

Chapter 54 - ZONING⁽¹⁾

Footnotes:

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Editor's note— An ordinance adopted May 28, 2002, amended ch. 54 in its entirety to read as herein set out. Former ch. 54 pertained to the same subject matter, consisted of §§ 54-1—54-5, 54-60—54-62, 54-85—54-88, 54-120—54-122, 54-145—54-178, 54-170—54-174, 54-195—54-199, 54-220—54-224, 54-255—54-262, 54-295—54-313, and derived from the 1982 Code.

Cross reference— Any ordinance pertaining to rezoning saved from appeal, § 1-10(15); buildings and building regulations, ch. 10; environment, ch. 18.

State Law reference— Authority of villages to regulate land use, MCL 125.581 et seq.

ARTICLE I. - TITLE, INTERPRETATION AND SCOPE

Sec. 54-1. - Title.

This shall be known and may be cited as the "2002 Zoning Ordinance of the Village of Deckerville, Michigan."

(Ord. of 5-28-2002, § 1.00.00)

Sec. 54-2. - Purposes.

The purposes of this chapter include, without limitation, the:

Protection of public health, safety, morals, comfort and general welfare;

Promoting the health, safety and general welfare of the inhabitants of the Village of Deckerville;

Protection and conservation of properly and property values;

Promoting the use of land and resources in accordance with character, adaptability and plan of further growth and development;

Providing for compatible uses and development of land with reduced congestion by buildings, traffic and population and with provisions for water, transportation, sewage, schools, parks, lights, and other public requirements;

Promoting increased safety from fire, erosion, flood and other dangers;

Division of the village into compatible use districts;

Conforming land uses to social, demographic, economic, technological changes and other developmental trends with a flexible and objective ordinance based on statutory and common law;

Providing for administration of this chapter.



The Village of Deckerville

(Ord. of 5-28-2002, § 1.01.00)

Secs. 54-3—54-19. - Reserved.

ARTICLE II. - DEFINITIONS

Sec. 54-20. - Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Any word not herein defined shall be construed as in the State Construction Code of 1972 (1972 PA 230; MCLA 125.1501) and the Village Zoning Act (1921 PA 207; MCLA 125.581) and the amendments thereto. Other terms, phrases, and words not herein defined shall have the meaning customarily assigned to them by general usage in the English language.

Abutting. A lot or parcel, which shares a common border with another lot, parcel or right-of-way.

Access management (access control). A technique to improve or preserve traffic operations along a major roadway and minimize potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct roadway access. Methods used include construction of frontage roads, service drives, shared driveways, and medians or islands to direct traffic flow and control egress and/or egress.

Accessory structure. A structure erected on the same lot or site as the principal use building and intended to serve a purpose incidental to the principal use building, including, but not limited to, buildings, swimming pools, tennis courts, towers, driveways, parking areas, underground tanks, fences and satellite antennae.

Accessory use of accessory. An "accessory use" is a use, which is clearly incidental to customarily found in connection with and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in the text, it shall have the same meaning as accessory use. An accessory use includes, but is not limited to, the following:

- (1) Residential accommodations for servants and/or caretakers.
- (2) Swimming pools for the use of the occupants of a residence, or their guests.
- (3) Storage in a shed, tool room, or similar accessory building or other structure.
- (4) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- (5) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- (6) Storage of goods used in, or produced by, industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- (7) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- (8) Uses clearly incidental to a main use, such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- (9) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- (10) Accessory sign, subject to the sign regulations for the district in which the zoning lot is located.

Accessory use or building. A subordinate use or building customarily incident to and located on the same lot with the main use or building.

Addition. An extension or increase in floor area or height of a building or structure.

Adult entertainment uses. Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant

portion of which includes matter or actions depicting, describing, or presenting "specified sexual activities" or "specified anatomical areas." Adult entertainment uses shall include, but not be limited to, the following:

- (1) An "adult motion picture theater" is an enclosed building with a capacity of 50 or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- (2) An "adult mini-motion picture theater" is an enclosed building with a capacity for less than 50 persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing, or presenting "specified sexual activities" or "specified anatomical areas."
- (3) An "adult motion picture arcade" is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe, or relate to "specified sexual activities" or "specified anatomical areas."
- (4) An "adult book store" is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a significant portion of its content or exhibit matter or actions depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" or an establishment with a (substantial) segment or section devoted to the sale or display of such material.
- (5) An "adult cabaret" is a nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict, or describe "specified sexual activities" or "specified anatomical areas."
- (6) An "adult motel" is a motel wherein matter, actions, or other displays are presented which contain a significant portion depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."
- (7) An "adult massage parlor" is any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation or service related thereto exposes "specified anatomical areas."
- (8) An "adult model studio" is any place where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar educational institution.
- (9) An "adult sexual encounter center" is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in "specified sexual activities" or exposing "specified anatomical areas."

Adult foster care facility. A governmental or nongovernmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include a nursing home, a home for the aged, an alcohol or a substance abuse rehabilitation center, a hospital for the mentally ill, or similar facilities.

- (1) *Adult foster care family home:* A private residence with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days per week, and for two or

more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

- (2) *Adult foster care large group home*: An adult foster care facility with the approved capacity to receive at least 13, but not more than 20 adults who shall be provided foster care.
- (3) *Adult foster care small group home*: An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care.

Adjacent (lot or parcel). A lot or parcel, which abuts or is directly across a public street or private easement from another lot or parcel.

Aged. An adult whose chronological age is 60 years of age or older, or whose biological age, as determined by a physician, is 60 years of age or older.

Alley. Any public space or thoroughfare 20 feet or less in width, but not less than ten feet in width, which has been dedicated or deeded to the public for public travel and which affords secondary access to abutting property.

Alteration. A change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Apartment. A dwelling unit containing three or more dwelling units.

Apartment house. A multifamily dwelling for three or more families, living independently of each other as separate housekeeping units, with separate access and egress, and doing their cooking upon the premises.

Arcade. Any place of business or establishment containing two or more mechanical amusement devices. Mechanical amusement devices include any machine, which, upon the insertion of any coin, slug, token, plate or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, skillball, mechanical grab machines, television display devices or machines and all games, operations or transactions similar thereto whether operated principally by mechanical means or electrical means or a combination thereof, under whatever name they may be indicated or called.

Architectural features. Architectural features of a building or structure shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Area building. The aggregate of the maximum horizontal cross section area of the main building on a lot, excluding cornices, eaves, gutters, or chimneys projecting not more than three feet, steps, one-story open porches, bay windows not extending through more than one story and not projecting more than two feet, balconies and terraces.

Arterial roadway. Any roadway owned and maintained by the Michigan Department of Transportation where movement of through traffic is the primary function, with service to adjacent land a secondary function.

Auto repair garage. A place where the following activities may be carried on: Vehicle body repair, engine rebuilding or repair, undercoating, painting, upholstery work, welding and auto glass work, etc.

Base flood. A flood having a one-percent chance of being equaled or exceeded in any given year. This is also referred to the 100-year flood.

Basement. A portion of a building which is partly or wholly below grade so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five feet, such basement shall be rated as a first story.

BASEMENT AND STORY

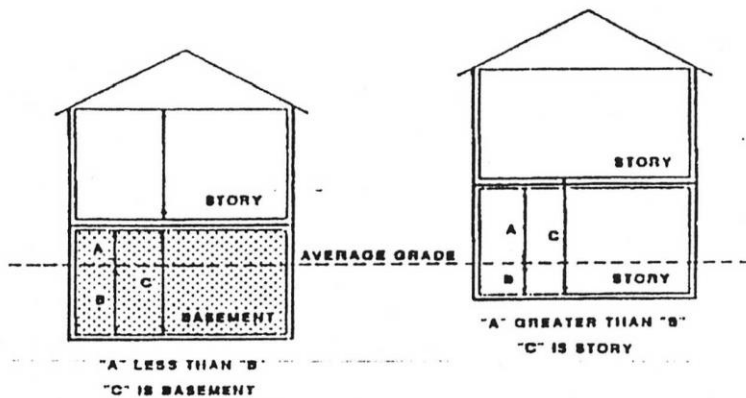


Figure 2-1

Bed and breakfast. A dwelling where lodging and meals, are provided for compensation and where one or more rooms are occupied by persons by prearrangement for definite periods of not greater than one week. A bed and breakfast is to be distinguished from a boarding house, a hotel, a motel, or a convalescent or nursing home.

Berm. A mound of earth graded, shaped, and improved with grass, plant materials, and/or ground cover in such a fashion as to be used for visual and/or audible screening.

Block. The property abutting one side of a street and extending laterally between the two nearest intersecting streets, (crossing or terminating) or between the nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, or unsubdivided acreage; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

Board of appeals. The words "board of appeals or "board" shall mean the board of zoning appeals for the Village of Deckerville.

Boarding house. A dwelling where lodging and meals, are provided for persons unrelated by blood, affinity or law usually for compensation and where one or more rooms are occupied by persons by prearrangement for definite periods of not less than one week. A boarding house is equivalent to a rooming house and to be distinguished from a bed and breakfast, a hotel, a motel.

Buffer zone. A strip of land often required between zoning districts and reserved for plant material, berms, walls or fencing to serve as a visual or sound or privacy barrier.

Building. A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, including tents, lunch wagons, dining cars, camp cars, trailers, and other roofed structure on wheels or other supports, used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. For the purposes of this definition "roof" shall include an awning or other similar covering, whether or not permanent in nature.

Building height. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on stopping terrain, the height may be measured from the crown of the street grade.

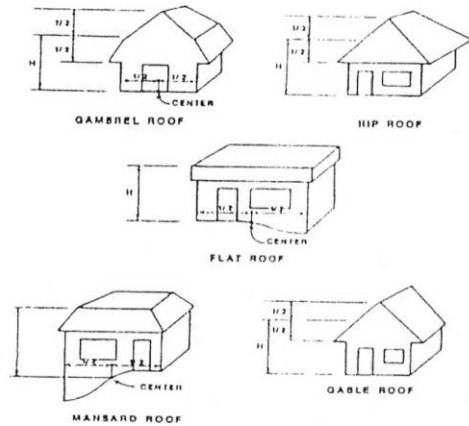


Figure 2-2

Building, high rise. Any building exceeding 35 feet in height.

Building inspector (official). The administrative official designated by the village council charged with the responsibility of administering and enforcing this chapter.

Building line. The vertical plane beyond which no building or other structure or portion thereof may be erected, for setback purposes.

Building line, setbacks. See "setback building line".

Building, principal. A building in which is conducted the main or principal use on a lot or parcel.

Canopy tree. A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree and which provides shade to adjacent ground area.

Cellar. See definition of basement.

Certificate of zoning compliance. A document signed by the zoning administrator or seal on a final site plan, as a condition precedent to the commencement of a use of the construction of any building or structure, that such use, building or structure complies with the provisions of this chapter.

Cesspool. A cavity in the ground that receives waste to be partially absorbed directly or indirectly by the surrounding soil.

Child care center. A facility other than a private residence, receiving one or more children for care for periods of less than 24 hours in any day, and where parents or guardians are not immediately available to the child. Child care center does not include a Sunday School, a vacation bible school or a religious instruction class that is conducted by a religious organization where children are in attendance for not greater than four hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during any 12-month period, or a facility operated by a religious organization where children are cared for not more than three hours while parents or guardians attend religious worship services.

Church or synagogue. A building, the primary use of which is regular assembly of persons for religious worship or services, together with accessory uses.

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

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

Club pool. Any swimming club as a principal that is private and is operated by a private swimming club as a principal use of land primarily for the use and benefit of the members in such club, their families and guests, or is operated as an accessory use to a golf club or multiple family development.

Club, private swimming. Any organization established for the primary purpose of constructing, maintaining and operating a club pool, and other related buildings and recreational facilities for the sole and exclusive use of its family members, their families, and guests.

Coin-operated amusement device. Any amusement machine operated by means of a coin or token or activated by any other means for the purpose of amusement or test of skill. Coin-operated music machines shall not be considered a coin operated amusement device.

Commercial recreation establishment. A facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities, either within an enclosed building or outdoors and operated as a business for public use for a fee.

Commercial vehicle pick-up truck. A light truck, including one with an "extended cab" or a "crew cab", manufactured with an open body, low sides, and a tailgate.

Commercial vehicle passenger/cargo-style van. An enclosed truck manufactured with a unified body permitting unobstructed passenger movement throughout.

Common land. A parcel(s) of land with improvements, the use, maintenance and enjoyment of which are intended to be shared by owners or occupants of individual building units in a subdivision, condominium project, or a planned unit development.

Common open space. An unoccupied area within a planned unit development which is reserved for the leisure and enjoyment of all planned unit development residents and maintained by common hv them or a homeowners association.

Condominium unit. That portion of a condominium project or site condominium subdivision, which is designed and intended for separate ownership and use, as described in a master deed, regardless of intended use. The owner of a condominium unit also owns a share of the common elements. The terms "condominium unit" and "site condominium" shall be considered the equivalent to the term "lot" for purposes of determining compliance to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratios. Lot requirements within this chapter shall apply to site condominium units as though they are designed and recorded under provisions of Public Act 288 of 1961, as amended.

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

Conditional use. See "special land use."

Correctional facility. Any lot or parcel of land and/or building intended for use as a prison, reformatory, jail, correction, detention or housing facility for adult or juvenile persons convicted of any crime. A correctional facility shall include any facility operated by the State of Michigan and agencies thereof, other governmental unit, or a private organization. Also, any land or building intended for use as a training or detention facility in connection with farming or vocational skills training shall be included in this definition.

Council. The Village Council of the Village of Deckerville, Sanilac County, Michigan.

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

Court, inner. A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

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

Cul-de-sac. A dead end public or private street, which terminates in a circular section which allows for vehicle turnaround.

Dangerous/hazardous substances. Chemical and gases, explosive, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammable or corrosives.

Day care center. A public or private school, kindergarten, or child care facility wherein day care or day care and education is provided for five or more minors under the age of seven years.

Deceleration lane. An added roadway lane that permits vehicles to slow down before turning adjacent to, but not on a lane intended for through traffic.

Density. The number of dwelling units developed per net or gross acre of land.

Deputy zoning administrator. An individual appointed by the village board who shall assist the zoning administrator in administering the Village of Deckerville Zoning Ordinance.

Detention facility. Any prison penitentiary, reformatory, house of correction, jail community residential center, institution, halfway house, regional correction/detention facility, treatment center, group home, training center, training center or camp, etc., operated or leased by the department of corrections or department of social services or constructed and maintained under Act 274 of 1919 or other halfway houses, probationary camps, farms, shops, places of employment operated by or under the supervision of the department of corrections providing services to adult or juvenile criminal offenders. (See also "juvenile detention/correction facility.")

Development. The construction of a new building, reconstruction of an existing building or oilier structure, on a zoning lot, or the use of open lane for a new use.

Display. As used in connection with adult entertainment use, the work display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books. Films, slides, periodicals, pictures, video cassettes, or any oilier printed or recorded mailer which is open to view or available to the general population whether for free or otherwise.

District. A portion of the village within which certain regulations and requirements or various accommodations thereof apply under the provisions of this chapter.

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

Driveway throat width. The driveway width measured perpendicularly from the edge of pavement or curb face, in the narrowest section of the driveway.

Dwelling. A building designed or used as the living quarters for one or more persons.

Dwelling house. A building designed for and occupied exclusively as the residence of not more than two families each living as an independent housekeeping unit.

Dwelling unit. One or more rooms providing complete living facilities for one family, including equipment for cooking or provision for the same, and including room or rooms for living, sleeping, and dining.

Dwelling, multifamily. A dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services or facilities.

Earth berm. A mound of earth, planted with ground cover, grass, trees, or other landscaping material intended to minimize the view between land uses and to reduce noise and dust from adjacent uses and passersby.

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Elderly housing. A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 60 years of age or older, or couples where either spouse is 60 years of age or older, This does not include foster care, home for the aged, or nursing home.

Erected. Any physical operations on the premises required for the construction or placement and includes construction, building, reconstruction, alteration, excavation, fill, drainage, installation of utilities, etc.

Erosion. The collapse or subsidence of land along the shore of a lake or other body of water, including drains, creeks, streams and rivers, as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels.

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

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

Family. A single person, doing his/her own cooking, and living upon the premises as a separate housekeeping unit, or a group of persons connected by blood, by affinity or by law.

Farm. The term "farm" shall mean all of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries; provided however, that land to be considered a farm hereunder shall include a continuous parcel of five acres or more in area; but establishments keeping or operating fur-bearing animals, hoarding or riding stables, or commercial dog kennels shall not be considered farms hereunder.

Farm buildings. Any structure or building other than dwelling used or built on a farm.

Fence. A partition, structure, or gate erected as a dividing marker, barrier, or enclosure.

Filling. The depositing or dumping of any matter onto or into the ground, except common household gardening and ground care.

Flea market. An enclosed shop or open market selling primarily used goods, antiques, curios, art objects, collectibles, etc.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of drains, creeks, streams, rivers, lakes or other inland water caused by severe storms, hurricanes, tornadoes, heavy rains.

Flood insurance rate map (FIRM). A map of the village prepared by the Federal Emergency Management Agency, which identifies 100- and 500-year floodplain and other flood related information and which is used as the official floodplain map for insurance purposes.

Flood insurance study. The official report provided by the Federal Emergency Management Agency containing profiles, as well as the flood hazard boundary—floodway map and the water surface elevation of the base flood.

Floor area, gross. The "gross floor area" shall be the sum of the horizontal areas of the several floors of the building excluding areas used for accessory garage purposes and such basement areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures of enclosed porches.

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

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

Foster care. The provision of supervision, personal care, and protection in addition to room and board, for 24 hours per day, five days or more per week, and for two or more consecutive weeks of compensation.

Frontage. That portion of a parcel of property which is contiguous with a public thoroughfare which has been deeded, dedicated or otherwise conveyed to and accepted by the governmental entity responsible for its maintenance.

Garage, private. A building or part thereof accessory to a main building and providing for the storage of motor vehicles and in which no occupation or business for profit is carried on.

Garage, public or storage. A building or part thereof (other than a private residential garage) for the storage of motor vehicles or in which service, maintenance or repair activities may be performed.

Garage sale. A sale of primarily used goods, antiques, curios, clothing, etc., operated on residential property by the owner or occupant on an occasional basis.

Gasoline service station. A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles alone or together with the sale of minor accessories and/or the servicing of and minor repair of motor vehicles. A special land use permit is required.

Governmental agency. Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or governmental.

Grade. The highest ground elevation in contact with any portion of the basement or foundation of a dwelling.

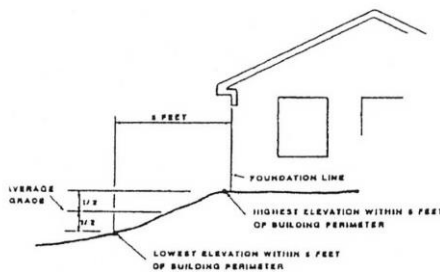


Figure 2-3

Greenbelt. An open, landscaped area intended to act as a buffer for noise, and/or sight relief.

Gross site area. The total area of a planned unit development site, including floodplain and waterbodies.

Health care facility. A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of human disease, pain, injury, deformity or physical condition allowing overnight stay, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, out-patient clinic, dispensary, home health care agency, and bio-analytical laboratory or central services facility serving one or more such institutions, but excluding institutions that provide healing solely by prayer, and clinic facilities of physicians, dentist, and optometrists, and other health practitioners.

Height, building. The vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of the building.

Home for the aged. A supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board, and supervised personal care to 21 or more unrelated, non-transient, individuals 60 years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

Home occupation. An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use, which is clearly subservient to the use of the dwelling for residential purposes.

Hospice. A health care program which provides a coordinated set of services rendered at home or in outpatient or institutional settings for individuals suffering from a disease or condition with a terminal prognosis.

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

Hotel. A building with general kitchen and dining facilities and containing rooms intended or designed to be used, rented or hired out to be occupied for sleeping purposes by guests.

Household. A household includes all persons who occupy a house, an apartment, group of rooms, or a single room occupied as a separate living quarters.

Improvements. Those features and actions associated with a project which are considered necessary by the planning commission, to protect natural resources, or the health, safety, and welfare of the residents of the village and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, drainage, parking areas, and landscaping.

Incombustible material. Any material, which will not ignite at or below a temperature of 1,200° Fahrenheit and will not continue to burn or glow at that temperature.

Industry. The production, manufacture or fabrication of products with the intention of profit, the term also includes the ancillary repair, modification or alteration of products, the raising of farm products is exempted.

Junk. Articles that have outlived their intended usefulness in their original form and are commonly discarded or gathered up to be converted into another product, either of the same or different kind.

Junkyard. An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, shredded or handled, including, but not limited to, scrap iron and other metals, paper, rags, tires and bottles. A "junkyard" includes automobile wrecking yards and includes any area of unreasonable accumulation for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Juvenile correctional/detention facility. Any institution, half-way house, regional detention facility, treatment center, group home, farm, training center or camp wherein one or more juvenile offenders is detained by court order as the result of a determination of delinquency or under the supervision of the department of social services by court order because of a determination of delinquency.

Kenel, commercial. Any lot or premises on which three or more dogs or cats are either permanently or temporarily boarded.

Livestock. Animals including, but not limited to, horses, cattle, sheep, goats, swine, poultry and rabbits.

Livestock operation, intensive. An agricultural activity in which 500 or more livestock are fed, bred and/or raised within a confined area, other than open pasture, either inside an enclosed building or outdoors.

Loading space. An off-street space on the same lot with a building, or contiguous to a group of buildings for unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lot. A parcel of land capable of being occupied by one building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this chapter.

Lot area. The total horizontal area within the lot lines of the lot.

Lot, corner. A lot at the point of intersection of and abutting on two or more intersecting streets. It is the land occupied or to be occupied by the corner building and its accessory buildings.

Lot, coverage. The part or percent of the lot occupied by buildings including accessory buildings.

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

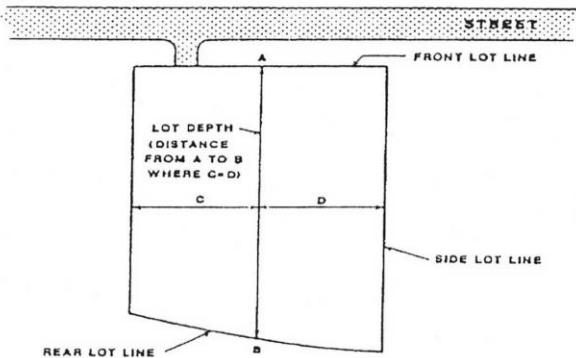


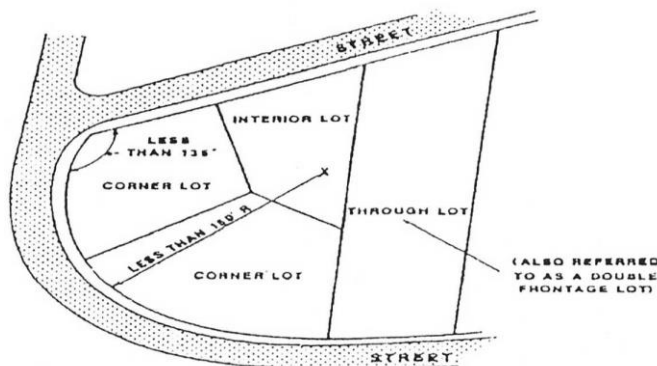
Figure 2-4

Lot, double-frontage. Any lot, excluding a corner lot, which fronts on two streets, which do not intersect.

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

Lot lines. The lines bounding a lot as defined herein:

- (1) *Front lot line:* In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street.
- (2) *Rear lot line:* That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying parallel from the front lot line and wholly within the lot.
- (3) *Side lot line:* Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.



Lot of record. A lot which actually exists in a subdivision plat as shown on 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. Whenever an owner has combined two or more lots as contained on any recorded plat into a single building site, or combined two or more lots contained on any recorded plat in the records of the assessor, said combination of lots shall be deemed to be a single lot of record for the purposes of this chapter.

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

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

Lot, zoning. A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of record as filed with the county register of deeds, but may include one or more lots of record.

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

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

Major thoroughfare. An arterial street, which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and is designated as a major thorough-fare, parkway, expressway, or equivalent term on the village's street classification report as provided to the Michigan Department of Transportation.

Manufactured housing. Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401) commonly referred to as precut, modular homes, sectional homes, component, or panelized homes.

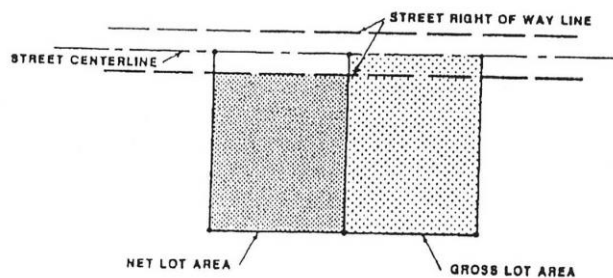


Figure 2-5

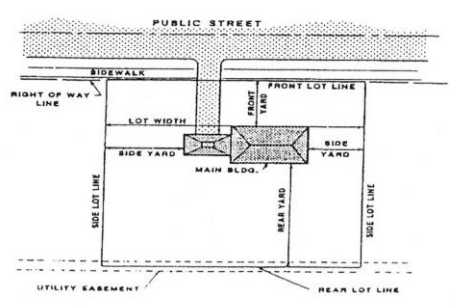


Figure 2-6

Master deed. The document recorded as part of a condominium subdivision plan to which are attached as exhibits deed covenants, by-laws, easement descriptions, survey and related documents.

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

Mezzanine. An intermediate floor in any story occupying not-to-exceed $\frac{1}{3}$ of the floor area of such story.

Mini-warehouse (self-storage facility). A facility consisting of a building or a group of buildings in a controlled access compound, where individual stalls or lockers are rented out to individual tenants for the dead storage of customers' goods and wares. The use of the premises shall be limited to storage only, and shall not be used in any action, or sales, or storage and transfer business; for the servicing, repair or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing material, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials, are expressly prohibited.

Mobile, factory built or portable home. As used herein the term "mobile home" shall mean a movable or portable dwelling constructed to be towed on its own integral chassis and designed for permanent year-round living as a single-family dwelling. Provided, however, that the term "mobile home" shall not include modular homes (which are transported to the placement site on independent frames and running gear), motor homes, campers, recreation vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

Mobile home park. A parcel of land, which has been planned and improved for the placement of mobile homes for residential use.

Modular home. A dwelling, which consists of pre-fabricated sections transported to the site on a removable undercarriage of flat bed and assembled for permanent location on the lot or parcel.

Motor vehicle repair garage. A place where the following activities may be carried on: Vehicle body repair, engine rebuilding or repair, undercoating, painting, upholstery work, welding and auto glass work, etc.

Motel. A series of attached, semi-detached or detached rental units containing bedroom and toilet facilities for temporary lodging for compensation.

Motorized home. A self-propelled motor vehicle, which provides the amenities of day-to-day living while used as a means of transportation for recreational or travel purposes.

Municipal building. A building owned by the Village of Deckerville and used in conjunction with the business and operation with the village.

Municipality. Village of Deckerville.

Nonconforming building. A building or portion thereof existing at the effective date of this chapter, or amendments thereto, that does not conform to the use provisions of the ordinance.

Nonconforming lot. Any lot, out-lot, or oilier parcel of land which does not meet the land area or dimension requirements of this chapter.

Nonconforming use. A use of land existing at the time of the enactment of this chapter, which does not conform to the regulation of the district in which it is located.

Nuisance. Any condition or use of premises or id building exteriors, which is unsightly or detrimental to the property of others or which causes or tends to cause diminution in the value of other property in the neighborhood in which such premises are located.

Nursery, plant materials. A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this chapter does not include any space, building, or structure, used for the sale of [mils, vegetables, or Christmas trees.

Obscuring screen. A visual barrier between abutting uses or lots. The screen may consist of a wall, fence or living plant material.

Occupied. Includes the use of a building or land for the purpose for which it was designed, arranged or intended.

Office. A place, such as a building, room, or suite in which services, clerical work, professional duties or the like are carried out.

Offset. The distance between the centerline of driveways or streets which are opposite from one another.

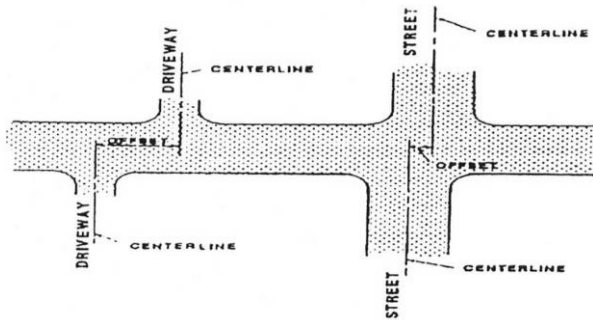


Figure 2-7

Off-street parking lot. A facility providing vehicular parking spaces along with adequate drivers and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

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

Open storage. All outdoor storage of any kind whatsoever.

Ordinary high water mark. The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinct from the upland as to soil surface and type and vegetation.

Parcel. A lot described by metes and bounds description, whether or not included in a recorded plat or condominium subdivision.

Parking space. All area of not less than 150 square feet, net, exclusive of access or maneuvering area, or ramps, columns, etc., to be used exclusively as a temporary storage space for one private motor vehicle. Truck loading and unloading space shall not be included in such area.

Peak hour. The hour during the typical day in which traffic volume is the highest.

Patio (deck). An uncovered courtyard or platform extending horizontally out from the main building or structure.

Playground. A parcel of land set aside for outdoor games or recreational purposes with no admission charge.

Planning commission. Village of Deckerville Planning Commission.

Plat. A map of a subdivision of land.

Pond. A natural or manmade body of water without an encircling fabricated retainer.

Porch, enclosed. A covered projection on a building or structure containing a floor which is totally enclosed with glass, solid material, or screening and projects out from the main wall of said building or structure, and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, open. A covered projection on a building or structure containing a floor which is open except (or columns supporting the porch roof, and projects out from the main wall of said building or structure, and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Pools. Refer to "swimming pool".

Private roads. An area of road used for ingress and egress to serve more than one parcel of property not part of a subdivision created under State Act 288, PA 1961, as amended.

Public service. Public service facilities (within the context of this chapter) shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses.

Public street. Any right-of-way by easement or ownership and operated by a unit of government. No part of any such right-of-way shall be considered when determining compliance with required setback for area of other dimensional requirement of this chapter.

Public utility. Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, water or other such essentials.

Quarry. Any pit, excavation, or mining operation for the purpose of searching for, or removing for commercial purposes, any earth, sand, gravel, clay, stone, or other mineral in excess of 200 cubic yards in any calendar year, but shall not include an oil well or excavation in preparation for construction of a building, structure or roadway.

Razing. To destroy, demolish, level to ground, etc.

Reasonable access. A property owners' legal right, incident to ownership of property abutting a public street. Reasonable access includes indirect access via frontage roads, service roads, service roads and shared driveways where turning movements need to be restricted as to location due to heavy traffic volumes, limited site distance or other traffic conditions which could harm sale and efficient travel where access is unlimited.

Recreational vehicle. Boats, boat trailers, airplanes, dune buggies, dirt bikes, off road vehicles, snowmobiles, or racing automobiles, any vehicle equipped for camping, sleeping or living purposes or any part thereof and any other vehicles or equipment of a type principally used for recreational purposes. The classification includes:

- (1) Boats, which shall include boats, floats and rafts, plus the normal equipment to transport the same on the highway.
- (2) Folding tent trailer, which is a folding structure, mounted on wheels and designed for travel and vacation use.
- (3) Motorized home, which is a portable dwelling designed and constructed as an integral part of a self propelled vehicle.
- (4) Pickup camper, which is a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- (5) Travel trailer, which is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, and either licensed as a trailer or permanently identified "travel trailer" by the manufacturer or a movable portable dwelling, constructed to be towed on its own chassis and connected to utilities and designed without a permanent foundation for year-round living.
- (6) Utility trailer, which is a vehicle used to transport motorcycles, snowmobiles, go-carts or racing cars or equipment which is licensed as a trailer.

Recycling. Using dismantled and waste materials to make a product.

Refuse storage space. Any exterior area, which is not a principal use, for placement of containers, structures, or other receptacle intended for temporary storage of solid waste materials.

Regional shopping center. A group of commercial spaces, planned and developed as a unit, with a gross floor area of more than 30,000 square feet, with off-street parking on the same lot or parcel. This type of facility is intended to meet comparison retail shopping and services needs for the entire village and region.

Restaurant.

- (1) *Standard restaurant:* Any establishment whose principal business is the sale of foods, ice cream, yogurt, Italian ice, cakes, etc., or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:
 - (a) Customers, normally provided with an individual menu, are served their foods, desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
 - (b) A cafeteria type of operation where foods, desserts, or beverages generally are consumed within the restaurant building.
- (2) *Carry-out restaurant:* Any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to- state, and whose design or method of operation includes the following characteristics:
 - (a) Foods, desserts, or beverages usually served in edible containers, or in paper, plastic, or other disposable containers.
 - (b) The consumption of foods, desserts, or beverages within the restaurant building or within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, or off the premises.
- (3) *Fast-food restaurant:* Any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes the following characteristics:
 - (a) Foods, desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
 - (b) The consumption of foods, desserts, or beverages within a motor vehicle parked upon the premises is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
- (4) *Drive-in restaurant:* A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, includes one or both of the following characteristics:
 - (a) Foods, desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop, or by other means, which eliminate the need for the customer to exit the motor vehicle.
 - (b) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

Residential structure. Any building, including a mobile home occupied, intended to be occupied or constructed to be occupied as a dwelling unit for humans.

Retail store. Any building or structure designed and used for sale of goods, wares or merchandise direct to the consumer and not for resale.

Riding academy. Any establishment where horses are kept for training, riding, or stabling for compensation or which is an accessory use incidental to the operation of any club, association, ranch or similar establishment.

Right-of-way. A street, alley, or other thoroughway or easement permanently established for the passage of persons, vehicles and utilities.

Roadside stand. A structure, which is used for temporary period of time for the sale of produce or products produced or harvested on the same lot or parcel. The operation of a roadside stand shall not constitute a commercial district or use.

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

Rooming house. Any dwelling in, which more than two persons either individually or as families are housed or lodged for hire, with or without meals. A boarding house or furnished rooming house shall be deemed a "rooming house".

Rubbish. The miscellaneous waste material resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including askes, tin cans, glass, scrap metals, rubber, paper, and rags.

Salvage. Material to be used for further use, recycling or sale in bulk.

Sanitary landfill. A tract of land developed, designed, and operated for the disposal of solid waste in a manner consistent with the criteria established by Public Act 641 of 1978, as amended. "Type 11" means an on-land disposal facility designed and operated to accommodate general types of solid waste including, but not limited to, garbage and rubbish, but excluding hazardous wastes. "Type 111" means an oil-land disposal facility designed and operated to accommodate large volumes of certain solid waste with minimal potential for ground water contamination.

Satellite dish antenna. A device incorporating a reflective surface that is solid, open mesh, or tar configuration; is in the shape of a shallow dish, parabola, cone or horn; and has a minimum dimension of three feet. Such a device may only be used to receive television, radio, or other electromagnetic communications signals, regardless of the signal source. This definition includes what are commonly referred to as TVRO's (Television Reception Only Satellite Antennas).

Seepage pit. A dry well, leaching pit, or any other cavity in the ground, which receives the liquid discharge of a septic tank.

Separation activity. Collection and/or dismantling of individual recyclable components at the point of generation or point of discard.

Septage waste. Any human excrement, other domestic and restaurant waste, or other material or substance removed from a portable toilet, septic tank, seepage pit, cesspool, sewage lift station or other enclosure as determined by the DNR director under Section 19 of 181 PA 1986, but does not include liquid industrial waste regulated under the authority of 136 PA 1969.

Service drive. A drive, which generally parallels the public right-of-way but runs along the back of a land use or building which fronts the public street. A service drive may provide access to properties on both sides, and vary in width.

Setback. The distance required to establish front, side or rear yard open space.

Signs. Every device, frame letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public, for the purpose of determining number of signs, a sign shall be considered to be a sign display surface or display devise containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship to elements, or where there is reasonable doubt as to the relationship of elements,

each element shall be considered to be a single sign. Signboards, billboards, etc. displaying 32 square feet or more shall be considered as considered as accessory structures.

Sign accessory. A sign, which is accessory to the principal use of the premises.

Sign, non-accessory (off-premises). A sign which is not accessory to the principal uses of the premises.

Site plan. A scaled drawing(s) illustrating existing conditions and containing all information required by the ordinance concerning proposed use and development of a lot or parcel. The purpose of a site plan is to ensure compliance with all provisions of this chapter.

Sketch plan. A preliminary drawing indicating general development of a lot or parcel.

Soil removal. The removal of any kind of soil or earth matter, including top soil, sand or other type of soil matter or combination thereof, except common household gardening and ground care.

Special land use. A special land use is a use permitted only after application to, and review by the planning commission; review being necessary because the provisions of this chapter cannot be made precise enough to all applications. The special land use differs from the variance in several respects. A special land use does not require "undue hardship" in order to be allowable. The special land uses are conditionally issued by special permit after review by the planning commission. These land uses cannot be conveniently allocated to one zone or another, or the effects of each individual use cannot be definitely foreseen.

- (1) The general characteristics of these include one or more of the following:
 - (a) They require large areas.
 - (b) They are infrequent.
 - (c) They sometimes create an unusual amount of traffic.
 - (d) They are sometimes obnoxious or hazardous.
 - (e) They are required for public safety and convenience.
- (2) Other special land uses may be granted, conditionally or without restriction, when it is determined by the planning commission that:
 - (a) Though literally defined as a more restricted use, the exception is not inconsistent with the uses in the immediate environment, or
 - (b) The village council (acting in lieu of a planning commission), while not desiring to rezone a particular area, supports a limited use by a particular land owner for a limited period of time (not to exceed five years without reapplication).

Specified anatomical areas. Less than completely and opaquely covered:

- (1) Human genitals, pubic region.
- (2) Buttock.
- (3) Female breast below a point immediately above the top of the areola.

Specified sexual activities.

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts or human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other exotic touching of human genitals, pubic region, buttock, or female breast.

State equalized valuation. The value shown on the village assessment roll as equalized through the process of the state and county equalization.

Stormwater detention facility. A stormwater holding facility intended to hold and release stormwater into a drainage course over a short period of time.

Storage yard. The use of open land, or land which is used or designed and/or intended to be used as repository for storing or keeping of cars, vehicles, boats, equipment, products or other personal property (new and/or used goods) whether or not the area is adjacent to and part of a business, commercial or industrial use and whether or not consideration is exchanged for storage therein.

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

Story, half. An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purpose of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

Street. A public thoroughfare which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

Structure. Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

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

Subdivision. The division of a lot, tract, or parcel of land into five or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term "subdivision" shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land wherein the resultant parcels are ten acres or more in area.

Substantial improvement. Any repair, reconstruction or improvement of a structure located within the 100-year floodplain, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration or any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects to external dimensions of the structure. This term does not include (1) any improvement of a structure to comply with existing state or local building, health, sanitary or safety code specifications which are necessary to assure safe occupancy of the structure or, (2) any alteration of a structure listed on the National or Michigan Register of Historic Places or in a local Historic District established under Michigan Law.

Swimming pool. A fabricated or artificially formed body of water retained within a manufactured or fabricated structure.

Temporary building or temporary use. A structure or use permitted by the board of appeals to exist during periods of construction of the main building or use, or for special events.

Tents. Tents, as used in this chapter, shall mean a shelter of canvas or the like, supported by poles and fastened by cords or legs driven into the ground, and shall not include those types of tents used solely for children's recreational purposes.

Trip ends. A one-directional movement which begins at an origin and ends at a destination. A development with 100 trip ends would, for example, include 50 entering (ingress) and 50 exiting (egress) movements over a set period of time.

Trip generation rate. The number of trip ends associated with a development, based on building area, lot size, number of dwellings or employees and other parameters. The number can be estimated using accumulated data of comparable development given in nationally accepted sources, such as the "Trip Generation Manual" prepared by the Institute of Traffic Engineers (ITL) or the Federal Highway Administration (FHWA).

Tourist home. Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family and occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

Townhouses. A multiple dwelling in which each dwelling unit shares a common wall with at least one other dwelling unit and which each dwelling unit has living space on the ground floor and has a separate ground floor entrance.

Trailer court. Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are or may be located.

Trailer coach (mobile home). Any vehicle designed, used or so constructed as to permit its being used as a conveyance upon the public street or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping space for one or more persons.

Travel trailer. A vehicle designed as a travel unit for occupancy as a temporary or seasonable vacation living unit.

Use. The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

Variance. A modification of the literal interpretation of the zoning ordinance, granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are undue hardship and unique circumstances not caused or created by the property owner. A variance is not justified unless all of these elements are present in the case. A variance may be authorized by the board of appeals, only.

Veterinarian clinic (animal hospital). An establishment of, pertaining to, or being the science of the diagnosis and treatment of diseases and injuries of animals, especially domestic animals.

Wall, screening. A wall used to screen such uses as parking lots, incompatible land uses, and certain activities on a specific property. A screening wall shall be constructed of solid masonry with face brick on both sides or a hollow clay load-bearing brick with a width that exceeds five inches.

Wall, obscuring. A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

Waste matter, other. Slag, stone, or broken concrete, or any combination thereof.

Watercourse. An open channel or conduit, natural or manmade, which periodically or continuously contains moving water draining an area of land.

Wild animal. Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law, absent a license or permit to possess. Wild animals shall include, but not be limited to, the following family groups: Alligator, deer, opossum, badger, dog (wild family), primate (excluding human), bear, wolf, wolf-dog interbred raccoon, ferret, skunk, cat (wild family), lemur, poisonous spider, coyote, poisonous lizard, weasel, marten.

Yards. The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter and as defined herein.

- (1) *Front yard.* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- (2) *Rear yard.* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- (3) *Side yard.* An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the main building.

Zero lot line. The location of a building on a lot in such a manner that one or more of the building's sides rest directly on the lot line.

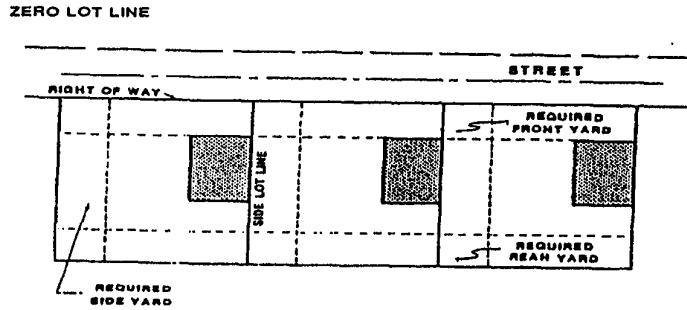


Figure 2-8

Zoning administrator. An individual appointed by the village council who shall administer the Deckerville Zoning Ordinance.

Zoning board of appeals. The Deckerville Village Zoning Board of Appeals.

Zoning district. A zoning district is a portion of the Village of Deckerville within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas.

Zoning variance. A modification of the literal enforcements of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial variance is not justified unless all of these elements are present in the case. Use variances may not be granted.

(Ord. of 5-28-2002, § 2.00.00)

Cross reference— Definitions generally, § 1-2.

Secs. 54-21—54-29. - Reserved.

ARTICLE III. - GENERAL PROVISIONS

Sec. 54-30. - Scope of chapter.

No land or structure shall hereafter be used, occupied, located, erected, altered or moved upon any premises other than in conformity with provisions of this chapter.

(Ord. of 5-28-2002, § 3.00.00)

Sec. 54-31. - Reserved.

Sec. 54-32. - Reserved.

Sec. 54-33. - Boundaries.

No new lot boundaries of an already existing site may be established less than 15 feet from a building on such a building site.

(Ord. of 5-28-2002, § 3.03.00)

Sec. 54-34. - Burial of debris on premises.

Trash, debris, garbage, junk, vehicles, equipment, etc., shall not be buried on premises other than those appropriately licensed and approved. Biodegradable material generated on an owner's agriculturally zoned premises may be disposed of thereon if such disposal complies with DNR, EPA, Department of Agriculture and County Health Department Regulations.

(Ord. of 5-28-2002, § 3.04.00)

Sec. 54-35. - Concealment of unsightly ventures.

Unsightly ventures, either for profit or non-profit, including landfills, junkyards, dumps and unsightly industrial uses, shall be concealed from, the public view by either a thickly planted green strip 15 feet in width and not less than eight feet in height or a solid fence eight feet in height or a combination of both, if a fence is utilized, it shall be well maintained and properly painted with one color.

(Ord. of 5-28-2002, § 3.05.00)

Sec. 54-36. - Conflicting regulations.

Whenever any provisions of this chapter impose more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance then the provisions of this chapter shall govern. Whenever the provisions of any other law or ordinance impose, more stringent requirements than are required by this chapter, then the provisions of such law or ordinance shall govern. Procedural and jurisdictional requirements of the Village Zoning Act shall always control and govern.

(Ord. of 5-28-2002, § 3.06.00)

Sec. 54-37. - Reserved.

Sec. 54-38. - Drainage.

Every property owner in the village shall provide adequate means for the conveyance and drainage of surface water along the street or road in front of his/her property. No land or structures may be altered or erected in such a fashion as to increase the deposit of surface water on neighboring properties.

(Ord. of 5-28-2002, § 3.08.00)

Sec. 54-39. - Drive-ins.

Developments of drive-in nature, such as drive-in banks, restaurants, service stations, and theaters shall be so located that entrance and exit drives shall be a minimum of 100 feet from any intersection unless a variance is approved by the board of appeals. Paved off-street waiting space shall be provided, so that no vehicles will be waiting on the public thoroughfare to gain entry to the premises.

(Ord. of 5-28-2002, § 3.09.00)

Sec. 54-40. - Reserved.

Sec. 54-41. - Farm buildings and structures.

See Ag-Res District.

(Ord. of 5-28-2002, § 3.11.00)

Sec. 54-42. - Garage sales.

Property owners conducting garage sales on the premises shall obtain from the village clerk, and conspicuously post, a maximum of three garage sale permits per year. Three or fewer consecutive days of sales on a single premises shall be considered one garage sale.

(Ord. of 5-28-2002, § 3.12.00)

Sec. 54-43. - Reserved.

Sec. 54-44. - Home occupations.

- (1) *Examples.* Home occupations generally include crafts and services such as dressmaker, music teacher, dance instructor, professional artist, physician, surgeon, chiropractor, osteopath, dentist, architect, engineer, lawyer and other professional occupations and services.
- (2) *Employees.* Only the resident occupants shall be employed as primary providers of the services offered on the premises. Nonresident support employees and parking therefore may be authorized by the planning commission as SLU.
- (3) *Portion of dwelling used.* The use shall occupy no more than one-quarter of the total floor area of the dwelling and shall be situated entirely within the dwelling on the premises. In no event shall the occupation reduce the actual living space below that established as the current minimum requirement in the district involved.
- (4) *Parking.* Sufficient off-street parking shall be provided, which, in no event, shall be less than the parking prescribed in section 54-54 (ie. two spaces for each dwelling unit plus two additional spaces).
- (5) *Signs.* Not more than one name plate, not exceeding eight square feet in area and containing only the name of the person and the service provided, may be exhibited. In no event shall such signs be illuminated.
- (6) *Displays.* No merchandise shall be sold or displayed on the premises other than those items crafted thereon.
- (7) *Appearance.* The appearance of the premises shall be aesthetically compatible with the neighborhood, conforming as closely as possible to a residential use (e.g. lawns, shrubbery, trees, backyards, etc.).

(Ord. of 5-28-2002, § 3.14.00)

Sec. 54-45. - Junkyards.

No land or premises shall be used for the erection, maintenance, alteration, enlarging or extending of a junkyard as herein defined, except by obtaining a special land use permit from the village planning commission in accordance with the provisions of sections 54-56 (performance standards) and 54-182 (special land uses).

(Ord. of 5-28-2002, § 3.15.00)

Sec. 54-46. - Reserved.

Sec. 54-47. - Land use limitations.

Unless specifically permitted in a district, not more than one dwelling shall be allowed on a parcel of land.

(Ord. of 5-28-2002, § 3.17.00)

Sec. 54-48. - Loading, off-street.

On the same premises with every building which is altered or constructed after the adoption of this chapter and which is devoted to retail trade, retail, and wholesale food markets, warehouses, supply houses, wholesale or manufacturing trade, hotels, hospitals, laundry, dry cleaning establishments or other buildings where goods are received or shipped, loading and unloading space shall be provided as follows:

- (1) Such businesses shall provide not less than 500 square feet (ten feet x 50 feet) x 16 feet in height of off-street loading space for the first 750 square feet of building floor area, plus one additional off-street loading and unloading space for each additional 1,000 square feet (or portion thereof) of floor area.

(Ord. of 5-28-2002, § 3.18.00)

Sec. 54-49. - Mobile homes.

Mobile homes shall not be erected, placed, moved or otherwise located in any district other than mobile home subdivision or park (MHS).

(Ord. of 5-28-2002, § 3.19.00)

Sec. 54-50. - Nonconforming uses—Buildings and structures.

See article VIII, section 54-181.

(Ord. of 5-28-2002, § 3.20.00)

Sec. 54-51. - Reserved.

Sec. 54-52. - Nuisance.

- (1) *Definition.* Any violation of this chapter is hereby designated as a nuisance per se. Any condition or use of premises or of building exteriors which is unsightly or detrimental to the property of others, which causes or tends to cause diminution in the value of other property in the neighborhood, or which repeatedly offends or annoys members of the neighborhood shall also be considered as a nuisance in fact. This includes, but is not limited to:

- (2) *Examples.*

- (a) Exposed storage or keeping or depositing on the premises any of the following:

1. Lumber, junk, trash or debris.
2. Highway vehicles (e.g. trucks, trailers, semitractors, automobiles and semi-trailers) unlicensed and unused, junked, dismantled or otherwise not in good and safe operating condition.

3. Vehicles, implements, machinery and other property which is no longer safely usable for the purpose for which it was manufactured.
 4. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers or other boxes with or without outside latches.
 5. Any house that has been marked as condemned.
- (b) All uncovered basements, abandoned wells, shafts or similar excavations.
 - (c) Accumulation of ashes, rubbish, litter, boxes, lumber, shavings, or straw so as to create, increase or enhance danger of fire or accumulate in such a manner as to hinder or obstruct fire control operations.
 - (d) Creation or maintenance of any noxious odors, gases noises or smoke which exceeds the performance standards listed in this chapter.
 - (e) Causing changes (quantity, direction, quality) to the natural flow of surface water, increasing the depositing of surface water on adjacent premises, concentrating run-off from roofs, damming run-off, routinely pumping sub-surface water into surface run-off (e.g. open well heat sinks).
 - (f) Failure to maintain structures in compliance with all applicable structural, plumbing, heating, electrical, mechanical and health codes.
- (3) *Abatement of nuisance by owners, exception.* The owners, tenants or occupants of any property upon which a nuisance is alleged, and also the owners, lessees, or users of any property declared to be a nuisance, shall jointly or severally abate said nuisance by the prompt removal of said offensive property or cessation of offensive activity. Licensed junk yards shall be exempt from this section.
 - (4) *Abatement by village.* Whenever said owners, tenants, etc., fail to terminate such nuisance, the village council may schedule, post and hold a hearing to have the offenders show cause why the village should not abate same, the expense therefor to be billed to said owners, tenants, etc., jointly and severally. The expenses of abatement may be imposed against the property tax roll as a single lot special assessment.
 - (5) *Costs of abatement.* When property has been removed and placed in storage by the village, said property shall be sold after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement said owners shall be liable to the village for the balance of the costs, jointly and severally. If the proceeds are in excess of costs, the balance shall be paid to the owners, or deposited to the village treasury for the owners' use.

(Ord. of 5-28-2002, § 3.22.00)

Sec. 54-53. - Parking of certain vehicles on property.

- (1) The owner of a parcel of land may park or store one recreational unit upon residential premises if such RV is titled to the landowner.
- (2) A recreational unit that is parked or stored by the owner thereof on a parcel of land or premises owned or occupied by the same owner, shall not be occupied as a dwelling while so parked or stored for more than 30 days in a 120-day period.
- (3) A recreational unit that is not owned by the owner of the parcel of land shall not be parked, stored or occupied upon said parcel of land or premises for more than 30 days in any 120-day period.

(Ord. of 5-28-2002, § 3.23.00)

Sec. 54-54. - Parking off-street and access and egress therefrom.

- (1) For each dwelling, business, commercial, industrial or similar building hereafter erected or altered, and located adjacent to a public highway in the village and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is in general adequate for the parking, loading and unloading of vehicles in proportions no less than shown on the following table.
- (2) Such space shall be provided with safe exit to and entrance from the public thoroughfare.
- (3) Such exit and entrance may be combined or provided separately.
- (4) Approval of the location of such exit and entrance shall be obtained in writing from the county road commission and/or the village department of public works, which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.
- (5) A minimum of 180 square feet, exclusive of drives, entrances and exits shall comprise one automobile space.
- (6) Commercial, agricultural-residential and industrial uses shall provide adequate space in the off-street parking area for turning a vehicle so that when a vehicle re-enters a public highway it shall be driven in a forward manner and not backed into said highway.

Table 3-1: Parking Requirements	
Land Use	Required Parking Spaces
A) Dwellings	2 per dwelling unit
B) Church or auditorium	1 per 4 seats or per every 6 feet of pews
C) Home occupations	1 per 350 square feet of floor area
D) Retail stores and similar commercial enterprises	1 per 100 square feet of floor area
E) Rooming, hoarding or lodging homes	1 per 200 square feet of floor area
F) Hotels and motels	2 per dwelling unit plus 1 for each room
G) Restaurants	1 per every 100 square feet of floor
H) Offices and clinics	1 per employee + 1 every 100 square feet of usable floor space
I) Public utility buildings	1 per employee or 200 square feet of usable floor space, whichever is greater
J) Schools	1 per 2 employees plus 1 per 10 students over 15 years of age

K) Theaters	1 per 3 seats
L) Private parks, museums and recreation area	1 per 10 potential users according to design capacity
M) Homes for the elderly, adult foster care, etc.	1 per employee + 1 for every 2 occupants
N) Convalescent homes, sanitariums or hospitals	1 per bed
O) Dance halls	1 per 36 feet of dance floor
P) Filling stations, auto repair shops and other	1 per 2 employees plus 2 per work bay service establishments
Q) Manufacturing establishments	1 per 350 square feet floor area of that portion patronized by the public and 1 per every 2 persons regularly employed on any shift.

(Ord. of 5-28-2002, § 3.24.00)

Sec. 54-55. - Parking lots in residential districts.

When in its opinion the best interests of the community will be served thereby, the village board of appeals may permit temporarily or permanently the use of land in a residential district for a parking lot where the land abuts or is across the street from a district other than a residential district,

Provided that:

- (1) The lot is to be used only for parking, of passenger automobiles of employees, customers, or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance.
- (2) No charge is to be made for parking in the lot.
- (3) The lot is not to be used for sales, repair, work, or servicing of any kind.
- (4) Entrance to and exit from the lot are to be located so as to do the least harm to the residence district.
- (5) No advertising sign or material is to be located on the lot.
- (6) All parking is to be kept back of the setback building line by barrier unless otherwise specifically authorized by the board of appeals.
- (7) The parking lot and that portion of the driveway back of the building line is to be adequately screened from the street and from adjoining property in a residence district by a hedge, fence or wall not less than four feet high and not more than eight feet high located back of the setback

building line; all lightning is to be arranged, so that there will be no glare therefrom annoying to the occupants of adjoining property in a residence district, and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained.

- (8) Such other conditions as may be deemed necessary by the village planning commission to protect the character of the residential district.

(Ord. of 5-28-2002, § 3.25.00)

Sec. 54-56. - Performance standards.

- (1) *Requirement.* All applications, for zoning compliance permits and building permits for structures and uses located in industrial and mobile home subdivision districts and certain special land use applications shall be accompanied by an environmental impact statement describing the project and actions that will be taken to avoid adverse environmental effects.
- (a) The statement shall be prepared by personnel with applicable environmental expertise.
- (b) The zoning administrator or the village planning commission may also require environmental impact statements for:
1. Special land use and/or commercial district applications when deemed necessary because of size, type, location, etc.
- (2) *Contents of environmental impact statements.* Environmental impact statements will, at a minimum, evaluate the structure(s) and/or use by the following performance standards:
- (a) *[Smoke emission density.]* Smoke emission density shall not be greater than No. 1 of the Ringlemann chart except that for an aggregate of not more than four minutes in any 30-minute period in emission equal to but not darker than No. 2 of the Ringlemann chart will be tolerated.
- (b) *Dust, dirt and flyash.* The quantity of gas-borne or airborne solids emitted into the open air shall not exceed 20 grains per cubic foot of the carrying medium. At a temperature of 500 degrees Fahrenheit, foregoing conditions shall prevail when the percentage of excess air in the stack does not exceed 50 percent at full load. All other forms of dust, dirt and flyash shall be completely eliminated in such a way as to prevent their emission into the open air.
- (c) *Odor.* No pungent or otherwise obnoxious odors shall be emitted from the premises.
- (d) *Gases.* Emission of gases shall not exceed the following designated limits:
1. Sulphur dioxide (SO₂) an average of 0.3 ppm. over a 24-hour period, provided, however, that maximum concentration of 0.5 ppm. will be allowed one hour out of every 24-hour period;
 2. Hydrogen sulfide (H₂S) shall not exceed 1.0 ppm.;
 3. Fluorine shall not exceed 0.1 ppm.;
 4. Nitrous fumes (NO₂, etc.) shall not exceed 0.1 ppm.;
 5. Carbon Monoxide (CO) shall not exceed 0.15 ppm.
- (e) *Lighting.* Exterior and/or interior lighting shall be so installed that the surface of the source of light shall not be visible from any bedroom window, and shall be so arranged to reflect light away from any residential use. In no case shall more than one foot candle power of light cross a property line five feet above the ground in a residential district.
- (f) *Noise.* Emitted noise shall be so muffled or otherwise controlled, as not to become objectionable, due to intermittence, beat frequency, impulsive character (hammering, etc.), periodic character (humming, screeching, etc.) or shrillness. Sirens, bells, whistles, etc., which are maintained and utilized solely to serve a public purpose (such as fire, ambulance, police, civil warning alarms) shall be excluded from this regulation.

The intensity level of sounds shall not exceed the following decibel levels on land adjacent to the described uses:

Table 3-2: Sound Limitations		
Decibel Level	Adjacent Use	Measuring Site
40	Residential District (10:00 p.m. to 8:00 a.m.)	Common Lot Line
55	Residential District (8:00 a.m. to 10:00 p.m.)	Common Lot Line
65	Commercial District	Common Lot Line
70	Industrial District	Common Lot Line
70	Maximum Sound Level	Lot Line or Street

- (g) *Vibration.* No operation shall cause a seismographic displacement exceeding 0.001 of one inch measured at the property line.
 - (h) *Drainage and erosion.* Plans for management of surface water shall be reviewed, evaluated and approved by the zoning administrator and the county soil erosion inspector. No use or alteration of land may result in the increase or diversion of surface water to adjacent property.
 - (i) *Traffic.* Traffic access and control patterns and devices shall be reviewed, evaluated and approved by the state or county road engineer and the village DPW.
 - (j) *Water use.* Water supply and consumption and wastewater pollution shall be evaluated.
- (3) It is the intent of the foregoing standards to prevent injury, detriment, or nuisance to the public, persons, or property.
- (4) Engineering evaluation of the proposed development in commercial and industrial districts in relation to all site development standards, prepared at the owner's expense, may be required by the village planning commission.
- (5) Adequate greenbelts and/or screening barriers shall be established and maintained between unlike district boundaries, between roadways and site and between developed industrial sites. The village planning commission may, at its discretion, require such buffers between commercial sites.

(Ord. of 5-28-2002, § 3.26.00)

Sec. 54-57. - Public utility buildings.

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communication, steam or water transmission or

distribution systems including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, 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, shall be permitted in every zoning district as authorized and regulated by other laws and ordinances, it being the intention hereof to exempt such structures, systems and facilities from the application of this chapter, provided, that such exemption shall not include buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

(Ord. of 5-28-2002, § 3.27.00)

Sec. 54-58. - Private roads and driveways.

- (1) *Intent.* The intent of this section is to provide minimum standards for adequate access to all structures for emergency and rescue vehicles, and to ensure private road quality on a continuing basis.
- (2) *General requirements.*
 - (a) This section shall apply to all parcels of property which individual or shared access to and/or from a public road by a driveway (servicing a single parcel) or a private road (servicing more than one parcel of property).
 - (b) No private road or driveway shall be constructed within the village unless it is in compliance with the requirements of this section.
 - (c) No certificate of occupancy for any structure shall be issued within the village unless the parcel or lot fronts on:
 1. A public road.
 2. A recorded private road, improved to the standards of this chapter and in full compliance with the provisions recited herein.
 - (d) Each lot or parcel shall have private or public road frontage equal to the minimum lot width required by the applicable provisions of the zoning ordinance or shall be served by an approved driveway.
 - (e) Private roads shall not be dedicated to the village, nor shall they be maintained by the village except pursuant to a duly established special assessment district.
 - (f) Prior to construction of any private road or driveway, serving industrial, commercial and agricultural facilities, plans for it shall be reviewed and approved by the planning commission.
 - (g) All private roads shall provide a public utility easement allowing for the installation of electric, telephone, TV cable, lighting, gas, water and sewer mains and any other such services.
- (3) *Definitions.*
 - (a) *Private driveway:* A privately owned and maintained property, which is used for vehicular ingress and egress serving only one parcel or use.
 - (b) *Private road:* A privately owned and maintained road constructed on a privately owned easement serving two or more parcels of land or residential building sites.
 - (c) *Proprietors:* Those constructing or desiring to construct a private road and all those property owners whose property is being or is intended to be served by a private road.
- (4) *Requirements for driveways and approvals.*
 - (a) A driveway meeting the minimum design standards in this section of this chapter shall be required under the following conditions:

1. If the rear of the principal use or ancillary use requiring a building permit is more than 75 feet from the right-of-way of a public or private road.
 2. If the parcel or parcels of land, which otherwise meet all village zoning requirements, have no frontage on a public or private road.
- (b) An application for a driveway serving property, which does not front on a road shall be filed with the village planning commission. The application shall include a drawing, which shows the location, dimensions, and setbacks of all buildings and driveways, proposed or existing, on the subject property and within 300 feet of the subject property. The drawing shall also indicate the location and dimensions of any easement on which the driveway is proposed to be located.
 - (c) The planning commission may require the modification of the drawing as a condition of approval, so as to minimize any adverse effects on the surrounding properties and residential building sites.
 - (d) Any driveway easement approved under this section shall connect directly on to a private road improved to the standards of this section or else on to a public road.
 - (e) All driveways shall be located on a legally valid and recorded easement or other permanent interest in lands at least 66 feet in width.
 - (f) If a pre-existing driveway serves more than one dwelling, a maintenance agreement meeting the requirements of subsection (7)(a)1, shall be required.
- (5) *Minimum design standards for driveways.*
- (a) All trees and brush shall be cleared for a minimum width of 14 feet for the full length of all driveways.
 - (b) All topsoil, stumps, and unstable soil shall be removed and back-filled with appropriate sand. The driveway shall be surfaced and maintained with gravel, crushed limestone, finely crushed concrete or similar material for a minimum width of 12 feet and minimum depth of four inches for the full length of the driveway.
 - (c) The surface of the driveway shall be properly drained so that water damage and frost heave will not impede access by emergency vehicles.
 - (d) Driveway shall provide a minimum centerline radius of 40 feet for all curves to insure access by firefighting equipment. In addition, the driveway shall provide minimum clearance from trees and brush of 18 feet through all curved sections.
 - (e) No bridges shall be permitted as part of driveway construction unless they are certified by a registered engineer as capable of supporting a 30-ton fire truck.
 - (f) Any structures, which span any driveway, shall maintain not less than 14 feet vertical and horizontal clearance.
 - (g) A culvert, 12-inch minimum diameter and 24 feet in length shall be provided where a driveway crosses the ditch centerline. A minimum of 18 feet shall be covered with gravel or similar material (reference subsection (b), above) with an equal amount of uncovered culvert on each side.
- (6) *Pre-existing, nonconforming driveways.* Pre-existing, nonconforming driveways in existence prior to the enactment of this chapter may continue without conforming to the requirements of this section; provided however that if such driveway is to be improved, expanded, constructed, or altered, including, but not limited to, the servicing of additional buildings, the same must then conform to the requirements of this section, without regard to its pre-existing status, unless excepted, upon application for a variance, because compliance would constitute hardship, or an impossibility such as insufficient area and additional area not being reasonably available; and provided further that these altered pre-existing private driveways shall be required to comply with subsections (4) and (5) above, within one year of the effective date of this chapter, unless excepted, upon application for a variance.
- (7) *Requirements for private road approvals.*

- (a) Plans for a private road shall be submitted to the village planning commission for review. Materials submitted shall include:
 - 1. All permit applications and applicable fees.
 - 2. A legal description and survey of all properties to be served by the private road, together with a letter from the village president or zoning administrator stating that all proposed parcels are in compliance with zoning ordinance and Subdivision Control Act requirements.
 - 3. A legal description and survey of the proposed private road casement.
 - 4. Drawing showing the existing and proposed structures, roads, drives, drains and other significant physical features on the property.
 - 5. Engineering plans for the proposed private road shall comply with subsection (5) of this section.
 - 6. The construction plans shall include the following drawing: Typical cross-section and drainage layout.
 - 7. A proposed maintenance agreement. The agreement shall utilize the model agreement provided by the village or else shall be accompanied by a letter from the village attorney indicating that alternate agreement complies with this chapter.
 - (b) No private road construction shall begin until the planning commission has approved the proposed road by a recorded vote and a permit has been issued by the zoning administrator.
 - (c) A document describing (ie. private road and the provisions for maintenance) shall be recorded with the register of deed and also provided to the purchaser. The maintenance provisions shall apportion maintenance responsibilities among the benefiting and/or abutting property owners and shall run with the land the proposed maintenance agreement shall be reviewed and approved by the village attorney prior to recording.
- (8) *Minimum design standard for private roads.*
- (a) Preliminary plans, final plans, construction plans and construction methods for a private road shall be designed by a professional engineer and bear the seal of a professional engineer.
 - (b) The Sanilac County Road Commission's "Procedures for Plat Street Development", including all subsequent amendments and/or revisions shall be used as a standard for the design of the private roads where parcels are three and one-half acres or less. Those parcels more than three and one-half acres are subject to the above standards with the exception of hard surface but aggregate road must comply with the illustration included in this section, as a minimum design standard.
 - (c) Private roads that do not conform to the Sanilac County Road Commission's "Procedures for Plat Street Development", including all subsequent amendments and/or revisions will not be allowed in to the Sanilac County Road Commission's system until work has been done to meet Sanilac County Road Commission's minimum requirements.
 - (d) If any existing private road or easement is to be expanded said private road or easement will be brought up to Sanilac County Road specifications.
 - (e) Dead end roads terminating in a cul-de-sac of approved design will not be limited to 600 feet.
 - (f) All private roads shall be designated by name, subject to approval of the village planning commission and the Sanilac County Road Commission. The proprietor shall furnish and erect street name and stop signs at all intersections with both public and private roads. The design of the signs shall be same as those used by the Sanilac County Road Commission for similar purposes. Signs marked "private road" shall be erected and maintained by the proprietor at the entrance to all private roads or the development.
 - (g) The Village of Deckerville reserves the right to have any plans reviewed by another professional engineer.

- (9) *Inspections, fees, and permits for private roads and driveways.*
- (a) The village shall not grant final approval for the use of any private road or driveway until the completed road or drive has been inspected for compliance with this chapter.
 - (b) The village shall contract with a public agency, qualified engineer, or surveyor to inspect private road improvements. All such costs shall be borne by the applicant.
 - (c) The village council shall establish fees to cover the cost or review and inspections.
 - (d) A permit shall be obtained as to compliance with the Michigan Soil Erosion and Sedimentation Act prior to the commencement of private road construction.
 - (e) A permit shall be obtained from the county drain commission and/or road commission as required.
 - (f) The proprietor's engineer shall certify that he has personally supervised and inspected all construction that drainage facilities have been installed and all roads have been built in accordance with the approved plans and specifications.
- (10) *Pre-existing, nonconforming easements/private roads.*
- (a) Pre-existing, nonconforming easements/private roads in existence prior to the enactment of this chapter may continue without conforming to the requirements of this chapter; provided however that: If such private road or access casement is to be expanded, or constructed, or altered, including, but not limited to, the servicing of additional dwelling or commercial, industrial or other units, the same must then conform to the requirements of this chapter, without regard to its pre-existing status, unless excepted, upon application for a variance, because compliance would constitute hardship or an impossibility such as insufficient area and additional area not being reasonably available; and provided further that these altered pre-existing private casements/private roads shall be required to comply with subsections (6) and (7) within one year of the effective date of this chapter, unless excepted, upon application for a variance.
 - (b) Waiver or provision. Any provision in subsection (8) may be waived upon:
 - 1. Written request or applicant and proposed site plan.
 - 2. Review and approval or the planning commission and a licensed engineer.
 - 3. A determination by the planning commission that the waiver is in the best interest of the health, safety, and welfare of the village, residents of said private road; and the intent of the private road and driveway ordinance is met.
 - 4. In the event a provision is waived, the planning commission may impose alternative restrictions.
- (11) *Performance bond for private roads.* The applicant shall file with the village clerk a cash deposit, certified check, certificate of deposit, irrevocable bank letter of credit acceptable to the village, sufficient to cover the total cost of the required road improvements. When the work is completed by the applicant and approved by the village, the bond will be released to the applicant.
- (12) *Appeals.*
- (a) The village board of zoning appeals shall have jurisdiction to consider appeals for variance from this section.
 - (b) The board of zoning appeals may only grant a variance if the applicant can show that he would suffer a unique hardship if the street requirements of the section were not waived.
- (13) *Enforcement.* Such persons who shall be so designated by the village board shall enforce this chapter.
- (14) *Violations.* The owner, if possible, and the occupant of any property upon which any violations set forth in this section is found to exist shall be notified in writing to remove, eliminate, or repair such

violations within 14 days after service of the notice upon him. Such notice may be personally delivered or by certified mail, return receipt requested.

- (15) *Failure to comply.* Any person who shall violate the provisions of this section shall be guilty of a civil infraction and shall be punished by a fine not to exceed \$500.00 and appropriate costs. Each day that the person is in continuous violation of said ordinance is a separate and continuous civil infraction subject to an additional fine not to exceed \$500.00 and appropriate costs per day.
- (16) *Granting additional time.* Additional time may be granted at the discretion of the enforcement officer where there are bona fide efforts to conform or repair any violations.

(Ord. of 5-28-2002, § 3.28.00)

Sec. 54-59. - Reserved.

Sec. 54-60. - Signs.

Outdoor advertising signs shall be permitted, subject to the following restrictions:

- (1) Residential, residential-agricultural, or mobile home park zoned property may utilize not more one sign of not larger than eight square feet in area.
- (2) Commercial or industrial zoned property may utilize one sign which shall not be larger than 35 square feet of total area per business on the premises.
- (3) Signs of larger total size or quantity than designated in subsection (1) and (2) may be allowed only when specifically approved by the village board of appeals as a variance.
- (4) Outdoor advertising signs shall not be placed nearer any highway, street or road than the line of the public right-of-way and such sign shall not obscure traffic vision or create a hazard to the public safety. Signs affixed to any building shall not project more than one foot therefrom. Any signs erected on property adjacent to a state highway shall be subject to approval of the Michigan Department of Highways.
- (5) Any permanent signs shall incorporate the theme (if applicable) of the village. Any illuminated sign or display shall be non-rotating and non-blinking and of low enough light intensity that it will not interfere with the vision of persons on highways, streets or roads, nor be an annoyance to neighbors.

Table 3-3: Requirements For On-Premises, Off-Premises And Billboard Signs					
Use	Maximum Display Area	Sign Location	Maximum Height	Sign Purpose	Maximum # of Signs
School, church, cemetery, park, public buildings, child care center, clinic, medical or professional office, golf course, airport, mining, agra-business	32 square feet	Ground	8 feet	Identification of business	One per lot or parcel

Mobile home parks, subdivisions, condominiums, planned unit development, multiple family, development	32 square feet	Ground	8 feet	Identification	One per public street entrance
Home occupations	6 square feet	Wall	Not above front wall	Identification	1 per lot or parcel
Free-standing office and retail commercial business not located on the same lot or parcel with another business	15% of front wall area of building in which business is located	Wall	Not above front roof line	identification of business	1 per office or business establishment
	80 square feet	Ground	12 feet	ID of business	1 per office of business establishment
Shopping center or business on the same lot or parcel, attached or detached, from another business	15% of front wall area of establishment served by sign	Wall	Not above front wall	Identification of business	1 per establish
	300 square feet	Ground	18 feet	ID of business	1 per pole sign per center or per group of separate buildings on a lot or parcel
Automobile service station, automobile and truck sales, camper and recreational vehicle sales and service, commercial garage	100 square feet	Ground	12 feet	Identification or business	1 per establishment
	15% of front wall area of establishment served by sign	Wall	Not above front wall	Identification of business	1 per establishment
Individual industrial establishments	15% of front wall area of	Wall	Not above front wall	identification	1 per establishment

	establishment served by sign				
	80 square feet	Ground	12 feet	Identification	1 per establishment
Off-premises signs and billboard are not within the township unless located within a commercial or industrial zoning district and they comply fully with requirements herein. All such signs, prior to erection or use, shall have been issued a permit under Public Act 106 or 1972	360 square feet	Pole or billboard	20 feet	Advertising	An off-premises sign or billboard may not be located closer than 500 to another off-premises sign or billboard

(Ord. of 5-28-2002, § 3.30.00)

Sec. 54-61. - Splitting of property descriptions.

- (1) *Notification to the village.* The village zoning board shall be notified of all property divisions. The owner of any parcel of property proposed for a split shall file a site plan and request for approval with the zoning administrator. If approved by the zoning administrator, a certified survey with total property description must be prepared and presented to the zoning administrator and the division must then be submitted to the village planning commission for final approval.
- (2) *Splitting of platted property prohibited.*
 - (a) The division of a lot in a recorded plat is prohibited unless an application (with reason) for splitting the platted parcel has been filed with the village zoning administrator and the division has been approved by the village planning commission.
 - (b) No land use permit or building permit shall be issued for split lots, or any construction commenced unless the suitability of the land for building sites has been approved by the village planning commission.

(Ord. of 5-28-2002, § 3.31.00)

Sec. 54-62. - Storage yards.

No land or premises shall be used as a storage yard as herein defined except by approval of the village planning commission as provided in article VIII of this chapter.

(Ord. of 5-28-2002, § 3.32.00)

Sec. 54-63. - Streets.

All streets hereafter developed or built for eventual incorporation into the village street system shall meet the following development standards prior to dedication to and acceptance by the Village of Deckerville:

- (1) Top soil removed;
- (2) Six inches of sand;
- (3) Six inches of gravel (22A standard spec.);
- (4) Twenty-four feet wide;
- (5) Final surface black top 20 feet wide;
- (6) Right-of-way 66 feet.

(Ord. of 5-28-2002, § 3.33.00)

Sec. 54-64. - Substandard dwellings.

For the express purpose of promoting the health, safety, morals and general welfare of the inhabitants of the village, and reducing hazards to health, life and property, no fixed or movable substandard building or structure shall hereafter be permitted, occupied or erected or moved upon any premises and used for dwelling purposes.

(Ord. of 5-28-2002, § 3.34.00)

Sec. 54-65. - Swimming pools and ponds.

- (1) *Permits.* A zoning compliance permit shall be required for all manmade ponds, in-ground pools and above-ground pools utilizing electrical service or requiring more than three feet of excavation.
- (2) *Setback and safety provisions.* All swimming pools and manmade ponds shall be located in the rear or side yard, not less than five feet from the rear and side lot lines, enclosed by a four-foot fence with latched gate. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.

(Ord. of 5-28-2002, § 3.35.00)

Sec. 54-66. - Reserved.

Sec. 54-67. - Temporary dwellings.

No person may erect or occupy a temporary dwelling on any lot except as hereinafter provided:

- (1) A building, including a basement home, which does not comply with the area requirements of its district may be occupied as a temporary dwelling for a period of not more than nine months if construction of a permanent dwelling is actually under way and in active progress during

occupancy of such temporary dwelling. One consecutive additional month period of occupancy may be granted at the discretion of the village planning commission.

- (2) In the event that any person shall reside in any such temporary dwelling for a period of more than 18 months and has had extensions granted by the village planning commission for the additional period, the zoning administrator, the planning commission, the village council, any delegated official or any interested party may proceed to have such extended use abated as a nuisance or may enforce this chapter by other means herein provided.
- (3) The village planning commission may permit the use of a house trailer or mobile home as a temporary accessory dwelling to a permanent dwelling. No more than one trailer may be used and occupied as such accessory dwelling and then only if the occupants of such trailer have access to and the unlimited use of sanitary facilities of the permanent dwelling.
- (4) The use of tents as a temporary dwelling in connection with recreational activities may be permitted upon application to the village zoning administrator showing that the necessary and proper health, sanitation, plumbing and fresh water facilities are provided.
- (5) The village planning commission may permit on application the use of a trailer as a temporary dwelling with dimensions less than 12 [feet] by 50 [feet] for a period of six months when the occupant of said trailer is definitely engaged in the erection of a permanent dwelling on said lot and when necessary and proper health, sanitation, plumbing and fresh water facilities are provided. If substantial progress has been made toward completion of the building, the village council (acting in lieu of a board of appeals) may grant an extension for six months.
- (6) One travel trailer, or motor home at each dwelling brought by visitors for traveling purposes may be occupied and allowed for 30 days if the visitors occupying said trailer use the sanitary facilities of the dwelling of the property owner or occupants they are visiting, or make other suitable provisions for sanitary facilities and extended for 30 days upon application.

(Ord. of 5-28-2002, § 3.37.00)

Sec. 54-68. - Transition zoning.

- (1) *Lots in two districts.* Where a district boundary line as established in this chapter or as shown on the zoning map divides a lot which was in single ownership and of record at the time of this chapter, the use thereon and the other district requirements applying to the least restricted portion of such lot under this chapter shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within ten feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.
- (2) *Lots in commercial or industrial districts adjacent to a residential zone.* Where a lot in a commercial or industrial district abuts a lot in a residential district there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.
- (3) *Front yard transition.* Where the frontage on one side of a street between two intersecting streets is zoned partly as residential and partly as commercial or industrial, the front yard depth in the commercial or industrial district shall be equal to the required front depth of the residential district.
- (4) *Corner lot transition.* On every corner lot in residential subdivisions created after the enactment of this chapter, there shall be provided on the side street a side yard equal in depth to the required front yard depth on said side street.
- (5) *Garage entrances.* No public or private garage for more than five motor vehicles shall have an entrance or exit for motor vehicles within 40 feet of a residential district.
- (6) *Parking lots and driveways abutting residential zones.* Whenever a parking lot or a driveway to a parking lot is hereafter established in other than a residential district so as to abut the side or rear line of a lot in a residential district a solid masonry wall, or a substantial view obstructing fence not less than three feet high and not more than eight feet high, shall be constructed and maintained along said

side or rear lot line up to, but not beyond, the setback building line. In addition, in all use districts, the lighting, including any permitted illuminated sign, on any parking lot or driveway shall be arranged so that there will be no annoying glare directed or reflected toward residence buildings or residence districts.

(Ord. of 5-28-2002, § 3.38.00)

Sec. 54-69. - Wireless communication towers.

(1) *Authorization.* Changing technology in the field of communications has resulted in a reliance upon more versatile convenient forms of communication. Businesses, individuals and government have all developed a strong dependence upon the ability to quickly contact others. The use of radios and cellular phones have proven themselves over and over gain in emergency situations.

(2) *Qualifying conditions.*

(a) *Site and development requirements.* The following site and developmental requirements shall apply:

1. A minimum site of .75 acre and 125 feet of road frontage.
2. The use of guyed wires is strictly prohibited within residential district.
3. The base of the tower and wire cable supports shall be fence with a minimum five-foot high fence.

(b) *Special performance standards.*

1. The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the village engineer that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all cost associated with village engineering review.
2. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than 30 feet.
3. Accessory structures shall not exceed 600 square feet of gross building area.
4. All bufferyard requirements within the zoning ordinance shall be met.
5. The plans of the tower construction shall be certified by a registered structural engineer.
6. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
7. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
8. Communication towers in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport or one-half-mile radius of a helipad.
9. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within 30 feet of a property line.
10. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
11. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.

12. Towers with antenna shall be designed to withstand a uniform wind loading as prescribed in the building code.
13. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least 81 feet above the ground at all points, unless buried underground.
14. Towers shall be located so that they do not interfere with reception in nearby residential areas.
15. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
16. The base of the tower shall occupy no more than 500 square feet.
17. Minimum spacing between tower locations shall be one mile in order to prevent a concentration of towers in one area.
18. Height of the tower shall not exceed 175 feet from grade within a residential district, 200 feet from grade with a business district, and 300 feet from grade within a manufacturing district.
19. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
20. Existing on-site vegetation shall be preserved to the maximum extent practicable.
21. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
22. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
23. Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation, if more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the special use approval will be subject to revocation by the village board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
24. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
25. All parking and drive areas must be paved as provided in this chapter.
26. Where the property adjoins any residentially zoned property or land use, the developer shall plant two alternating rows of evergreen trees with a minimum height of five feet on 20-foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten feet to any structure.
27. The tower shall be removed by the property owner or lessee within six months of being abandoned.

(3) *Colocation.*

- (a) *Statement of policy.* It is the policy of the village to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent, of this section. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the

village that all users should colocate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes and intent of this section, as stated above, if a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it, where colocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction, to the basic policy, intent and purpose of the village, the provisions of this subsection are designed to carry out and encourage conformity with the policy of the village.

(b) *Feasibility of colocation.* Colocation shall be deemed to be "feasible" for purposes of this section where all of the following are met;

1. Wireless communication provider entity tender consideration for colocation will undertake to pay market rent or other market compensation for colocation.
2. The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
3. The colocation being considered is technologically reasonable, e.g., the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
4. The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the village.

(c) *Requirements for colocation.*

1. Special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.
2. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.
3. The policy of the community is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall, thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect and subject to removal as a not conforming structure.
4. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the village, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for new wireless communication support structures within the village for a period of five years from the date of the failure or refusal to permit the colocation. Such a party may seek a variance from the zoning board of appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

(d) *Incentive.* Review of an application for colocation, and review of an application for a permit for use of a facility permitted under paragraph (c) above, shall be expedited by the village.

(4) *Removal.*

(a) A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

1. The facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
 2. Six months after new technology is available at reasonable cost as determined by the village council, which permits the operation of the communication system without the requirement of the support structure, or with a support structure, which is lower and/or less incompatible with the area.
- (b) The situations in which removal of a facility is required, may be applied and limited to portions of a facility.
 - (c) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal restoring the premises to an acceptable condition as reasonably determined by the planning official.
 - (d) If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice, the village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
 - (e) The person who had used the facility shall immediately notify the village clerk in writing if and as soon as use of a facility ceases.
- (5) *Effect of approval.*
- (a) Subject to the following paragraph, final approval under this section shall be effective for a period of six months.
 - (b) If construction of a wireless communication facility is commenced within two miles of the land on which a facility has been approved, but on which construction has not been commenced during the one-year period of effectiveness, the approval for the facility that has not been commenced shall be void 30 days following notice from the village of the commencement of the other facility unless the applicant granted approval of the facility which has not been commenced demonstrates that it would not be feasible for it to collocate on the facility that has been newly commenced.

(Ord. of 5-28-2002, § 3.39.00)

Sec. 54-70. - Unused automobiles and vehicles.

- (1) If any outdoor premises contain unused, nonfunctional or dismantled automobiles, trucks, other self-propelled vehicles, trailers, etc., for a period of 30 days consecutively, the owner shall remove said vehicle on request of the zoning administrator. Automobiles, trailers, or other vehicles that do not bear current state registration shall be presumed to be nonfunctional.
- (2) No nonfunctional, dismantled automobile, truck, van, trailer or other vehicle shall be used for purposes (dwelling, housing livestock, storage, tool shed, etc.) other than that originally intended (viz. transportation).

(Ord. of 5-28-2002, § 3.40.00)

Sec. 54-71. - Reserved.

Sec. 54-72. - Vacant buildings.

All buildings in the Village of Deckerville, including those that are partially or completely vacant and unoccupied shall be maintained in a condition prepared for immediate occupancy, in full compliance with all structural, electrical, plumbing, heating, mechanical, and health code requirements for that type of structure. Windows may be boarded up for periods not to exceed two weeks annually.

(Ord. of 5-28-2002, § 3.42.00)

Sec. 54-73. - Reserved.

Sec. 54-74. - Vested right.

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

(Ord. of 5-28-2002, § 3.44.00)

Sec. 54-75. - Water supply and sewage disposal.

A land use permit shall be contingent upon the approval of the water supply and sewage disposal systems by Sanilac County Department of Health, the village DPW and other appropriate official governmental authorities.

(Ord. of 5-28-2002, § 3.45.00)

Sec. 54-76. - Weeds.

- (1) *Cutting and removing of grass, weeds, unsightly vegetation and other rank, poisonous or harmful vegetation.* It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof in the Village of Deckerville to permit or maintain on any such lot or land or along the sidewalk, street or alley adjacent to the same, between the property line and the curb or middle of the alley or for ten feet outside of the property line and the curb or middle of the alley or for ten feet outside of the property line if there be no curb, any growth or weeds, grass or other rank vegetation to a greater height than 12 inches or any accumulation of dead weeds, grass, brush, unsightly vegetation or other refuse or rubbish which shall constitute a nuisance or fire hazard. It shall also be unlawful for any person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plants or plants detrimental to health to grow on any such lot or land in such manner that any part of the ivy, ragweed or other poisonous or harmful weed shall extend upon, overhand or border any public place or allow seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place.
- (2) *Duty of owner, lessee or occupant.* It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed or otherwise destroyed all such weeds, grass or other rank poisonous or harmful vegetation as well as any other refuse or rubbish which shall constitute a nuisance or fire hazard as often as may be necessary to comply with the first section of this chapter.
- (3) *Notice.*
 - (a) *Publication.* It shall be the duty of the village clerk to give notice to all owners, lessees or occupants or any agents, servants, representatives or employees of any such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof in the Village

of Deckerville by annually printing the following notice for the first two weeks in the newspaper of the village:

"Notice to Owners, Possessors or Occupiers of Land or any person or persons firm or corporation having charge of any land in the Village of Deckerville, State of Michigan:

"Notice is hereby given that all weeds, grass and other ground cover and rank vegetation growing on any land in the Village of Deckerville, County of Sanilac, must not exceed 12 inches in height. Failure to comply with this notice shall make the parties so failing liable for the cost of cutting, inspection and administration as a debt to the Village, being collectible by judgment or to be levied in the same manner as other taxes are levied and collected.

"Village of Deckerville Clerk"

- (b) *Mailing.* At least seven days prior to remediation by the village. The clerk shall mail a copy of the notice to every owner, possessor, occupant or occupier of land and to every person or persons, firm or corporation having charge of any lands in the Village of Deckerville whereon noxious weeds or illegal grass or other ground cover are growing whose post office address is known.
- (4) *Remediation by the village.* If the provisions of the foregoing sections are not complied with and if the owner, lessee, or occupant fails, neglects and refuses to cut and remove or to cause to be cut and removed or otherwise destroyed said weeds, grass, vegetation or other refuse or rubbish on or before the seven days after mailing notice, the street, administrator of the Village of Deckerville shall cause such weeds, grass, vegetation, refuse or rubbish to be cut and removed, otherwise destroyed and the actual cost of such operations plus five percent for inspection and other costs in connection therewith, shall be certified in connection therewith to the Village of Deckerville.
- (5) *Cost of remediation.* The street commissioner shall keep an accurate account of the expense incurred in carrying out the provisions of subsection (4) of this section with respect to every parcel of land entered upon. The amount of the expense incurred in the destruction of weeds and removing refuse or rubbish shall constitute a debt to the village by the persons so failing to comply with this chapter, and the village may maintain an appropriate action in the court of law for the collection thereof.
- (6) *Assessments against property.* In the event the cost of cutting grass and/or destroying such weeds or the removing of such refuse and rubbish remains uncollected or unpaid on the first day of September following the cutting of such weeds or the removal of refuse or rubbish said unpaid amount shall be returned by the village clerk to the assessor of the village and the same together with the aforesaid additional charges shall be placed upon the special tax roll next in course of preparation as a charge against the property upon which such order was carried out, and the same shall become a lien upon said land and shall be assessed and collected and the same when collected shall be paid into the general fund to reimburse the outlay therefrom aforesaid.
- (7) *Penalty.* If any owner, possessor or occupier of land or any person, firm or corporation having charge of any lands in the Village of Deckerville shall knowingly allow the aforesaid noxious weeds to grow thereon or shall allow refuse and rubbish to accumulate and become a nuisance in violation of this chapter shall be responsible for Grade A civil infraction.
- (8) *Definition.* The word "person" as used in this chapter shall mean and include one or more persons of either sex, natural persons, corporation, partnerships, associations, joint stock companies, societies and all other entities of any kind capable of being sued.

(Ord. of 5-28-2002, § 3.46.00)

Secs. 54-77—54-99. - Reserved.

ARTICLE IV. - ADMINISTRATION AND ENFORCEMENT

Sec. 54-100. - Enforcement.

The provisions of this chapter shall be administered and enforced by a zoning administrator or by such deputies of his department as the village council shall appoint to enforce the provisions of this chapter.

(Ord. of 5-28-2002, § 4.00.00)

Sec. 54-101. - Permits required.

It is the purpose of this section to identify and establish the permits that shall be required in order to prevent unsafe or unlawful conditions from developing; these permits are as follows:

- (1) *Zoning compliance permit required.* Before any building permit may be issued, or before any land or structure is put to any new or different use, or before any land is filled or excavated, a zoning compliance permit (also identified as a land use permit) shall be obtained. Application forms shall be available at the office of the village clerk. The zoning compliance permit form shall:
 - (a) Show the name and address of the owner (and of the applicant if other than the owner).
 - (b) Shall be accompanied by plans and specifications including a scale site plan and, where applicable (see section 54-56, performance standards), an environmental impact statement.
 - (c) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
 - (d) The shape, size and location of all structures to be erected, altered, razed or moved on the property as proposed in the application.
 - (e) Whether the present use is conforming or nonconforming and whether the proposed use is a permitted or special approval use.
 - (f) The approval and authorized signature of the zoning administrator or other authorized agent.
 - (g) Such other information concerning the lot or adjoining lots and structures as may be essential to establish compliance with the provisions of this chapter are being observed (e.g. elevations describing historical community motif).
 - (h) No land use permit shall be required for any construction which does not increase the area of the building in question or for sidewalk construction.
 - (i) Requests for outdoor assembly, concerts, revival meetings, circuses and carnivals, special approval shall be accompanied by a statement of the time period requested and shall give detailed information on the type of activity and anticipated size of audience. Provisions for public safety and sanitary facilities and site cleanup shall also be included and when deemed necessary a performance bond may be required as a condition of approval.
- (2) *Building construction permit.* Any structure or building constructed, altered, moved or demolished shall require a building permit in accordance with the provisions of the state building code, issued by the Sanilac County Building and Land Use Department. While residences must comply with the residential building code requirements, all other structures shall comply with the state building code requirements for the district in which they are located.
- (3) *Building maintenance permit.* In cases where the work applied for is one of the following: Replacement of roofing shingles, exterior siding, windows or doors, a building permit pre-application (but not a building permit) is required to ensure that the project is completed within six months. Failure to obtain the permit or to complete the project within six months shall be a Grade A civil infraction.
- (4) *Building occupancy permit.* No building, structures, or additions thereto shall be occupied until an occupancy permit has been issued by the county building inspector.
 - (a) The occupancy permit shall indicate that all required building code inspections have been made.

- (b) In certain cases the county inspector may approve a temporary certificate of occupancy for a period not to exceed six months, if approved by the village council, who may require a cash bond to be posted to insure compliance with the reasons for the time extension.
- (5) *Land removal and/or land fill permit.* Before any land in the village is stripped, excavated, quarried, removed or stockpiled or before any land filling operations are conducted a permit shall be obtained from the zoning administrator in accordance with procedures hereinafter provided. Permits will not be required for agricultural practices or operations incidental thereto, nor will a land removal or filling permit be required when such operations are incidental to a construction project covered by a building permit. It is the intent of this provision to regulate any filling or excavating in the public right-of-way or on any private lands where the results of such filling or excavating will cause unsafe conditions, soil erosion or drainage problems. An application for a land removal or a land fill permit shall be made to the zoning administrator containing the following information:
- (a) Names and addresses of parties of interest in the property effected, with a statement of each party's interest.
 - (b) A description of the property.
 - (c) Detailed statement of the type of operation, equipment to be used and estimated period of time operation will be in effect.
 - (d) A statement of the proposed method of restoring the property when the operation is completed.
 - (e) A site plan scaled at no more than 200 feet to the inch of the area of operation (maximum ten acres) with existing contour lines at not more than five-foot intervals. Additionally, a drawing shall be submitted showing the proposed contours for the property upon completion.
 - (f) A soil erosion permit, where required by Public Act 347 of 1972, shall be obtained from Sanilac County Soil Erosion and Sedimentation Control Agency and a copy thereof filed with the zoning administrator before final approval of any land removal or filling permit.
 - (g) Such additional information as may be required by the zoning administrator.
 - (h) A permit fee deposit in the amount set annually by resolution, half of which will be used to cover the cost of interim and final inspections when the operation has been completed and the balance of which will be used to cover village expenses for administrative and engineering review. Any portion of the deposit, except the inspection fee, that is unused will be returned to the applicant. Should expenses exceed the deposit the outstanding balance shall be paid by the applicant.
 - (i) In cases where certain operations are to be conducted in the public right-of-way and a village ordinance has been adopted for the purpose of regulation, all provisions of said ordinance not in conflict with those provisions, shall also apply.

(Ord. of 5-28-2002, § 4.01.00)

Sec. 54-102. - Final inspection.

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

(Ord. of 5-28-2002, § 4.02.00)

Sec. 54-103. - Fees.

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter may be collected by the zoning administrator in advance of issuance. The amount of such fees shall be established by resolution of the village council and shall cover the cost of inspection and supervision resulting from enforcement of this chapter.

(Ord. of 5-28-2002, § 4.03.00)

Sec. 54-104. - Fees—Petition for amendment.

A petition for amendment of the zoning ordinance by the owner of real estate to be affected shall be accompanied by the a fee established by annual fee resolution, the amount of such fee shall be set by resolution of the village council and shall be placed in the general fund to defray the expense of said public bearing.

(Ord. of 5-28-2002, § 4.04.00)

Sec. 54-105. - Interpretation.

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

(Ord. of 5-28-2002, § 4.05.00)

Sec. 54-106. - Rights and remedies are cumulative.

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

(Ord. of 5-28-2002, § 4.06.00)

Sec. 54-107. - Duties of building inspector.

In circumstances where the village has empowered a building inspector:

- (1) The building inspector shall review all applications and issue all building permits.
- (2) Periodic inspections shall be made during construction progress in accordance with current building codes, ordinances and adopted standards and regulations.
- (3) Upon satisfactory completion of all requirements, including final inspection, the building inspector shall issue a certificate of occupancy.

(Ord. of 5-28-2002, § 4.07.00)

Sec. 54-108. - Reports.

The zoning administrator and/or building inspector (where applicable) shall submit each month a written summary of the preceding month's activities to the village council.

(Ord. of 5-28-2002, § 4.08.00)

Sec. 54-109. - Applicants responsibilities.

In all cases, permits and certificates of occupancy approved by the zoning administrator and building inspector, and inspections made during the course of construction shall in no way relieve the applicant and owner of the ultimate responsibility to comply with all applicable laws of the village, state, county or federal government.

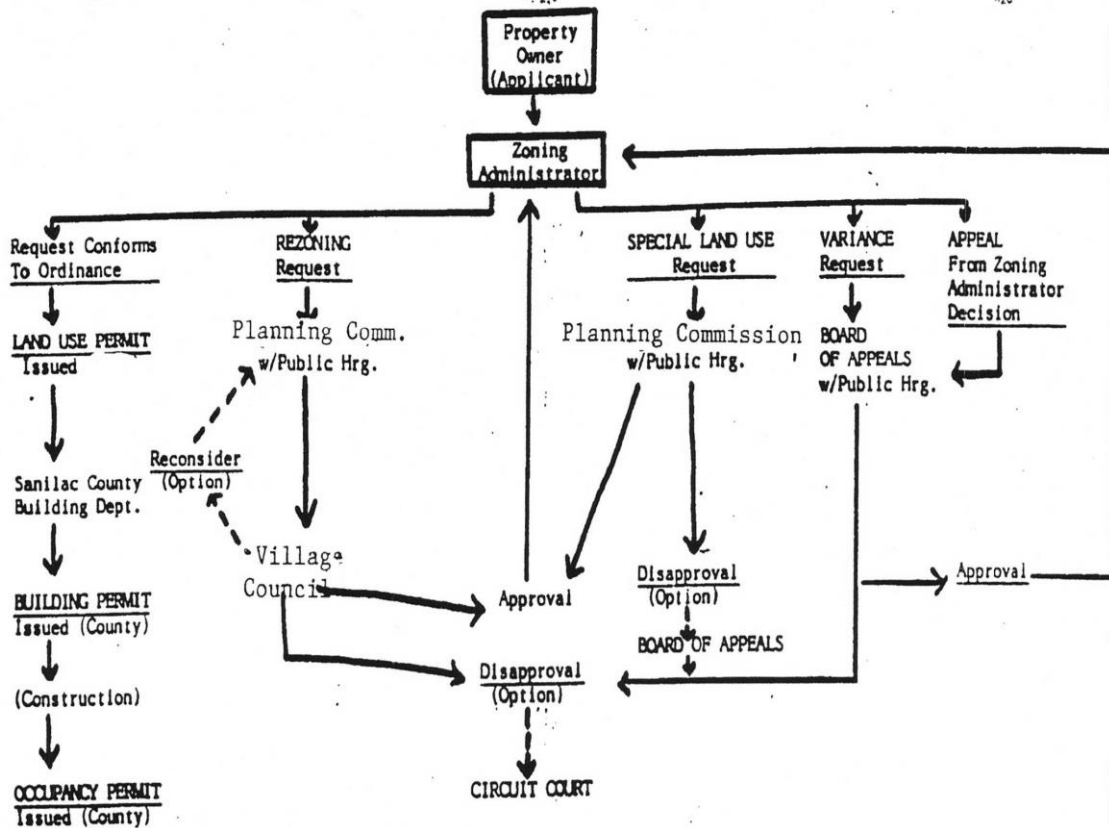


Figure 4-1
Administrative Process

(Ord. of 5-28-2002, § 4.09.00)

Secs. 54-110—54-120. - Reserved.

ARTICLE V. - ZONING ADMINISTRATOR²¹

Footnotes:

--- (2) ---

Cross reference— Administration, ch. 2.

Sec. 54-121. - Appointment and qualifications.

The Deckerville Zoning Administrator shall be appointed by, and serve at the pleasure of, the village president upon the approval of the village council. He/she shall possess qualifications deemed necessary by the president and council.

(Ord. of 5-28-2002, § 5.01.00)

Sec. 54-102. - Duties of zoning administrator.

- (1) The zoning administrator shall investigate all applications for zoning compliance permits and land removal and filling permits and prepare a written report of findings for his/her issuance or denial of such permit applications.
- (2) The zoning administrator shall investigate, record and report in writing every instance of noncompliance, nonconforming or apparent illegal use of any land or structure in the village. Such reports shall be reviewed by the village planning commission, with a determination made in each instance. The results of each determination shall be forwarded by the zoning administrator to the owners of property, which is subject of the investigation and determination.
- (3) The zoning administrator shall assist the village attorney in the investigation, preparation and presentation of evidence for ordinance enforcement or other litigation.
- (4) The zoning administrator shall review requests for outdoor assembly, concerts, revival meetings, circuses and carnivals, and other such temporary uses, which shall be accompanied by a statement of the time period requested and shall give detailed information on the type of activity and anticipated size of audience. Provisions for public safety and sanitary facilities and site cleanup shall also be included and when deemed necessary a performance bond may be required as a condition of approval. If the various conditions are met (as well as any others that the zoning administrator in his/her discretion deems appropriate), the administrator shall issue such permit.
- (5) The zoning administrator shall be responsible for the maintenance and revision of the official zoning map kept at the village hall.
- (6) The zoning administrator shall assist the village planning commission or the board of appeals, by investigating and reporting on all applications for rezoning, special land uses and variances.
- (7) The zoning administrator and/or building inspector shall submit each month a written summary of the preceding month's activities to the village council.

(Ord. of 5-28-2002, § 5.02.00)

Secs. 54-123—54-130. - Reserved.

ARTICLE VI. - VILLAGE PLANNING COMMISSION³

Footnotes:

--- (3) ---

Cross reference— Administration, ch. 2.

Sec. 54-131. - Membership.

- (1) *Composition.* The planning commission shall consist of seven members, one of whom shall be a member of the council, (serving the ex officio, the term shall not exceed the member's service on the council) and another shall be a member of the board of zoning appeals. The remainder shall be appointed from the public at large. Other than the member of the council and the member of the board of zoning appeals, commissioners shall not hold another municipal office.
- (2) *Appointment.* Members of the planning commission shall be appointed by the village president subject to the approval of a majority of the council members.
- (3) *Terms of office.* The commissioners shall serve for a staggered three-year terms, two appointed initially for one year, two appointed initially for two years and three appointed for three years.
- (4) *Compensation.* All appointed members of the commission may be compensated at a rate to be determined by the village council.
- (5) *Removal.*
 - (a) Any commissioner may be removed from the planning commission (after a public hearing) by the majority vote of council for inefficiency, neglect of duty, or malfeasance in office.
 - (b) All members appointed to fill vacancies created under this subsection shall have full voting rights.

(Ord. of 5-28-2002, § 6.01.00)

Sec. 54-132. - Powers and duties.

In addition to the powers and duties provided (or by statute, the planning commission, shall function as the administrative agency responsible for zoning and planning within the village, and shall, among other things:

- (1) *Meetings.* The village planning commission shall hold regular meetings at least four times per year and shall hold special meetings at the call of the chair, the village clerk or three commission members.
- (2) *Records.* Maintain a separate record of all actions taken on issues involving its deliberations and decisions involving zoning.
- (3) *Site plan review.* Review site plans prior to issuance of any land use permit or building construction permit where required by the provisions of this chapter.
- (4) *Written opinions.* Issue written opinion to applicants.
- (5) *Unspecified permitted, uses.* Review and decide on uses purported to be similar in nature to permitted uses where so provided in this chapter.
- (6) *Special land uses.* Review and decide applications for special land uses and conduct public hearings thereon, pursuant to the statutory procedures provided by Section 4a of 1921 PA 207.
- (7) *Zoning ordinance amendments.* Review and decide applications for amendments to this chapter and conduct public hearings thereon, pursuant to the statutory procedures provided by Section 4 of 1921 PA 207. See article X.
- (8) *Zoning map.* Maintain a village zoning map defining such use districts.
- (9) *Architectural theme.* Review and decide upon architectural theme plans.
- (10) *Master plan.* Maintain a master plan for potential growth, expansion or other change to the community.

- (a) Such plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the prospective development of the said area, including, among other things,
 1. The general relation, character, and extent of streets, bridges, boulevards, parkways, playgrounds and open spaces;
 2. The general relation of public buildings, and of other public property;
 3. And the general location and extent of all public utilities and terminals whether public or private owned or operated; for water, light, sanitation, transportation, communication, power, and other purposes;
 4. Also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals;
 5. The general location, character, layout and extent of community centers and neighborhood units;
 6. And the general character, extent, and layout of the re-planning, and redeveloping, of any blighted districts or slum areas; as well as a zoning plan for the control of the height, area, bulb, location, and use of buildings and premises.
- (b) The master plan shall be made with the general purpose of guiding, and accomplishing a coordinated, adjusted, and harmonious development of the village, and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, and general welfare, as well as efficiency and economy in the process of development; including, among other things:
 1. Adequate provisions for traffic;
 2. Promotion of safety from fire, drownings, and other dangers;
 3. Adequate provisions for light and air;
 4. The promotion of a healthful and convenient distribution of the population;
 5. The promotion of good civic design and arrangement;
 6. Wise and efficient expenditure of public funds; and
 7. The adequate provisions of public utilities and other public requirements.

(Ord. of 5-28-2002, § 6.02.00)

Secs. 54-133—54-149. - Reserved.

ARTICLE VII. - BOARD OF ZONING APPEALS^[4]

Footnotes:

--- (4) ---

Cross reference— Administration, ch. 2>

Sec. 54-150. - Creation.

There is hereby created a Deckerville Board of Zoning Appeals which shall perform its duties and exercise its powers as provided by Act 207 of the Public Acts of 1921, as amended, and by the provisions

of this chapter, to the end that the objectives of this chapter are observed, public safety, health, morals and general welfare secured and substantial justice done.

(Ord. of 5-28-2002, § 7.00.00)

Sec. 54-151. - Membership.

- (1) *Three members.*
 - (a) The chairman of the village planning commission;
 - (b) A member of the village council; and
 - (c) One person appointed by the village council from among the electors residing in the village.
- (2) *Exclusion of the village officers and employees.* With the exception of the village council member, no elected officer of the village, nor any employee or contractor thereof, shall serve as a member or as an employee of the board of zoning appeals.
- (3) *Qualifications.* The zoning appeals board members shall be representative of the population distribution and the various interests present in the village.
- (4) *Officers.* The member of the board of zoning appeals who has been appointed by the village council from the electors at large shall serve as chairperson. The board of zoning appeals shall elect from its membership a secretary or such other officers or committees deemed necessary. However, neither the chairperson of the planning commission nor the village council member may serve as chairperson of the board of appeals.
- (5) *Removal.* Members of the board of zoning appeals shall be removable by the village council for nonperformance of duty or misconduct in office upon written charges and after a public hearing. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

(Ord. of 5-28-2002, § 7.01.00)

Sec. 54-152. - Terms of members and officers.

- (1) *Three-year terms.* The members shall be appointed for a term of three years, except for members of serving because of their membership on the planning commission or village council, whose terms shall be limited to the time they are members of the planning commission or village council, respectively, and the period stated in the resolution appointing them.
- (2) *Staggered terms.* When members are first appointed, the appointments may be for less than three years to provide for staggered terms.
- (3) *Succession.* A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for un-expired terms shall be filled for the remainder of the term.
- (4) *Compensation.* The total amount allowed by the board of zoning appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which sum shall be appropriated annually in advance by the village council.

(Ord. of 5-28-2002, § 7.02.00)

Sec. 54-153. - Jurisdiction.

The Deckerville Board of Zoning Appeals shall not alter or amend the zoning district map and classifications or the provisions of this chapter.

- (1) The board of appeals shall:
 - (a) *Records.* Maintain a separate record and issue written opinions on all actions taken in its capacity as the board of zoning appeals.
 - (b) *Appeals from zoning administrator.* Hear and decide appeals when it is alleged by the applicant that there is an error in any requirement relative to or refusal of the issuance of a compliance or building permit by the zoning administrator or, when applicable, the village building inspector.
 - (c) *Parking requirements.* Permit modification of off-street parking and off-street loading requirements only insofar as area and number of spaces are concerned and where it can be clearly demonstrated that no useful purpose would be served or that land requirement cannot be obtained.
 - (d) *Dimensional variances.* Permit variances to the area, height, and setback requirements where practical difficulties exist because of topography or where there are exceptional circumstances that would deprive the owner of substantial rights enjoyed by other property owners in the same zone and vicinity provided such rights are of conforming nature.
 - (e) *Zoning structural requirements.* Vary or modify any of its rules or provisions relating to the construction or structural changes in, equipment or alteration of buildings or structures or the use of land, buildings or structures where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the ordinance.
 - (f) *Subpoena.* Have the power to subpoena and require the attendance of witnesses administer oaths, compel testimony and the presentation of records and other evidence pertaining to matters being considered.
 - (g) *Zoning map.* Interpret the zoning map where district boundary lines in the absence of monuments and in all cases where such lines are not clearly ascertainable.
 - (h) *Planning commission.* Hear and decide challenges to a decision of the planning commission, including issues related to SLUs.

(Ord. of 5-28-2002, § 7.03.00)

Sec. 54-154. - Meetings.

- (1) *Notice.*
 - (a) Public notice of a hearing on any appeal shall be published at least once in a newspaper in general circulation within the village not less than five nor more than 30 days before the hearing.
 - (b) Written notice by personal delivery or by first class mail at least 15 days in advance to all property owners reflected by the current tax rolls as owning property located within 300 feet of any point of the property on which the appeal is based.
 - (c) The notice shall contain a brief description of the location of the property, the basis of the appeal and the time and place where the hearing will be conducted.
- (2) *Schedule.* Meetings of the board of appeals shall be held at the call of the chairman and at such times as the board may determine as necessary and may be conducted as part of the agenda of any regular or special meeting of the village council, when that council serves as the board of appeals.
- (3) *OMA compliance.* Meetings shall be subject to the provisions of the Open Meetings Act, open to the general public and conducted pursuant to and consistent with such rules of order as have been adopted by the board of appeals.
- (4) *Voting and records.* The board of appeals shall keep an independent record of its proceedings this record shall also show the vote of each member upon each question and which members were absent or abstained from voting.

(Ord. of 5-28-2002, § 7.04.00)

Sec. 54-155. - Appeals.

- (1) *Bases for appeals.* An appeal may be taken to the board of appeals by:
 - (a) Any person seeking clarification or interpretation of this chapter, or
 - (b) Any person seeking or opposing a special land use as provided for by this chapter, or
 - (c) Any person affected by a decision of the building inspector or zoning administrator pursuant to or in conjunction with a compliance, building permit, or land removal and filling permit, or
 - (d) By any person seeking a variance.
- (2) *Application and fee.* All appeals shall be submitted in writing to the village clerk and accompanied by a nonrefundable filing fee set annually by council resolution.
- (3) *Hearing date.* Upon receipt of a proper application, the board of appeals, shall set a reasonable time and place for a hearing on the appeal and give proper notice thereof to the public and all affected parties, and render a decision without unreasonable delay.
- (4) *Time limit for appeals.* Appeals made from a determination of the building inspector (where applicable) or zoning administrator shall be made within 30 days following such determination. Appeals from any other decision shall be made within 60 days of such determination.

(Ord. of 5-28-2002, § 7.05.00)

Sec. 54-156. - Exercising authority.

- (1) *Determination.* In exercising the authority granted to it by this chapter, the village board of appeals may reverse or affirm wholly or partly or modify requirements appealed from and may make such determination and attach such conditions as need to be made.
- (2) *Written opinion.* The board of zoning appeals shall reduce its findings of fact and determination to writing which determination shall:
 - (a) Comply with the constitution and laws of this state,
 - (b) Recite the procedure followed,
 - (c) Recite sufficient competent, material and substantial evidence in its support, and
 - (d) Represent the reasonable exercise of discretion.
- (3) *Annulling of unexercised permits.* Approval determinations made by the village board of appeals shall become null and void one year after being filed with the village clerk if a building permit has not been issued and construction is not being actively pursued or if other applicable action has not been taken by the applicant. Determinations once voided, shall become the subject of a new approval, and an application subject to all the requirements of the original application, including a new filing fee, must be resubmitted.
- (4) *Re-appeal.* No appeal rejected by the village board of appeals may be resubmitted for a period of 12 months following such rejection, unless it can be demonstrated that new evidence bearing on the matter can be presented.

(Ord. of 5-28-2002, § 7.06.00)

Secs. 54-156—56-180. - Reserved.

ARTICLE VIII. - GENERAL EXCEPTIONS AND RESTRICTION

Sec. 54-181. - Nonconforming uses.

- (1) *Prior uses permitted ("grandfather clause").* Where there exists within the districts established by this chapter and subsequent amendments, uses of land or structures that do not conform to the district uses and regulations, then such uses may be permitted to continue but will not be permitted to expand or enlarge either dimensionally or in intensity of operation.
- (2) *Fifty percent reconstruction prohibited.* Ordinary maintenance and repair will be permitted, but rebuilding, expansion or reconstruction of a structure that has been damaged, destroyed or deteriorated by any cause by 50 percent or more of its previous value is prohibited.
- (3) *One hundred eighty-day discontinuance.* If the nonconforming use of any land or structure is discontinued for any reason for a period of 180 days or longer, then, any further use of such land or structure shall be in conformance with the regulations applicable to the zoning district within which such structure and/or land is located.

(Ord. of 5-28-2002, § 8.01.00)

State Law reference— Similar provisions, MCL 125.583a.

Sec. 54-182. - Special land uses, special approval or conditional uses.

- (1) *Procedure and conditions for special land uses.*
 - (a) A written request and filing fee in the amount established by resolution of the village council must be filed with the village clerk by the property owner or his agent seeking the special approval.
 - (b) Three copies of the site plan showing all pertinent details of the proposed development shall be filed with the village clerk, who shall retain a copy for the village records, forward one of such copies to the zoning administrator and another to the village council.
 - (c) The village planning commission shall, upon receipt of the application, site plan and such other information as it may request from the applicant, schedule and publish notice of a public hearing to be held within 60 days, which notice shall:
 1. Contain the following:
 - a. Describe the nature of the special land use request.
 - b. Indicate the property which is the subject of the special land use request.
 - c. State when and where the special land use request will be considered.
 2. Be published at least once not more than 15 days nor less than five days before the hearing in a newspaper in general circulation in the Village of Deckerville.
 3. Be sent by certified mail (return receipt requested) not more than 15 days nor less than five days before the hearing to the applicant property owner(s), to all persons occupying or being assessed for property 300 feet within any point of the property being considered.
 - (d) Upon completion of the public hearing or a continuation thereof, the village planning commission, shall, by majority vote of its membership, reject the request or approve it subject to such conditions as they may impose to preserve the character of the neighborhood, public, health and safety and the spirit of this chapter.
 - (e) The village planning commission shall maintain a record of the hearing and prepare and file a written decision of its findings and, if such use is approved, all conditions which have been imposed as contingencies on the approval.

- (f) When deemed necessary, the village planning commission may, as a condition of approval, require filing a performance or surety bond with the village clerk to insure construction of certain site improvements or development features. The bond shall be either cash or a surety, executed by a company licensed to do business in the State of Michigan in an amount determined by the council and running to the Village of Deckerville for a period of time as established by the village planning commission.
 - (g) Approved uses shall not become effective until five days following filing with the village clerk and shall be valid for a period of one year only from the date of filing with the village clerk unless a building permit has been issued and construction is actively progressing or the approved special land use is being actively pursued within the terms and conditions set out in the written decision.
 - (h) Uses approved shall be subject to all provisions of this chapter and those provisions set forth as a condition of approval.
- (2) *Special land use schedule and standards.*
- (a) Certain types of uses in certain districts have been established as uses permitted by special land use approval throughout this chapter but by their nature these uses can cause conflicts and peculiar problems in certain districts thus, a thorough examination by the village planning commission is required before such uses can be approved.
 - (b) The special land use procedure does not amount to a rezoning of property and is established only for those districts where such uses are specifically listed or are not inconsistent with the prevailing uses in the vicinity. Any use of land or structures not listed shall be the subject of a determination by the village planning commission and where the results of such determination is a finding that a proposed use is not similar in nature nor in accordance with the purpose for establishing each district, then such use can only be granted through proper rezoning of the land involved.
 - (c) The village planning commission determines that a proposed use is similar to those listed in the special land uses of a given district, the matter shall then be processed in accordance with the procedures provided for special land use review.
 - (d) Existing uses of land or structures that would fall under the special land use category in any district upon adoption of this chapter, shall not be considered nonconforming and shall be only regulated by the same future expansion or reconstruction regulations as are provided for permitted uses.
 - (e) Special land uses granted following the effective date of this chapter shall also be governed by the same regulations plus such requirements established by the village planning commission at the time of approval.
 - (f) Special land uses in existence or approved alter the effective date of this chapter will achieve the same status as the permitted uses in the districts wherein they have been provided for.
 - (g) Special land uses may be granted by the village for each district in accordance with the special land uses listed for a specific district.
- (3) *Special land use performance standards.*
- (a) The applicable regulations governing the district in which the special land use is to be located such as: Area, height, and setback requirements, off-street parking, off-street loading and unloading requirements shall be followed, unless otherwise determined by the village planning commission.
 - (b) All permit requirements set forth in section 54-101 and district regulations shall be completed with special approval uses granted.
 - (c) Site plan review for all special land uses shall include evaluation of conditions and development features that would:

1. Create hazardous vehicular or pedestrian traffic conditions caused by the location of entry and exit roadways and drives.
2. Prevent future access of fire equipment to the site of adjoining and abutting properties.
3. Deprive abutting or adjoining property owners of normal use of their land, block the circulation of air or light, or cause adverse effects of an economic nature to abutting or adjoining properties.
4. Outdoor storage or display areas in all commercial and industrial areas shall be screened on all sides by an obscuring fence or wall of approved design and construction details of which shall be submitted with the site plan, and areas used for outdoor storage or display shall be paved with either asphalt or concrete.
5. Development or operational feature shall comply with all local, state and federal requirements for air and noise pollution. All federal, state and local regulations relative to air pollution, excessive noises or location of structures in relationship to road rights-of-way shall be complied with.
6. Where a commercial or industrial development abuts a different use district, a five-foot high obscuring wall or 30-foot wide green belt consisting of a grass strip and evergreen or deciduous tree planting, may be required. The grass strip shall be seeded and maintained using a mixture of common lawn grasses. Trees shall be planted at the innermost edge of the strip and spaced not less than three nor more than six feet apart in a continuous line the entire length of the green belt, trees shall be nursery stock, minimum two-inch trunk diameter at time of planting and shall be maintained in a living condition, if an obscuring wall is permitted, details of design and construction shall be submitted for approval.
7. In all cases where a development contains an existing water course on site, or where the finished grade of the site will be higher than abutting properties, a drainage plan shall be submitted for review and approval.
8. Minimum acreage for farm approval use shall be 20 acres.
9. Developments of a drive-in nature, such as drive-in banks, restaurants, service stations, and theaters shall be so located that entrance and exit drives shall be a minimum of 100 feet from any intersection unless otherwise approved by the board of appeals. Paved off-street waiting space shall be provided, so that no vehicles will be waiting on the public thoroughfare to gain entry to the premises.

(Ord. of 5-28-2002, § 8.02.00)

State Law reference— Similar provisions, MCL 125.584.

Sec. 54-183. - Variances.

The Deckerville Board of Zoning Appeals may grant variances from the strict application of this chapter under the provisions of article VII.

State Law reference— Similar provisions, MCL 125.585.

Secs. 54-184—54-209. - Reserved.

ARTICLE IX. - LAND USE DISTRICTS

Sec. 54-210. - Establishment of districts.

- (1) *Types.* The incorporated area of the Village of Deckerville, Sanilac County, Michigan, is hereby divided into five primary use districts which are then further subdivided as follows:

Primary Use Type	Sub-Type	Section
Residential	R-1	54-211
	R-2	
Manufactured Home	Manufactured home subdivision	54-212
	Manufactured home land lease community	
Commercial	C-1	54-213
	C-2	
Industrial	I	54-214

These district and sub-district categories have been established to provide fair and versatile guidelines by which land use and development regulations may be implemented now and in the future. It is not necessary that all potential districts or sub-districts be designated in the plan r on the map at any one time. Rather, it is the intention of this chapter to have suitable regulations available in the event the need arises.

- (2) *Maps.*

- (a) The boundaries of districts or zones are shown upon the official zoning map, which is maintained in the village office.
- (b) The official zoning map and all notations, references and other information appearing thereon are hereby declared to be a part of this chapter and of the same force and effect as the districts were fully set forth by metes and bounds description.
- (c) In facilitate the interpretation and application of this chapter, renditions of the official map shall be appended to copies of this chapter. Interested parties should be aware, however, that ordinance amendments, nonconforming uses, special land uses, etc., may cause the official map to be altered and differ from previous renditions which may not have been updated.

- (3) *Boundaries of zoned districts.* For determination of the boundaries of districts shown on the zoning maps, the following rules shall apply:

- (a) Where boundaries are indicated as following, or approximately following, street and alley lines, the street or alley center lines shall be construed to be the boundaries.
- (b) Where boundaries are indicated as following, or approximately following, lot lines or plot lines, the lot line or plot line shall be construed to be the boundary.
- (c) The board of zoning appeals shall, upon application or upon its own motion determine the location of boundaries in case where uncertainly exists.

(Ord. of 5-28-2002, § 9.00.00)

Sec. 54-211. - Residential (R) districts.

Residential districts are subdivided into two types, identified as R1 and R2, with the following requirements, which shall apply to both of the residential sub-districts unless specifically designated to one:

(1) *Use types.*

(a) *Permitted uses (by right) in R1 and R2 districts.*

1. *Dwellings.* Single or two-family dwellings.
2. *Accessory structures.* Buildings and other structures accessory to the dwelling (for example, garages, properly fenced swimming pools, satellite antennae, wind power systems, etc.) that are incidental to the principal use; but excluding tents, recreation vehicles, trailer coaches, and motor homes, except as otherwise provided in this chapter) shall be permitted in rear yards. No accessory buildings or structures (other than attached garages) shall be in side or front yards.
3. *Home occupations.*
 - a. *License.* Upon issuance of a home occupation use license by the village clerk, a home occupation in a dwelling used by the applicant as a residence shall be permitted.
 - b. *Appearance as dwelling.* Such use shall not involve any extension or modification of the dwelling which will allow its outward appearance as a dwelling.
 - c. *Home occupation signs.* Signs to advertise a home occupation shall be in compliance with section 54-60.
 - d. *Limitation to size of use.* No more than one-fourth of the total dwelling area shall be used for such purposes.
 - e. *Family only.* The home occupation shall not employ non-family members.
 - f. *Parking.* The home occupation must comply with parking provisions of section 54-55.

(b) *Special land uses (discretionary, requiring approval of the planning commission).*

1. Multifamily dwellings, meaning dwellings with more than two basic living units (e.g. apartment house).
2. Playgrounds.
3. Public or community assembly buildings.
4. Churches and schools.
5. Tourist homes and rooming house.
6. Other uses which are not inconsistent with the provisions of this chapter.

(c) *Prohibited uses.*

1. Raising or harboring of horses, cattle, sheep, swine, mules, burros, goats, or poultry.
2. Keeping or maintaining more than two adult dogs, cats and/or rabbits per dwelling.
3. More than one dwelling on a parcel board of appeals after public hearing.
4. Parking on or adjacent to any premises gross vehicle weight of 10,000 pounds or of land, unless a variance is granted by the of a commercial truck or vehicle having a more.

(2) *Minimum residential lot area.*

- (a) *R1.*
 - 1. Originally platted or currently existing lots 66 feet wide (or more) by 132 feet deep (or more) enclosing 8,712 square feet (or more) may be developed if:
 - a. Municipal water and sewer service taps are immediately available at front lot line, and
 - b. As-built site plan complies with setback and other dimensional requirements, and
 - c. Front lot line is contiguous to a fully developed and maintained village street.
 - 2. Parcels in currently platted subdivisions, which do not have:
 - a. Municipal water and sewer service taps immediately available at front lot line, or
 - b. Adequate room for required setbacks and other dimensional requirements, or
 - c. A fully developed and maintained village street at the front lot line,
Must be not less than 80 feet in width and 132 feet in depth and include at least 10,880 square feet.
 - 3. No parcel divisions or new lots may be created less than 80 feet in width and 165 feet in depth (13,200 square feet).
 - (b) *R2.* Minimum lot area shall be 20,000 square feet with a minimum frontage and width of 100 feet and minimum depth of 200 feet in all new subdivisions or newly created parcels of land.
- (3) *Residential corner lots.*
- (a) *R1 corner lot.*
 - 1. On any corner lot, walls, fences, hedges or accessory structures or plantings shall not rise over three feet in height above the level of the road grade within 20 feet of any corner so as to interfere with traffic visibility.
 - 2. Side yards on corner lots shall not be less than the required setback on the abutting side street.
 - (b) *R2 corner lot.*
 - 1. On any corner lot, walls, fences, hedges or accessory structures or plantings shall not rise over three feet in height above the level of the road grade within 20 feet of any corner so as to interfere with traffic visibility.
 - 2. Side yards on corner lots shall not be less than the required setback on the abutting side street.
- (4) *Residential driveways and parking.*
- (a) *R1 districts.*
 - 1. Driveways shall be not less than ten feet wide and at least three feet from the lot line.
 - 2. No shared driveway (common to two residences) shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds.
 - 3. Off-street vehicle parking, access and egress shall be provided as required in general provisions.
 - (b) *R2 districts.*
 - 1. Driveways shall be not less than ten feet wide and at least three feet from the lot line.
 - 2. No shared driveway (common to two residences) shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds.

3. Off-street vehicle parking, access and egress shall be provided as required in general provisions.
- (5) *Residential setbacks.* Every dwelling hereafter erected, altered or moved upon a premises, shall be provided with yards (setbacks) having no less than the following minimum sizes:
- (a) *Front yards.*
 1. *R1 front yards.*
 - a. Front yards in R1 districts shall be equal to the average depth of existing front yards in the block and fronting on the same street in which parcel is located.
 - b. In event that there are fewer than four pre-existing dwellings on the block or in a new subdivision fronting on the same street, then the front yard setback shall be not less than 30 feet from the front lot line.
 2. *R2 front yards.*
 - a. Front yards in R2 districts shall be equal to the average depth of existing front yards in the block and fronting on the same street in which parcel is located.
 - b. In event that there are fewer than four pre-existing dwellings on the block or in a new subdivision fronting on the same street, then the front yard setback shall be not less than 30 feet from the front lot line.
 - (b) *Side yards.*
 1. R1 side yards shall be at least ten feet in width on each side of principal structure.
 2. R2 side yards shall be at least ten feet in width on each side of principal structure.
 - (c) *Rear yards.* The depth of a rear yard abutting upon a street shall not be less than the depth of a front yard required for a building of the same size and kind, on the adjoining lot fronting on such rear street. See also "transitional zoning".
 1. R1 rear yards shall be at least 35 feet from rear lot line to principal structure.
 2. R2 rear yards shall be at least 35 feet from rear lot line to principal structure.
- (6) *Fences.*
- (a) R1 fences located in R1 residential districts:
 1. Shall not be constructed or erected in the required front yard of setback, and
 2. Shall not exceed six feet in height in any part forward from the extreme rear line of the dwelling on the lot if the fence is built on the property line or within five feet thereof, and
 3. Shall not be of closed construction (unless adjacent property owners mutually consent thereto, pursuant to subsection (c), below). Fences located in the rear yard on the lot line or within five feet thereof may be built to a height of eight feet without restriction on solid matter or closed construction.
 - (b) R2 fences located in R2 residential districts:
 1. Shall not be constructed or erected in the required front yard of setback, and
 2. Shall not exceed six feet in height in any part forward from the extreme rear line of the dwelling on the lot if the fence is built on the property line or within five feet thereof, and
 3. Shall not be of closed construction (unless adjacent property owners mutually consent, pursuant to subsection (c), below). Fences located in the rear yard on the lot line or within five feet thereof may be built to a height of eight feet without restriction on solid matter or closed construction.

- (c) *Closed fence construction.* Fences dividing side lot lines of properties in residential districts (R1 or R2) may be of closed construction only under the following conditions:
 - 1. All (100 percent) owners of adjacent parcels divided by a fence of closed construction must agree to the existence of such fence.
 - 2. An agreement for closed construction fence may be withdrawn by any consenting owner or successive owner or grantee of any or all of the consenting parties.
 - 3. The terms of the agreement must be documented on a form approved by the village and recorded with the Sanilac County Register of Deeds.
- (7) *Residential signs.* Signs shall be in conformance with signs in general provisions.
- (8) *Residential building height and floor area.* In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.
 - (a) *R1 residential.*
 - 1. *R1 principal structure floor area requirements.*
 - a. *One story, one-family dwellings.* Every one-family, one story dwelling hereafter erected, altered or moved upon premises shall contain not less than 960 square feet of floor area.
 - b. *Multistory dwellings.* Every one-family, multistory dwelling, hereafter erected, altered or moved upon a premises shall contain not less than 960 square feet of total floor area and not less than 600 square feet of ground floor area.
 - c. *Two-family dwellings (duplex).* Every structure designed as a two-family dwelling shall contain provide the same minimum floor area per dwelling unit as is required for a one story, one-family dwelling.
 - d. *Multiple dwelling structures.* If permitted, each dwelling unit in a multi-dwelling structure shall contain at least 700 square feet of floor area.
 - 2. *R1 building height limitations.*
 - a. Buildings may be erected or structurally altered to a maximum height of two and one-half stories or 35 feet.
 - b. However, churches (not including steeples), public and semi-public buildings may be erected to a greater height if the building is set back from each required yard line at least one more foot for each foot of additional height above 35 feet.
 - (b) *R2 residential.*
 - 1. *R2 principal structure floor area requirements.*
 - a. *One story one-family dwellings.* Every one-family, one story dwelling hereafter erected, altered or moved upon premises shall contain not less than 1,500 square feet of floor area.
 - b. *Multistory dwellings.* Every one-family, multi-story dwelling, hereafter erected, altered or moved upon a premises shall contain not less than 1,500 square feet of total floor area and not less than 900 square feet of ground floor area.
 - c. *Two-family dwellings (duplex).* Every structure designed as a two-family dwelling shall contain provide the same minimum floor area per dwelling unit as is required for a one story, one-family dwelling.
 - d. *Multiple dwelling structures.* If permitted, at least 50 percent of the dwelling units in a multi-dwelling structure shall contain at least 900 square feet of floor area and the remaining 50 percent of the dwelling units shall contain not less than 700 square feet of living area.

2. *R2 building height limitations.*

- a. Buildings may be erected or structurally altered to a maximum height of two and one-half stories or 35 feet.
- b. However, churches (not including steeples), public and semi-public buildings may be erected to a greater height if the building is set back from each required yard line at least one more foot for each foot of additional height above 35 feet.

(9) *Accessory buildings.*

- (a) No accessory building shall be erected closer to a side lot line than the permitted distance for the dwelling.
- (b) However, if an accessory building is erected completely to the rear of the dwelling, it may be erected three feet from the side and rear lot lines.
- (c) Garages shall not exceed three vehicle capacity and 15 feet in overall height.

(Ord. of 5-28-2002, § 9.01.00; Ord. No. 2003-2, 8-4-2003; Ord. of 9-15-2003)

Sec. 54-212. - Manufactured home subdivision (MHS) and land lease communities (MHLLC).

The following provisions shall apply to all manufactured home subdivisions (wherein lots are individually platted and sold as private mobile home sites) or land lease communities (wherein more than two manufactured home sites are owned and managed by a lessor, licensed by the Michigan Department of Commerce).

An applicant who wishes to create a new manufactured home subdivision or land lease community shall apply to the village planning commission to establish a manufactured home subdivision or land lease community district, when a change in zoning is required.

An application for a manufactured home subdivision or land lease community shall have the preliminary plan approved by the county road commission, county drain commissioner and the county health department before it will be considered by the village. In considering application for a new park, the village shall be guided by, and require compliance with, Michigan Mobile Home Commission Rules 125.1904 through 125.1911 and such other commission rules as apply.

Persons wishing to create a new manufactured home subdivision or land lease community shall comply with the Michigan Subdivision Control Act (1967 PA 288) before the village shall consider creating such a new district. Further, the village shall make any rezoning recommendations conditional upon compliance with the applicable provisions of this chapter, including yards, buffers, fences, screening, lot size roadways, driveways, parking, etc., as restrictions on lot titles.

The village planning commission shall follow the requirements of article X in rezoning of any real estate to manufactured home subdivision or land lease community as well as the requirements of article VIII for special land uses. (Public hearings and notices being required.)

(1) *Use types.*

- (a) *Permitted uses.* Land in manufactured home subdivision or land lease community districts (MHS) shall be used only for the following purposes:
 - 1. Single-family mobile home residential dwellings with not more than one such dwelling per lot.
 - 2. One garage and one accessory building or structure, such as, for example, garages, properly fenced swimming pools, satellite antennae, wind power systems, etc., that are incidental to the principal use, are allowed on each lot. No accessory building or structure (other than attached garages) shall be in side or front yards.
 - 3. Community or subdivision grounds maintenance buildings.

- (b) *Special land uses* (requiring approval of the planning commission, after a public bearing).
 - 1. Commercial operations ancillary to the operation of a land lease community (but not subdivision).
 - 2. Playgrounds and recreational facilities.
 - 3. Public and community assembly buildings.
 - 4. Other uses which are not inconsistent with the provisions of this chapter.
- (c) *Prohibited uses*.
 - 1. Raising or harboring of horses, cattle, sheep, swine, mules, burros, goats, or poultry.
 - 2. Keeping or maintaining more than two dogs, cats or rabbits per dwelling.
 - 3. More than one dwelling of parcel of land, unless a variance is granted by the board of appeals after public hearing.
 - 4. Parking on or adjacent to any premises of a commercial truck or vehicle having a gross vehicle weight of 10,000 pounds.
- (2) *Minimum lot area*. Minimum lot area shall be no less than 60 feet in width and 150 feet in length with a minimum area of 9,000 square feet.
- (3) *Corner lot*. On any corner lot no walls, fences, hedges or accessory structures or shrubbery shall rise over three feet in height above the level of the road grade within 20 feet of any corner so as to interfere with public safety.
- (4) *Driveway and parking*.
 - (a) Manufactured home subdivisions or land lease community off-street parking, driveways, access and egress shall be provided in accordance with the Michigan Home Commission Rules (R125.1925).
 - (b) In manufactured home subdivisions and land use communities, driveways shall be not less than ten feet wide and at least three feet from the lot line. No driveway common to two mobile homes shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds. Off-street vehicle parking, access and egress shall be provided as shown in section 54-55.
- (5) *Yards*. Manufactured home subdivisions or land lease communities (excepting parks) shall provide yards with no less than the following minimum size:
 - (a) *Front yards*: Thirty feet from the front lot line.
 - (b) *Side yards*: Ten feet in width on each side.
 - (c) *Rear yards*: Ten feet from the rear lot line.
- (6) *Fences and buffers*.
 - (a) Manufactured home subdivisions or land lease communities shall be completely screened by a view-obstructing fence, earthen berm, coniferous natural growth (or combination thereof) along the entire property line, including the line abutting a public thoroughfare, except at access points. The screen shall be at least six feet above the road grade level.
 - (b) Manufactured home subdivisions and land lease communities shall have open buffer areas at least ten feet wide at all side and rear property lines.
 - (c) Fences, walls and shrubs of more than three feet in height above the road grade level are not allowed on an interior lot within ten feet of the front property line where they will interfere with the traffic visibility from a drive.
- (7) *Signs*. Signs shall be in conformance with the general provisions section 54-60.

(8) *Manufactured home and building floor area and height.*

(a) *Floor area.*

1. Every manufactured home in a manufactured home subdivision or land lease community (including only original supplied factory produced "tip-outs" or other aesthetically compatible, approved additions) shall contain not less than 900 square feet of living area.
2. In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.

(b) *Height.*

1. Buildings may be erected or structurally altered to a maximum height of two and one-half stories or 35 feet.
2. However, public and semi-public buildings may be erected to a greater height if the building is set back from each required yard line at least one more foot for each foot of additional height above 35 feet.

(9) *Accessory buildings.*

- (a) No accessory building shall be erected closer to a side lot line than the permitted distance for the dwelling.
- (b) However, if an accessory building is erected completely to the rear of the dwelling, it may be erected three feet from the side and rear lot lines.
- (c) Garages shall not exceed two vehicle capacity and 15 feet in height.

(Ord. of 5-28-2002, § 9.04.00)

Sec. 54-213. - Commercial districts (C).

Commercial districts are subdivided into two types, identified as C1 and C2, with the following requirements which shall apply to both of the commercial sub-districts unless specifically designated to one:

- (1) *Use types.* In commercial districts (C) land may be used and buildings or structures be erected, altered or moved on and used, in whole or in part, for any one or more of the following specified uses, except as otherwise provided in this chapter. All uses shall comply with the performance standards listed in general provisions. Structures shall comply with all state and local commercial building codes.

(a) *C1 districts.*

1. *Uses permitted in C1 districts.*

- a. All generally recognized and accepted retail stores or outlets and their accessory service or production departments.
- b. Business and professional offices.
- c. Public and personal services direct to the customer (e.g. barbers and beauticians).
- d. Greenhouses and nurseries.
- e. Parking lots.
- f. Public, semi-public and public utility buildings not including storage yards.
- g. Community clubs, fraternal organizations and similar civic social organizations.
- k. Sale of alcoholic beverage for consumption off-premises.

- i. Outdoor advertising signs in conformance with subsection 54-60(4) of this chapter.
 - j. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformers (stations and substations) gas regulator stations, water and sewage stations and public utility electric power generating facilities.
2. *Special land uses in C1 districts.* Commercial district special land lease permits shall include the condition that the regular course of business shall not emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located. Nor shall such uses be injurious to the surrounding neighborhood or contrary to the public interest or the spirit of this chapter. The following special land uses may be permitted upon approval after a public hearing:
- a. Small businesses engaging in the repair, finishing, alteration, assembling, fabrication or storage of goods.
 - b. Gasoline service stations.
 - c. New and used motor vehicle storage or display lots.
 - e. Motor vehicle repair shops.
 - f. Processing or sale of used motor vehicle parts from within a building. However, if sold from vehicles on the premises (known as "junk" cars, trucks, tractors or trailers), the owner and/or operator shall conform to the requirements of a junkyard as herein defined and obtain license(s) from the State of Michigan and the Village of Deckerville.
 - g. Recreation and amusement facilities (e.g. pool halls, video arcades, games of skill, etc.) for which license is required pursuant to any state statute or local ordinance.
 - h. Food processing plants.
 - i. Campgrounds.
 - j. Open storage yards, whether principal or accessory use.
 - k. Theaters, stadiums or arenas.
 - l. Adult bookstores.
 - m. Open air markets (e.g. flea markets, farmers' markets, etc.).
 - n. Amusement and recreation parks and playgrounds.
 - o. Churches, schools, public and community assembly buildings.
 - p. Hospitals, clinics and sanatoriums.
 - q. Funeral homes, mortuaries and cemeteries.
 - r. Hotels, motels, tourist homes and rooming houses.
 - s. Multifamily dwellings.
 - t. Bars and taverns.
 - u. Combustible or toxic material storage structures or yards.
 - v. Private airports, aircraft landing pads or strips.
 - w. Signs not in compliance with section 54-60.
 - x. Any commercial or business use of land or buildings not specifically mentioned in this section may be conditionally permitted upon approval of the planning commission after a public hearing.
 - y. Wireless communication towers.

3. *Prohibited uses in C1 districts.*
 - a. Livestock yards and slaughter houses are prohibited in commercial districts.
 - b. Residential use of first floor of commercial (but not residential) structures.
- (b) *C2 districts.*
1. *Uses permitted in C2 districts.*
 - a. All generally recognized and accepted retail stores or outlets and their accessory service or production departments.
 - b. Business and professional offices.
 - c. Public and personal services direct to the customer (e.g. barbers and beauticians).
 - d. Greenhouses and nurseries.
 - e. Parking lots.
 - f. Public, semi-public and public utility buildings not including storage yards.
 - g. Community clubs, fraternal organizations and similar civic social organizations.
 - h. Sale of alcoholic beverage for consumption off-premises.
 - i. Outdoor advertising signs in conformance with subsection 54-60(4) of this chapter.
 - j. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformers (stations and substations) gas regulator stations, water and sewage stations and public utility electric power generating facilities.
 2. *Special land uses in C2 districts.* Commercial district special land use permits shall include the condition that the regular course of business shall not emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located. Nor shall such uses be injurious to the surrounding neighborhood or contrary to the public interest or the spirit of this chapter. The following special land uses may be permitted upon approval after a public hearing:
 - a. Small businesses engaging in the repair, finishing, alteration, assembling, fabrication or storage of goods.
 - b. Gasoline service stations.
 - c. New and used motor vehicle storage or display lots.
 - e. Motor vehicle repair shops.
 - f. Processing or sale of used motor vehicle parts from within a building. However, if sold from vehicles on the premises (known as "junk" cars, trucks, tractors or trailers), the owner and/or operator shall conform to the requirements of a junkyard as herein defined and obtain license(s) from the State of Michigan and the Village of Deckerville.
 - g. Recreation and amusement facilities (e.g. pool halls, video arcades, games of skill, etc.) for which license is required pursuant to any state statute or local ordinance.
 - k. Food processing plants.
 - i. Campgrounds.
 - j. Open storage yards, whether principal or accessory use.
 - k. Theaters, stadiums or arenas.
 1. Adult bookstores.
 - m. Open air markets (e.g. flea markets, farmers' markets, etc.).

- n. Amusement and recreation parks and playgrounds.
 - o. Churches, schools, public and community assembly buildings.
 - p. Hospitals, clinics and sanatoriums.
 - q. Funeral homes, mortuaries and cemeteries.
 - r. Hotels, motels, tourist homes and rooming houses.
 - s. Multifamily dwellings.
 - t. Pars and taverns.
 - u. Combustible or toxic material storage structures or yards.
 - v. Private airports, aircraft landing pads or strips.
 - w. Signs not in compliance with section 54-60.
 - x. Any commercial or business use of land or buildings not specifically mentioned in this section may be conditionally permitted upon approval of the planning commission after a public hearing.
 - y. Wireless communication towers.
3. *Prohibited uses in C2 districts.*
- a. Livestock yards and slaughter houses are prohibited in commercial districts.
 - b. Residential use of first floor of commercial (but not residential) structures.
- (2) *Minimum lot area.*
- (a) C1 district minimum lot area shall be 20,000 square feet with a minimum frontage of 100 feet in all newly created parcels of property.
 - (b) C2 district minimum lot area shall be 20,000 square feet with a minimum frontage of 100 feet in all newly created parcels of property.
- (3) *Corner lots.* On any newly created corner lot where a residential structure is located, no walls, fences, hedges or accessory structures or shrubbery shall rise over three feet in height above the level of the road grade within 20 feet of any corner so as to interfere with traffic visibility.
- (4) *Drive ways and parking.*
- (a) *C1 districts.* Driveways shall be not less than 24 feet wide and at least three feet from the lot line. No driveway common to two buildings shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds. Off-street vehicle parking, access and egress shall be provided as shown in section 54-55.
 - (b) *C2 districts.* Driveways shall be not less than 24 feet wide and at least three feet from the lot line. No driveway common to two buildings shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds. Off-street vehicle parking, access and egress shall be provided as shown in section 54-54.
- (5) *Setbacks.* Every building hereafter erected, altered or moved upon commercial premises shall be provided with setbacks complying with the following standards:
- (a) *Setbacks in C1 districts.*
 - 1. *Front setbacks in C1 districts.*
 - a. Commercial structures in C1 districts shall be erected with not more than a five-foot setback from the existing or prospective sidewalk at the front of the building. (The purpose of this provision being to require development of parking areas to the rear of the commercial structure. Upon comparison of the applicant's site plan

and elevations to the character of the neighboring architecture, uses, setbacks, etc., the village board of zoning appeals may vary the setback requirements.)

- b. Provisions of this section ("front setbacks") notwithstanding, those lots which border on use districts other than commercial shall comply with the setback requirements defined in "transition zoning," section 54-68.
 2. *Side setbacks in C1 districts.* Commercial structures in C1 districts may be built up to the side property line, with no side setbacks.
 3. *Rear setbacks in C1 districts.* Shall contain sufficient area to meet off-street parking, loading and unloading requirements as defined in article III, but not less than 25 percent of the total lot depth. The depth of a rear yard abutting upon a street shall not be less than the depth of a front yard required for a building of the same size and kind, on the adjoining lot fronting on such rear street.
- (b) *Setbacks in C2 districts.*
1. *Front setbacks in C2 districts.*
 - a. Commercial structures in C2 districts shall be erected with not less than 30 feet from the existing or prospective sidewalk at the front of the building. (Upon comparison of the applicant's site plan and elevations to the character of the neighboring architecture, uses, setbacks, etc., the village board of zoning appeals may vary the setback requirements.)
 - b. Provisions of this section ("front setbacks") notwithstanding, those lots which border on use districts other than commercial shall comply with the setback requirements defined in "transition zoning," section 54-68.
 2. *Side setbacks in C2 districts.* Commercial structures in C2 districts may be built up to the side property line, with no side setbacks.
 3. *Rear setbacks in C2 districts.* Shall contain sufficient area to meet off-street parking, loading and unloading requirements as defined in article III, but not less than 25 percent of the total lot depth. The depth of a rear yard abutting upon a street shall not be less than the depth of a front yard required for a building of the same size and kind, on the adjoining lot fronting on such rear street.
- (6) *Fences and buffers.*
- (a) Fences are prohibited in C1 and C2 districts unless:
 1. Permitted by the planning commission (for special land uses) or the board of appeals (for variances), or
 2. Concealing all outdoor storage areas (per special land use), including refuse disposal units, or
 3. Surrounding construction in process.
 - (b) Occupants and owners shall also comply with sections 54-35 and 54-56 of this chapter.
- [(7) *Reserved.*]
- (8) *Signs.* Signs in C1 and C2 shall be in conformance with section 54-60.
- (9) *Building floor area and height.*
- (a) *C1 districts.*
 1. *C1 floor area.* Every building hereafter erected, altered or moved upon commercial premises shall contain not less than 750 square feet of ground floor area.
 2. *C1 building height.* No buildings shall hereafter be erected, altered or moved upon any premises exceeding a height of 35 feet or two and one-half stories unless a variance

for a greater height is approved by the village board of zoning appeals after a public hearing and taking into consideration the firefighting capabilities in the village or available neighboring firefighting facilities.

(b) *C2 districts.*

1. *C2 floor area.* Every building hereafter erected, altered or moved upon commercial premises shall contain not less than 750 square feet of ground floor area.
2. *C2 building height.* No buildings shall hereafter be erected, altered or moved upon any premises exceeding a height of 35 feet or two and one-half stories unless a variance for a greater height is approved by the village board of zoning appeals after a public bearing and taking into consideration the firefighting capabilities in the village or available neighboring firefighting facilities.

- (10) *Accessory buildings.* Accessory buildings in C1 and C2 districts which are located on a corner lot shall not be placed closer than ten feet to a rear or side line. Others will comply with principal structure requirements.

(Ord. of 5-28-2002, § 9.05.00)

Sec. 54-214. - Industrial districts (I).

- (1) *Use types.* Land may be used or buildings or structures may be erected, altered or moved on and used, in whole or part, for any one of the following specified uses, except as otherwise provided in this chapter. All uses in industrial districts shall comply with the performance standards listed in section 54-56 of this chapter as well as all state and local industrial building codes.

(a) *I industrial districts.*

1. *Permitted uses in industrial districts.*

- a. Any industrial purpose as defined in article II which, in the regular course of business, shall not emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located.
- b. Public utilities.
- c. Outdoor advertising signs in conformance with section 56-60 of this chapter.
- d. Accessory buildings and structures such as, for example, storage buildings, garages, satellite antennae, wind power systems, etc., that are incidental to the principal use. No accessory buildings or structures shall be in side or front yards.
- e. Agricultural enterprises.

2. Special land uses in industrial districts (requiring approval of the village planning commission, after a public hearing if such use is not consistent, disruptive or nonconforming to the area):

- a. Any commercial use or business use that is permitted in commercial districts.
- b. An industrial use which, in the normal course of business, may emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located so long as performance standards (as outlined in section 54-56) are not exceeded.
- c. Reservoirs, catch basins, sewage disposal plants, aeration fields, or ponds used for the dumping or treatment of waste, chemicals, liquids or any other materials from any other commercial or industrial enterprise.
- d. Signs not conforming with section 54-60.
- e. Fertilizer and other chemical plants.

- f. Slaughter houses, transfer stations and rendering plants.
 - g. Airports or aircraft launching and landing strips.
 - h. Open storage yards as principal or accessory use.
 - i. Truck terminals.
 - j. Gravel pits, sand mines and open pit mines.
 - k. Landfills and dumps.
 - l. Combustible or toxic material storage structures or yards.
 - m. Food processing plants.
 - n. Junkyards.
 - o. Schools, churches, public and community assembly buildings.
 - p. Wireless communication towers.
- (2) *Minimum industrial lot area.* A lot site or parcel of land shall consist of not less than five acres and shall not be less than 500 feet on the front street.
- (3) *Corner industrial lot.* On any corner lot no walls, fences, hedges or accessory structures or shrubbery shall rise over three feet in height above the level of the road grade within 20 feet of any corner so as to interfere with traffic visibility.
- (4) *Industrial driveways and parking.*
- (a) *Driveways.* Driveways shall be not less than 24 feet wide and located at least three feet from the side lot lines.
 - (b) *Parking.* Off-street vehicle parking and loading space shall comply with the provisions of section 54-55 of this chapter. However, vehicle parking shall be allowed only in side or rear yards of industrial zoned property.
 - (c) *Fire lane.* A clear and unobstructed drive, at least 14 feet wide, for the access of firefighting equipment shall be kept open in side or rear yards.
- (5) *Setbacks.* Every building hereafter erected, altered or moved upon industrial zoned premises shall be provided with yards having no less than the following minimum sizes:
- (a) *Front setback.* Front yards shall include an open area of not less than 150 feet measured from the centerline of the abutting highway, street or road. However, where there are existing buildings within 50 feet of the sidelines of the parcel of land upon which the building is to be located, the front yard space may be reduced to the average of such buildings. Front yards shall be ornamentally landscaped. (Upon comparison of the applicant's site plan and elevations to the character of the neighboring architecture, uses, setbacks, etc., the village council (acting in lieu of a board of appeals) may vary the setback requirements.)
 - (b) *Side setback.* There shall be two side yards, each of which shall not be less than 50 feet in width except where a side property line adjoins a railroad right-of-way, in which case no side yard will be required along such lot line.
 - (c) *Rear setback.* There shall be a rear yard of not less than 50 feet in depth except where the property line adjoins a railroad right-of-way, in which case no rear yard will be required.
- (6) *Fences and buffers.* Where industrial property abuts any other use district, the side yard shall be at least 15 feet in width and shall include a green strip at least 15 feet wide and an isolation barrier at least eight feet high. Such barrier shall consist of coniferous trees and may be supplemented by additional ornamental foliage. The total height of the isolation barrier may include a berm. (See sections 54-35 and 54-56).

- (7) *Building floor area.* Every industrial building hereafter erected, altered or moved upon industrial premises shall contain not less than 2,000 feet of ground floor area.
- (8) *Building height.* Buildings and structures shall not exceed a height of 35 feet or two and one-half stories except when a variance for a greater height is approved by the village board of zoning appeals after a public hearing, and taking into consideration the firefighting capabilities of the village or neighboring firefighting facilities.
- (9) *Accessory buildings.* Accessory buildings shall comply with all setback (yard) requirements.

(Ord. of 5-28-2002, § 9.06.00)

Secs. 54-215—54-229. - Reserved.

ARTICLE X. - AMENDMENTS

Sec. 54-230. - Amendments generally.

- (1) The village council may from time to time, on recommendation of committee or on petition, amend, supplement, or change the district boundaries or the regulations of this chapter. Such action shall be pursuant to and in accordance with the provisions of Act 207 of the Public Acts of 1921 as amended.
 - (a) Prior to any amendments to this chapter a public hearing shall be conducted by the village planning commission, notification of which shall be sent to all affected parties, including railroads and public utilities as provided below.
 - (b) Applications for amendment shall be submitted by the property owner seeking such change or by his legally authorized representative as provided below.
 - (c) Applications shall be made to the village clerk on forms provided and shall be accompanied by a nonrefundable fee annually set by council to cover cost of publication and other charges.
 - (d) All applications shall be referred to the zoning administrator and village council zoning committee for review at least two weeks prior to public hearings conducted by the village planning commission.

(Ord. of 5-28-2002, § 10.00.00)

Sec. 54-231. - Amendment procedure.

- (1) *Initiation of amendments.* Amendments to this chapter may originate:
 - (a) From the village council by resolution of the majority of their respective members;
 - (b) By written petition of the owner of the land affected; and/or
 - (c) By written petition signed by no less than 60 percent of the owners of property located in the Village of Deckerville and within 1,500 feet of all boundaries of all property to be rezoned, and filed with the village clerk. Such petition shall include the address of each signer and the location of his property in the village.
- (2) *Council/planning commission procedures.* Each proposed amendment shall be referred to the village planning commission for its consideration pursuant to the applicable provisions of Section 4 of Act 207 of 1921.
 - (a) *Amendment hearings.*
 1. The village planning commission shall hold at least one public hearing on the proposed amendment.

2. Not less than 15 days before the hearing, the date, time and place of the hearing shall be:
 - a. Published in a local newspaper; and
 - b. Sent by written notice to each public utility and railroad servicing the village; and
 - c. If district rezoning is contemplated, then sent by written notice to the affected land owner (and all those within 300 feet of the property proposed for rezoning); and
 - d. If district rezoning is contemplated, then posted on the affected parcels for not less than 15 days prior to the hearing.
 - e. Affidavits of posting, mailing and publication shall be maintained by the village clerk.
 3. Hearing(s) shall be conducted under the Open Meetings Act (1976 PA 267) and may be recessed or adjourned as necessary for a thorough and equitable investigation and recommendation. (Any interested person shall be permitted to address the council/commission on the issue within the limits uniformly applied.)
 4. The council/commission shall prepare a summary of the comments submitted at the public hearing and shall review that summary, along with any reports from the zoning administrator and/or council zoning committee, at a subsequent meeting of the village council.
- (3) *Adoption.* Upon subsequent review of the hearing summary and any additional reports and/or recommendations, the village council, with or without holding another public hearing, may reject or adopt the amendment, with or without changes, pursuant to Section 4 of Act 207 of 1921.
- (4) *Notice of adoption.* Following adoption of a zoning ordinance amendment, at least one notice shall be published in a newspaper of general circulation in the village within 15 days after adoption. The notice shall contain the following information:
- (a) A summary of the regulatory effect of the amendment or the text of the amendment.
 - (b) The geographic area affected.
 - (c) The effective date of the amendment.
 - (d) The time and place where a copy of the ordinance may be purchased or inspected.
- (5) *Record of proceedings.* The village cleric shall record the ordinance, notices, proofs of service and proofs of publication.

(Ord. of 5-28-2002, § 10.01.00)

Secs. 54-232—54-249. - Reserved.

ARTICLE XI. - VIOLATIONS AND PENALTIES

Sec. 54-250. - Violations and penalties.

- (1) *Prosecution by civil action.*
 - (a) A building or structure which is erected or altered or converted or any use of any building or structure or land which is begun or changed subsequent to the time of passage of this chapter and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
 - (b) Each day that a violation of any provision of this chapter occurs or continues is a separate cause of action.
 - (c) Unless specifically identified as a more serious civil infraction or a criminal offense, violation of this chapter shall be a Grade A civil infraction.

(2) *Prosecution by criminal action.*

- (a) Any person, firm or corporation violating any of the provision(s) of this chapter which are designated as criminal offense(s) shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than \$500.00 and the cost of prosecution or imprisonment in the county jail for a period of 90 days for each offense, or by both such fine and imprisonment in the discretion of the court together with the cost of prosecution.
- (b) Each day during or when a violation occurs or continues shall constitute a separate offense under this chapter.

(Ord. of 5-28-2002, § 11.00.00)

Sec. 54-251. - Cost and attorney fees.

The defendant found culpable in any civil or criminal action shall be responsible for all actual court costs, attorney fees, expert and lay witness fees and any other expenditures incurred by the village in the prosecution of this chapter.

(Ord. of 5-28-2002, § 11.01.00)

Secs. 54-252—54-269. - Reserved.

ARTICLE XII. - VALIDITY

Sec. 54-270. - Validity.

- (1) This chapter and the various articles, sections, paragraphs, and clauses are hereby declared to be severable.
- (2) If any article, section, paragraph or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this chapter shall not be affected thereby.

(Ord. of 5-28-2002, § 12.00.00)

Sec. 54-271. - Repeal.

All other previously adopted ordinances or parts of ordinances in conflict with this chapter shall, to the extent of such conflict, be considered repealed at such time as this chapter becomes legally effective.

(Ord. of 5-28-2002, § 12.01.00)

Sec. 54-272. - Interpretation.

In interpreting the provisions of this chapter, they shall be considered the minimum requirements to preserve public safety, health, convenience, comfort, morals, prosperity and general welfare of the community as a whole.

(Ord. of 5-28-2002, § 12.02.00)

Sec. 54-273. - Application.

In applying the provisions of this chapter, it is not intended to interfere with, abrogate or annul any ordinances, rules, regulations, or permits previously adopted or issued that are not in conflict with the provisions of this chapter provided, however, that where the provisions of this chapter impose greater restrictions than is required by existing ordinances, rules, control; nor is it intended by this chapter to interfere, abrogate or annul any easements, covenants of agreements between parties provided, however, that where this chapter imposes a greater restriction upon the use of land or structures than such easements, covenants or agreements than the provisions of this chapter shall control.

(Ord. of 5-28-2002, § 12.03.00)