS

SECTION 20.01 ADMINISTRATIVE LIABILITY.

No officer, agent, employee, or member of the Village Council, Planning Commission or Board of Zoning appeals shall be personally liable for any damage as the result of any act, decision or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

SECTION 20.02 SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable. If any paragraph or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

SECTION 20.03 REPEAL.

The former Village Zoning Ordinance, adopted October 31, 1982, and all amendments thereto are hereby repealed as of the effective date of this Ordinance; provided however, that the same shall remain in force for the purpose of instituting or sustaining any property action of prosecution for the enforcement of any penalty or liability thereunder.

SECTION 20.04 EFFECTIVE DATE.

This Ordinance was adopted by the Village Council of the Village of Edmore, Montcalm County, Michigan, at a regular meeting duly called and held on the 16th day of March, 1989.

I hereby certify that, at a regular meeting of the Village Council of the Village of Edmore, Montcalm County, Michigan, held on March 16, 1989, the foregoing Ordinance was adopted.

Roy Pruden, Village President
Shirley Mallory, Village Clerk