

Chapter 46 - ZONING⁽¹⁾

Footnotes:

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Cross reference— Any ordinance pertaining to rezoning saved from repeal, § 1-13(15); buildings and building regulations, ch. 6; community development, ch. 10; environment, ch. 16; land divisions and subdivisions, ch. 18; planning, ch. 28; streets, sidewalks and other public places, ch. 34; telecommunications, ch. 36; vegetation, ch. 42.

State Law reference— Authority to regulate land use, MCL 125.581 et seq.; municipal planning, MCL 125.31 et seq.

ARTICLE I. - IN GENERAL

Sec. 46-1. - Title of chapter.

This chapter is enacted under Public Act No. 207 of 1921 (MCL 125.581 et seq.), as amended, and governs the incorporated portions of the village; regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; regulates and limits the height and bulk of buildings, and other structures; accommodates energy conservation; regulates and determines the size of yards, courts and open spaces; regulates and limits the density of population; and for such purposes divides the village into districts and establishes the boundaries thereof; provides for changes in the regulations, restrictions and boundaries of such districts; defines certain terms used in this chapter; provides for enforcement; establishes a board of appeals; and imposes penalties for the violation of this chapter.

(Ord. of 3-28-1988, Title)

Sec. 46-2. - Preamble.

This chapter is established pursuant to the authority conferred by the public acts of the state, and in such case is made and provided and exists for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the village, by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements, and by other means, all in accordance with a comprehensive plan.

(Ord. of 3-28-1988, Preamble)

Sec. 46-3. - Construction of language.

The following rules of construction apply to the text of this chapter:

- (1) The particular shall control the general.
- (2) In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- (3) The term "shall" is always mandatory and not discretionary. The term "may" is permissive.

- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) The term "person" includes an individual, a corporation, a partnership, and an incorporated association, or any other similar entity.
- (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," or "either ... or," the conjunction shall be interpreted as follows:
 - a. The term "and" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. The term "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. The term "either ... or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (9) Terms not defined in this section shall have the meaning customarily assigned to them.

(Ord. of 3-28-1988, § 200)

Sec. 46-4. - Definitions.

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

Accessory use and *accessory* mean a use which is clearly incidental to, customarily found in connection with, and, unless otherwise specified, located on the same zoning lot as the principal use to which it is related. When the term "accessory" is used in this 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) Domestic or agricultural storage in a barn, shed, toolroom 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 signs, subject to the sign regulations for the district in which the zoning lot is located.

Adult regulated use shall include the following:

- (1) *Adult entertainment business* means one or a combination of more than one of the following types of businesses: adult bookstore, adult motion picture theater, adult mini-motion theater, adult personal service business, adult novelty business, adult nightclub.
- (2) *Adult book or supply store* means an establishment having as a principle activity the sale of books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.
- (3) *Adult motion picture theater* means an enclosed building with a capacity of 50 or more persons having as a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein.
- (4) *Adult mini-motion picture theater* means an enclosed building having as a principal activity the presenting of material characterized by emphasis of portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein in individual viewing booths.
- (5) *Adult novelty business* means a business which has a principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation.
- (6) *Adult personal service business* means a business which has as a principle activity a person of one sex, while nude or partially nude, providing personal services for a person of the other sex on an individual basis in a closed room. It includes, but it is not limited to, the following activities and services; massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.
- (7) *Adult night club* means a business with the principal activity of providing entertainment by nude or partially nude performers.
- (8) *Partially nude* means having any or all of the following bodily parts exposed: buttocks, genitals, pubic area or female breasts.

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

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

Apartments means a suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Auto repair means the following services: general repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles; incidental sale of engine fuels or lubricants.

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

Bed and breakfast means an accessory use that is subordinate to a one-family dwelling unit in which transient guests are provided sleeping room and board for payment.

Block means the property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way,

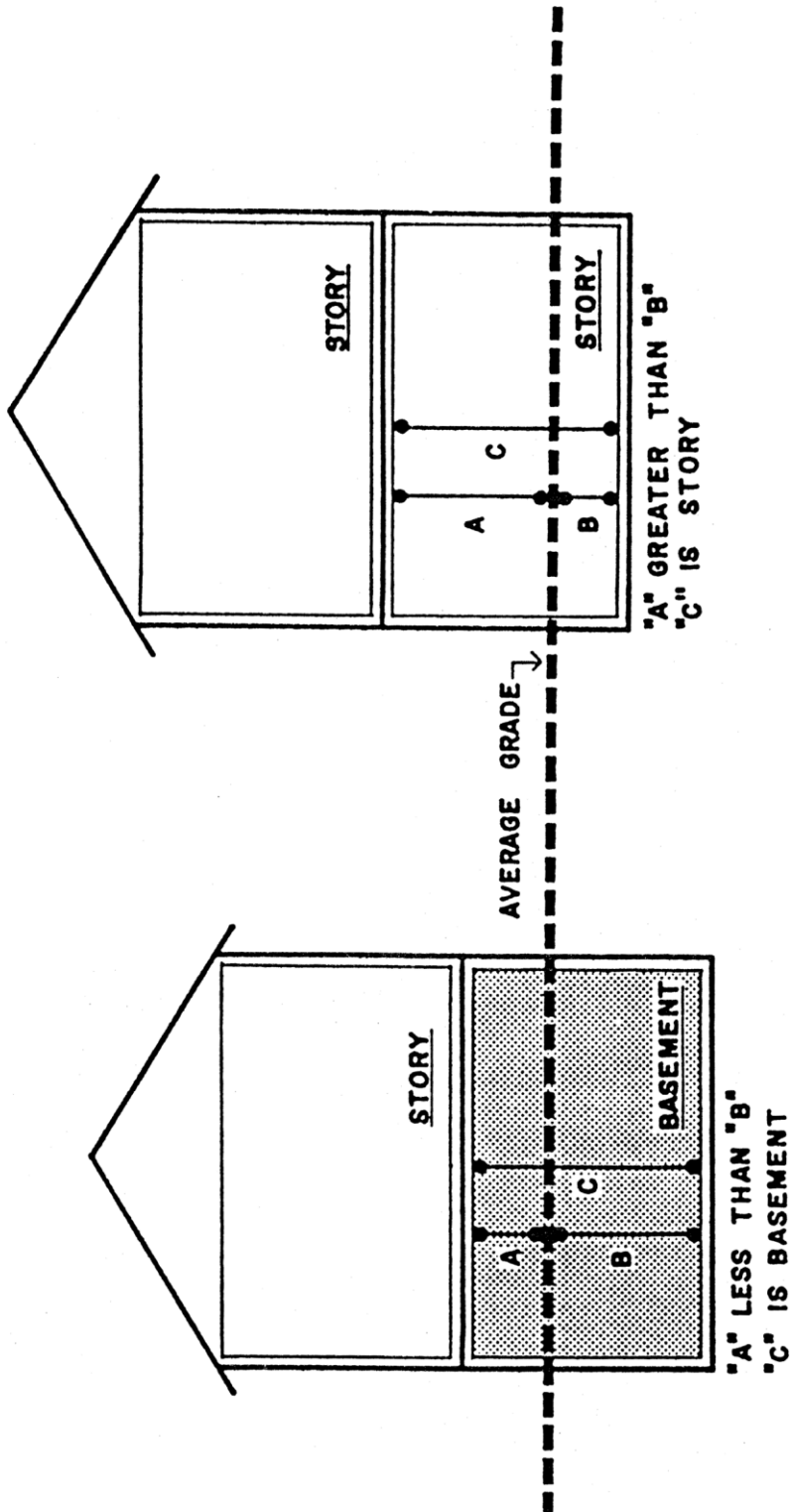
unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the village.

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

Building envelope means the area defined by lines drawn parallel to the front, rear, and side area lines, at a distance designated by the setback requirements of the zoning district and within which the main building must be located.

Building height means 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

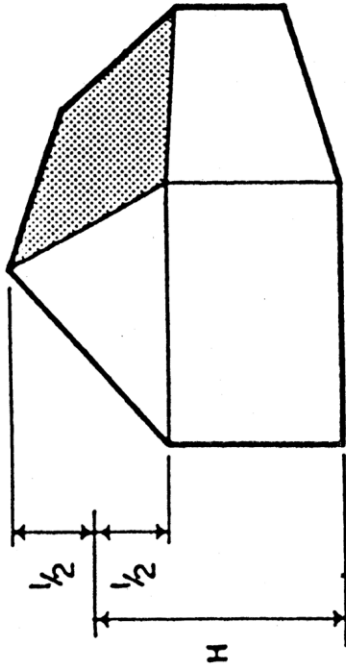
eaves and ridge for gable, hip and gambrel roofs.



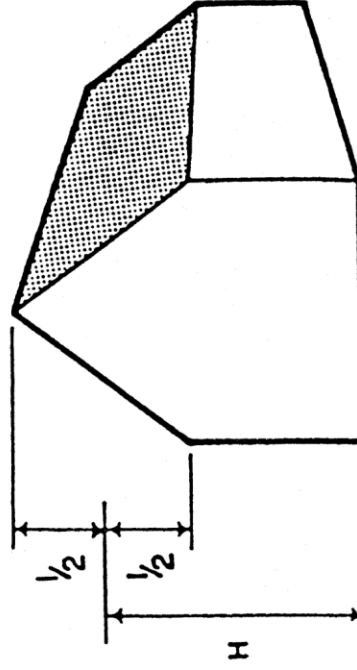
BASEMENT & STORY

Basement and Story

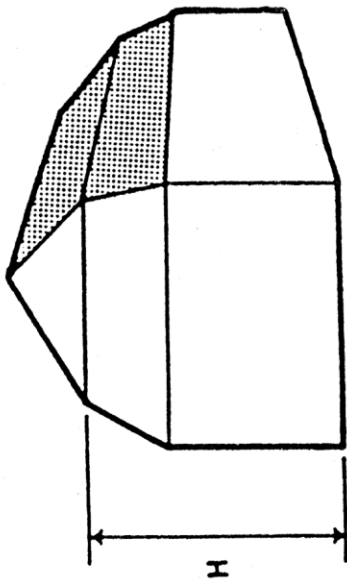
Building Height



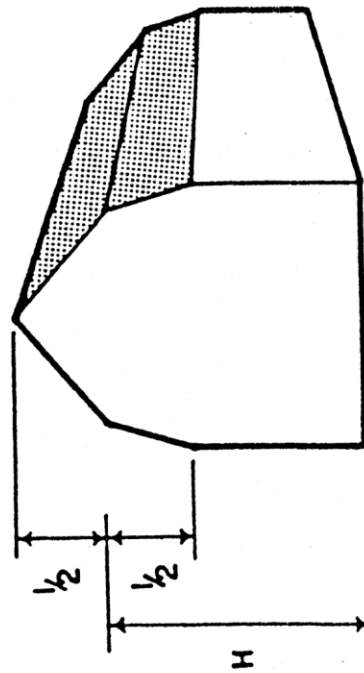
HIP ROOF



GABLE ROOF



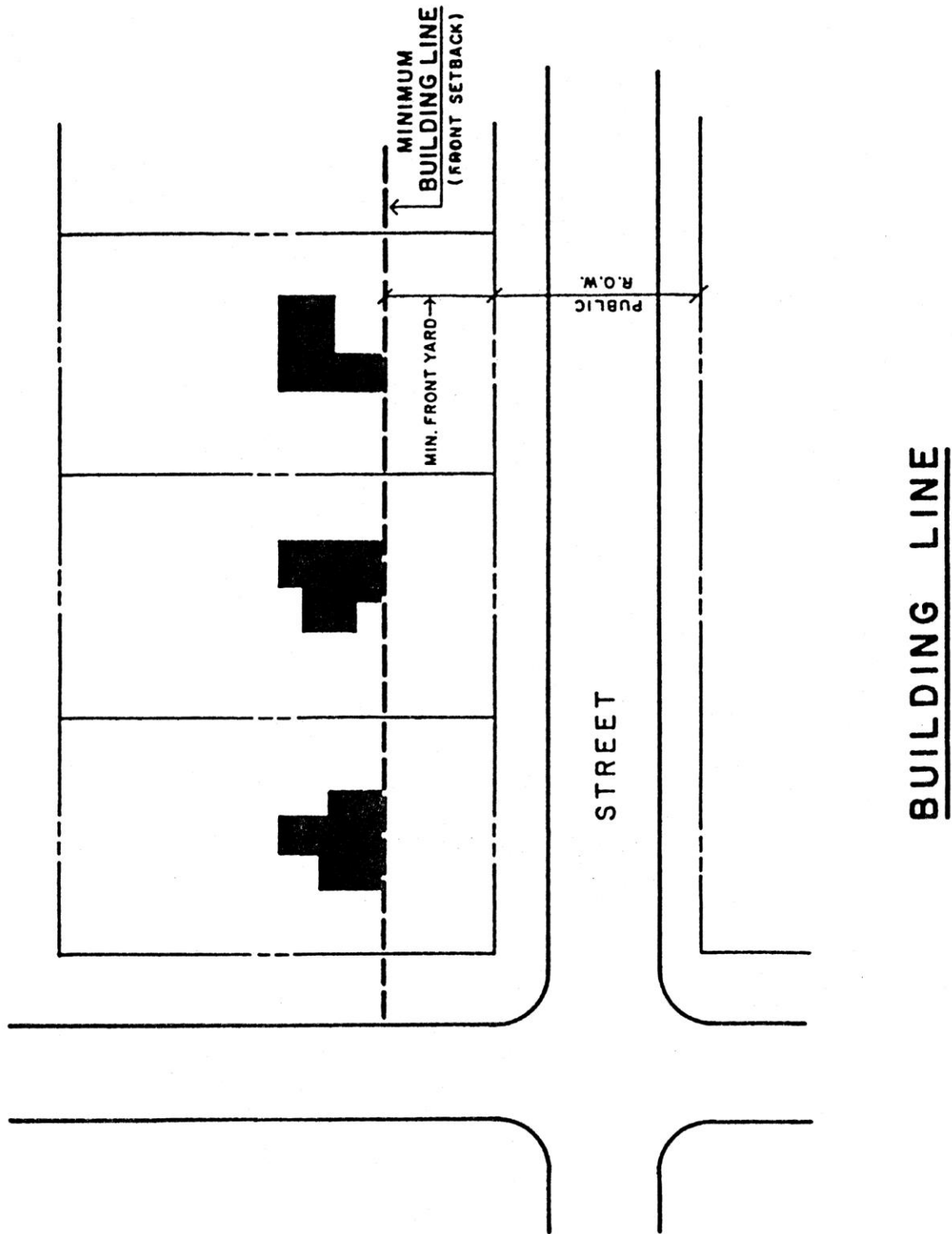
MANSARD ROOF



GAMBREL ROOF

H = HEIGHT OF BUILDING

BUILDING HEIGHT



Building Line

Club means 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.

Condominium lot means all areas bounded by the front yard area line, the rear yard area line and the side yard area lines.

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

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

District means a portion of the incorporated area of the village within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

Drive-in means a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, including customer communication facilities for banks or other uses. (See also definition of *Restaurant, drive-in*).

Dwelling, multiple-family, means a building, or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

Dwelling, one-family, means a building designed exclusively for and occupied exclusively by one family.

Dwelling, two-family, means a building designed exclusively for occupancy by two families living independently of each other.

Dwelling unit means a building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

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

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

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

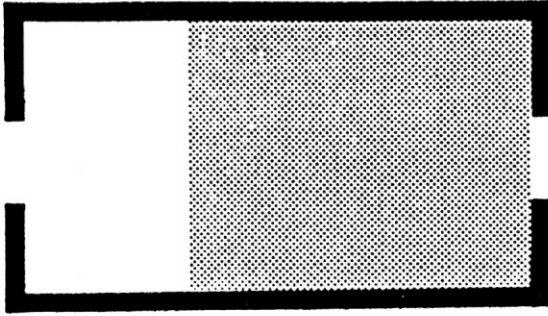
Exception means a designated modification to the standards required by this chapter only after review of an application by the board of appeals or planning commission, such review being necessary because the provisions of this chapter covering conditions precedent or subsequent are not precise enough to all applications without interpretation, and such review and exception is provided for by this chapter. An exception does not require "undue hardship" in order to be allowable.

Family means a single individual or a number of individuals domiciled together whose relationship is of a continuing, nontransient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or for anticipated limited duration of school terms or other similar determinable period.

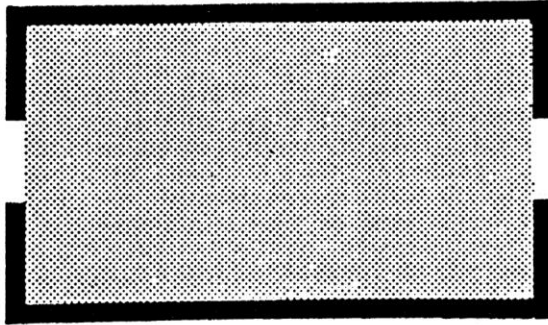
Farm means the carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

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

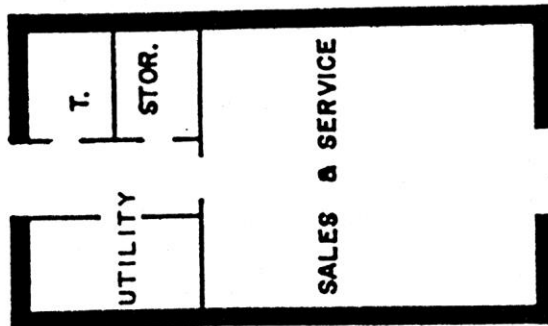
Floor area, usable (for the purposes of computing parking), means that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, 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.



**USABLE FLOOR AREA
(FOR PURPOSES OF COMPUTING PARKING)**



TOTAL FLOOR AREA



FLOOR AREA

Floor Area

Gasoline service station means a place for the dispensing, sale or offering for sale of motor fuels or lubricants directly to users of motor vehicles, together with the sale of minor accessories and incidental services for motor vehicles, but not including auto repair.

General commons area means all areas outside of the condominium lots.

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

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

Hotel means a building, or part of a building, with a common entrance in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

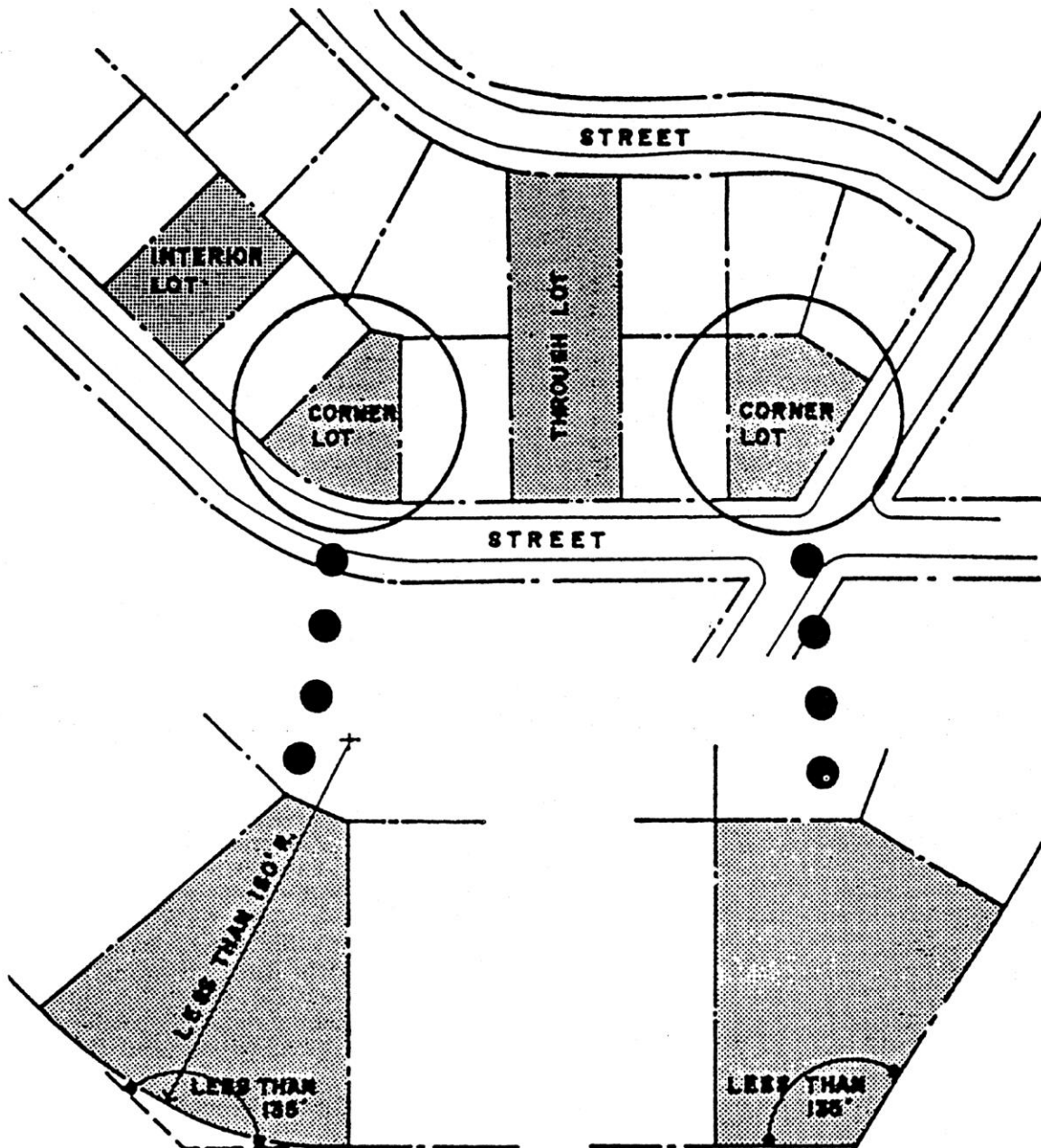
Junkyard means an open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes automobile wrecking yards and any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

Kennel, commercial, means any lot or premises on which three or more dogs, cats or other household pets are either permanently or temporarily boarded. A kennel shall also include any lot or premises where household pets are bred or sold.

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

Lot means a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provision of this chapter. A lot may

or may not be specifically designated as such on public records.



INTERIOR, THROUGH & CORNER LOTS

Interior, Through and Corner Lots

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

Lot, corner, means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curbed street shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees. (See *Interior, Through, and Corner lots* diagram.)

Lot coverage means the part or percent of the lot occupied by a building including accessory buildings.

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

Lot, interior, means any lot other than a corner lot. (See *Interior, Through, and Corner lots* diagram.)

Lot lines means the lines bounding a lot as defined as follows:

- (1) *Front lot line.* In the case of an interior lot, the line separating such lot from the street. In the case of a corner lot or through lot, the line separating such lot from that street which is designated as the front street in the plat and the request for a zoning compliance permit.
- (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 farthest 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 a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record means a parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by municipal or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot, through, means 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 yards of such lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required. (See *Interior, Through, and Corner lots* diagram.)

Lot width means the horizontal straight line distance between the side lot lines, measured between the two points where the required minimum front yard setback line intersects the side lot lines.

Lot, zoning, means 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 means a building in which is conducted the principal use of the lot upon which it is situated.

Master deed means the condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the plan for the project.

Master plan means the comprehensive community plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the village, and any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the planning commission and/or the village council.

Mezzanine means an intermediate floor in any story occupying not to exceed one-third of the floor area of such story.

Mobile home means a manufactured dwelling unit, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when

connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. The term "mobile home" does not include a recreational vehicle.

Mobile home park means a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility, used or intended for use, incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

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

Nonconforming building means a building or portion thereof lawfully existing at the effective date of the ordinance from which this chapter is derived, or amendments thereto, and that does not conform to the provisions of the chapter in the district in which it is located.

Nonconforming use means a use which lawfully occupied a building or land at the effective date of the ordinance from which this chapter is derived, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nuisance factors means an offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to, noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, and invasion of nonabutting street frontage by traffic.

Nursery, plant materials, means 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 fruits, vegetables or Christmas trees.

Off-street parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than three vehicles.

Open front store means 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 gasoline service stations.

Parking space means an area of definite length and width. Such area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Principal use means the main use to which the premises are devoted and the principal purpose for which the premises exist.

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

Restaurant, carryout, means an establishment for the selling of cooked foods or beverages which are served in disposable containers or wrappers for consumption off the premises.

Restaurant, drive-in/fast food, means an establishment at which patrons are served from a counter or a drive-in window, or where employees serve patrons in motor vehicles for consumption of food within the motor vehicle on the premises.

Room means, for the purpose of determining lot area requirements and density in a multiple-family district, a room, dining room or bedroom, equal to at least 80 square feet in area. A room shall not include the area in a kitchen, sanitary facilities, utility provisions, corridors, hallways and storage.

Setback means the distance required to obtain minimum front, side or rear yard open space provision of this chapter.

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

Sign, accessory, means a sign pertaining to the principal use of the premises.

Sign, nonaccessory, means a sign which is not pertaining to the principal use of the premises.

Special land use means a use that may be permitted after review and approval by the planning commission upon a finding that the standards applicable to such uses have been met. Uses permitted subject to special approval shall be considered special land uses.

Story means that part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

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

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Use means the principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Variance means a modification of the literal provisions of this chapter granted when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

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

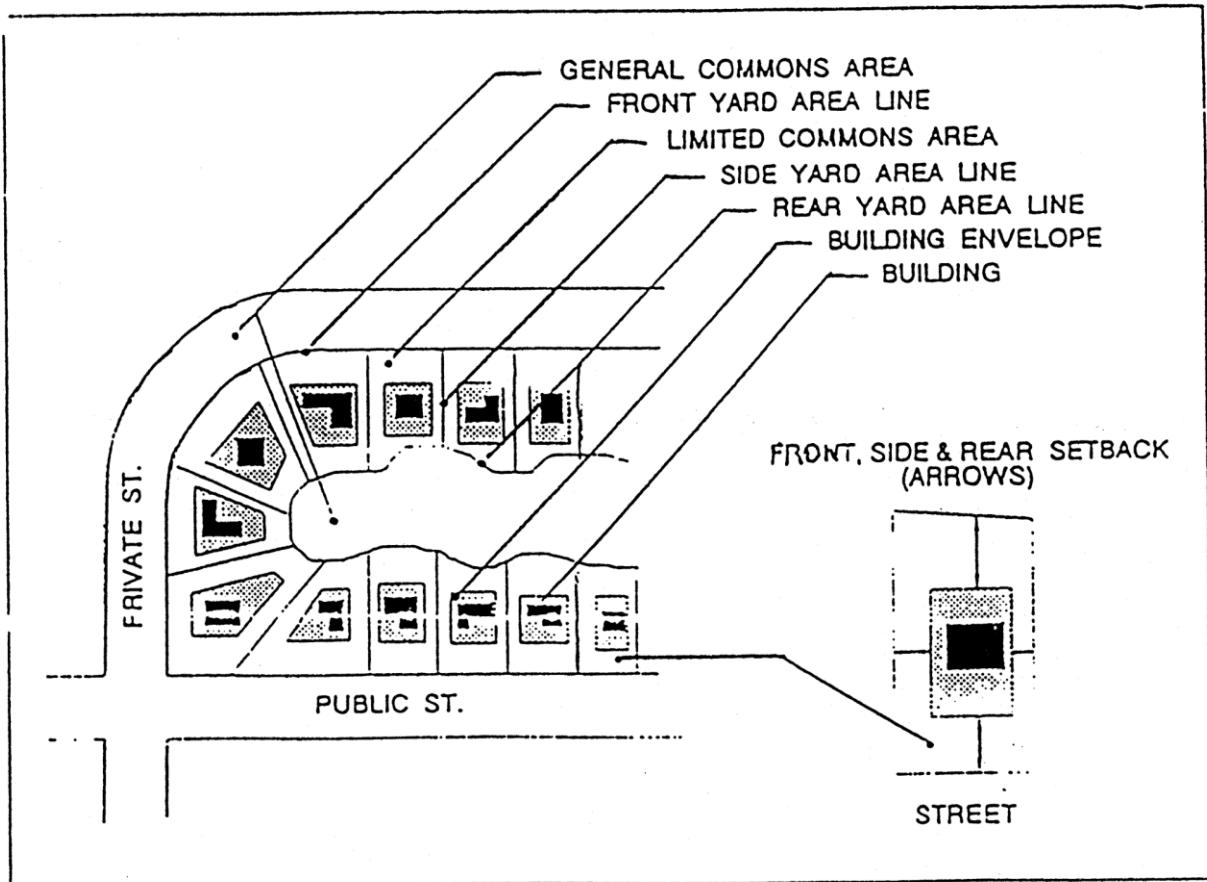
Yard area lines means, in reference to site condominium developments, lines considered equal to lot lines.

Yards means the open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter, and further defined as follows:

- (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 point 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 point 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 on the side lot line to the nearest point of the main building.

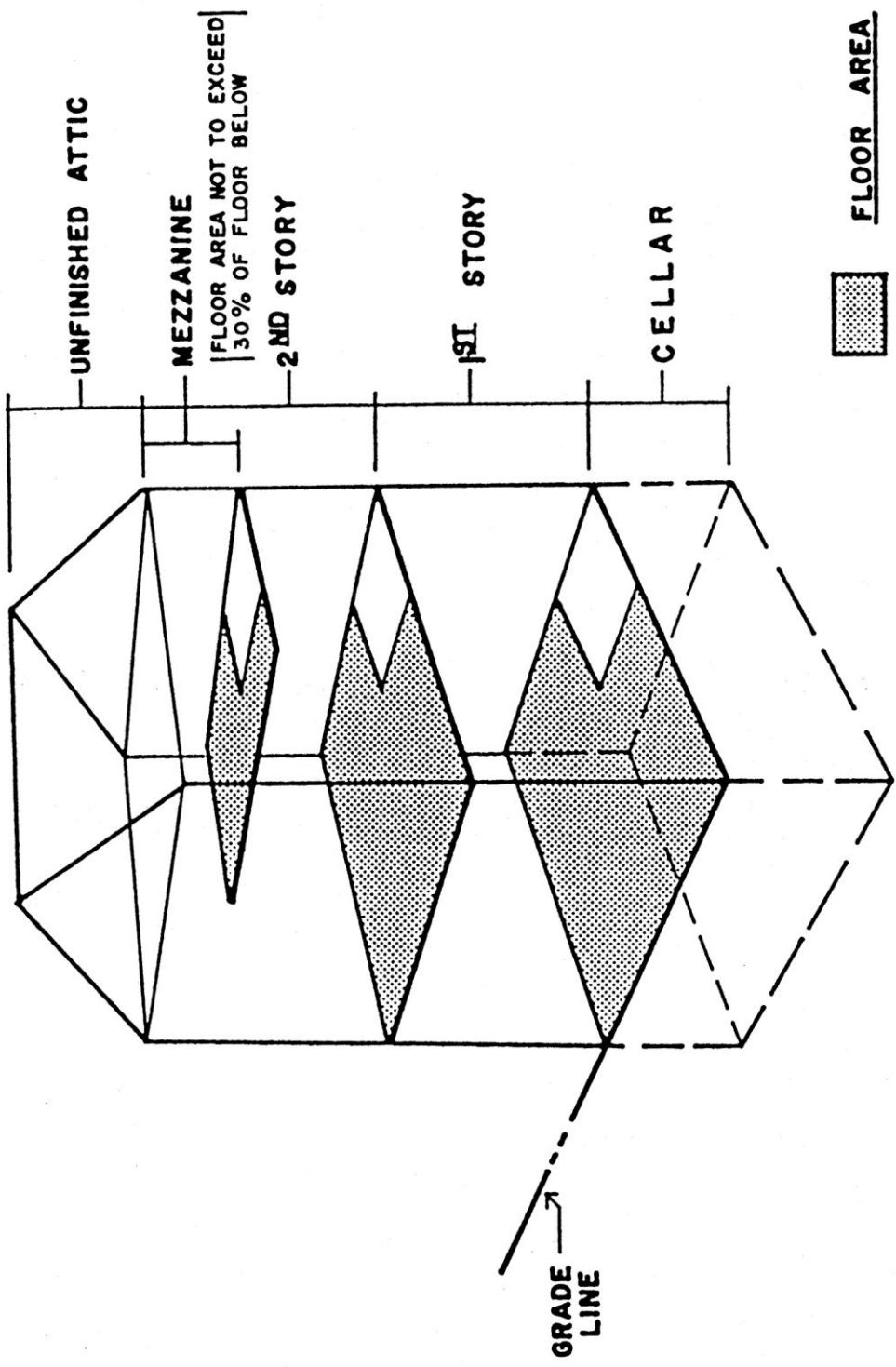
(Ord. of 3-28-1988, § 201; Ord. No. 130, § 1, 1-26-1993; Ord. No. 159, § 1, 7-25-2005)

Cross reference— Definitions generally, § 1-2.



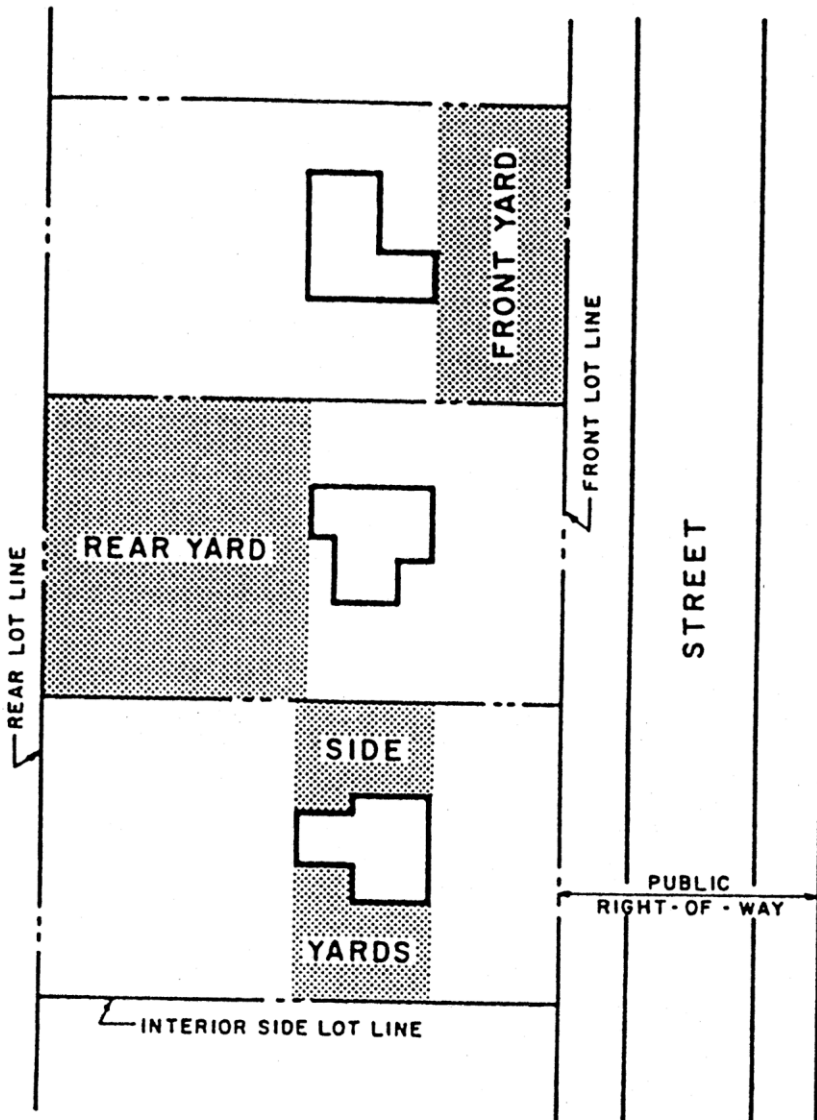
SITE CONDOMINIUM TERMINOLOGY

Site Condominium Terminology



BASIC STRUCTURAL TERMS

Basic Structural Terms



YARDS

Yards

Secs. 46-5—46-40. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT^[2]

Footnotes:

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Cross reference— Administration, ch. 2.

DIVISION 1. - GENERALLY

Sec. 46-41. - Enforcement generally.

The provisions of this chapter shall be administered and enforced by the zoning administrator or by such deputies of his department as the zoning administrator may delegate to enforce the provisions of this chapter.

(Ord. of 3-28-1988, § 1900)

Sec. 46-42. - Duties of the zoning administrator.

- (a) The zoning administrator shall have the power to grant zoning compliance permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. It shall be unlawful for the zoning administrator to approve any plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this chapter.
- (b) Under no circumstances is the zoning administrator permitted to make changes to this chapter, nor to vary the terms of this chapter in carrying out his duties as zoning administrator.
- (c) The zoning administrator shall not refuse to issue a permit when conditions imposed by the chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of such permit.

(Ord. of 3-28-1988, § 1901)

Sec. 46-43. - Plot plan.

Applications for zoning compliance permits shall be so accompanied by plans and specifications, including a plot plan, as required by the zoning administrator, which may include the following:

- (1) The actual shape, location and dimensions of the lot.
- (2) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
- (3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- (4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(Ord. of 3-28-1988, § 1902)

Sec. 46-44. - Permits.

The following shall apply in the issuance of any permit:

- (1) *Compliance with chapter required.* No zoning compliance permit shall be issued for the erection, alteration or use of any building or structure, or part thereof, or for the use of any land, which is not in accordance with all provisions of this chapter.
- (2) *For new use of land.* No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a zoning compliance permit is first obtained for the new or different use.
- (3) *For new use of buildings.* No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a zoning compliance permit is first obtained for the new or different use.
- (4) *Required.* No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a zoning compliance permit and a building permit (issued by the county) shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the village except for minor repairs or changes not involving any of such features.

(Ord. of 3-28-1988, § 1903)

Sec. 46-45. - Zoning compliance permit.

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

- (1) *Compliance with chapter required.* No zoning compliance permits shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this chapter.
- (2) *Required.* No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a zoning compliance permit of occupancy shall have been issued for such building or structure.
- (3) *For existing buildings.* Zoning compliance permits shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this chapter.
- (4) *Record.* A record of all permits issued shall be kept on file in the office of the zoning administrator, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- (5) *For dwelling accessory buildings.* Buildings or structures accessory to dwellings shall not require separate zoning compliance permits but may be included in the zoning compliance permit for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
- (6) *Application.*
 - a. Application for zoning compliance permits shall be made in writing to the zoning administrator on forms furnished by the village, and such permits shall be issued within ten days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this chapter.
 - b. In those instances where special approval by the planning commission or board of appeals is required or where site plan review by the planning commission is required, permits shall be issued or rejected within ten days after action by the planning commission or board of appeals.

- c. If such permit is rejected, the applicant therefor shall be notified of such rejection and cause thereof within such ten-day period.

(Ord. of 3-28-1988, § 1904)

Sec. 46-46. - Final inspection.

The holder of every zoning compliance permit for the construction, erection, alteration, repair 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 3-28-1988, § 1905)

Sec. 46-47. - 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 3-28-1988, § 1906)

Sec. 46-48. - Notice of public hearing.

For uses making reference to this division, and in all applications for special approval or special land uses, notice of the public hearing before the planning commission shall be given as follows:

- (1) One notice of the public hearing shall be published in newspaper of general circulation in the village not less than five and not more than 15 days before such hearing.
- (2) One notice of the public hearing shall be sent by first class mail, postage prepaid or by personal delivery to the owners of the property for which the hearing is conducted, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the boundary of such property. Notice shall be given not less than five and not more than 15 days before such hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of the structure, except that if a structure contains more than one dwelling unit or special area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or special area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct special areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post a notice at the primary entrance to the structure.

(Ord. of 3-28-1988, § 1907)

Sec. 46-49. - Zoning commission.

The village planning commission is designated as the commission specified in section 4 of Public Act No. 207 of 1921 (MCL 125.584), and shall perform the zoning duties of such commission as provided in the statute in connection with the amendment of this chapter.

(Ord. of 3-28-1988, art. XXI)

Sec. 46-50. - Changes and amendments.

The village council may, from time to time, on recommendation from the planning commission or on petition, amend, supplement or change the district boundaries or the regulations in this chapter, or subsequently established in this chapter pursuant to the authority and procedure established in Public Act No. 207 of 1921 (MCL 125.581 et seq.), as amended.

(Ord. of 3-28-1988, art. XXII)

State Law reference— Enactment of ordinances, MCL 125.584.

Sec. 46-51. - Amendment of prior ordinances.

The zoning ordinance, adopted by the village, known as Ordinance No. 71 is hereby amended. This amendment of such ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

(Ord. of 3-28-1988, art. XXIII)

Sec. 46-52. - Interpretation.

In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than Ordinance No. 71 described in section 46-51, 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 3-28-1988, art. XXIV)

Sec. 46-53. - 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 declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

(Ord. of 3-28-1988, art. XXV)

Sec. 46-54. - Violations.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. The zoning administrator shall commence action on behalf of the village when an alleged violation has occurred.

(Ord. of 3-28-1988, § 2600)

Sec. 46-55. - Public nuisance per se.

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

(Ord. of 3-28-1988, § 2601)

State Law reference— Similar provisions, MCL 125.587.

Sec. 46-56. - Separate offenses.

The owner of any building, structure or premises, or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense.

(Ord. of 3-28-1988, § 2602)

Sec. 46-57. - Rights and remedies are cumulative.

The rights and remedies provided in sections 46-54—46-56 are cumulative and in addition to any other remedies provided by law.

(Ord. of 3-28-1988, § 2604)

Secs. 46-58—46-80. - Reserved.

DIVISION 2. - BOARD OF APPEALS³¹

Footnotes:

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Cross reference— Administration, ch. 2.

State Law reference— Board of appeals, MCL 125.585.

Sec. 46-81. - Creation and membership.

- (a) *Members.* There is established a zoning board of appeals, which shall perform its duties and exercise its powers as provided in section 5 of Public Act No. 207 of 1921 (MCL 125.585), as amended, and in such a way that the objectives of this chapter shall be observed, public safety secured and substantial justice done. The board shall consist of not less than five members, appointed by the village council, each to be appointed for a term of three years, respectively, so as nearly as may be possible to provide for the appointment of an equal number each year, depending on the number of members; thereafter, each member to hold office for the full three-year term. Any vacancies on the board shall be filled by appointment by the council for the remainder of the unexpired term. The zoning board of appeals shall annually elect its own chair, vice-chair and secretary. The compensation of the appointed members of the zoning board of appeals may be fixed by the village council.
- (b) *Alternate members.* The council may appoint no more than two alternate members of the zoning board of appeals who shall serve as a member of the board upon the call of the chair where a regular

member is absent from or unable to attend two or more consecutive meetings of the board or for a period of 30 consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights in cases he hears as a regular member of the board of appeals. Appointments of alternate members for the first year shall be for a period of one and two years, respectively; thereafter, each alternate member to hold office for the full three-year term.

(Ord. of 3-28-1988, § 2000)

Sec. 46-82. - Meetings.

Meetings of the board of appeals shall be held at the call of the chair and at such other times as the board may determine or specify in its rules of procedure. Four members of the board shall constitute a quorum necessary to take action. All hearings conducted by such board shall be open to the public. The board of appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall file a record of its proceedings in the office of the village clerk, and shall be a public record. The concurring vote of the majority of the members of the board shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or planning commission, or to decide in favor of an applicant a matter upon which the board is required to pass under this chapter, or to affect a variation in this chapter.

(Ord. of 3-28-1988, § 2001)

Sec. 46-83. - Appeal.

- (a) An appeal may be taken to the board of appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the zoning administrator or planning commission. Such appeal shall be taken within 30 days of the decision or action of the zoning administrator, or planning commission, by filing with the board of appeals a notice of appeal, specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken, and such appeal shall be heard at the next regularly scheduled board of appeals meeting, or within 20 days of the filing of the notice of appeals, whichever occurs first.
- (b) The board shall give due notice of the time and place of the hearing thereof to the applicant, the zoning administrator, and other parties as provided in section 46-88 and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. The decision of such board should not become final until the expiration of five days from the entry of such order unless the board shall find the immediate effect of such order is necessary for the preservation of the property or personal rights and shall so certify on the record.

(Ord. of 3-28-1988, § 2002)

Sec. 46-84. - Stay.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board of appeals after notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which

may be granted by the board of appeals or by the circuit court, on application, on notice of the zoning administrator and on due cause shown.

(Ord. of 3-28-1988, § 2003)

Sec. 46-85. - Fees.

The village council may from time to time prescribe and amend, by resolution, a reasonable schedule of fees to be charged to applicants for appeals to the zoning board of appeals. At the time the notice for appeal is filed, such fee shall be paid to the secretary of the board of appeals, which the secretary shall forthwith pay over to the village treasurer to the credit of the general revenue fund of the village.

(Ord. of 3-28-1988, § 2004)

Sec. 46-86. - Jurisdiction.

The zoning board of appeals shall not have the power to alter or change the zoning district classification of any property, not to make any change in the terms of this chapter nor to permit any use in a district in which it is not permitted. The board does have power to act on those matters where this chapter provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this section and state laws. Such powers include the following:

(1) *Administrative review.*

- a. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the zoning administrator or planning commission in carrying out or enforcing any provisions of this chapter except in regard to special land uses and special approval uses.
- b. Determine the location of zoning district boundaries as shown on the zoning districts map where street layout on the ground varies from the street layout as shown on such map, based upon interpretation of the provisions of this chapter in such a way as to carry out the intent and purpose of the village master plan.

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

(3) *Exceptions and special approvals.* To hear and decide, in accordance with the provisions of this chapter, requests for exceptions or other decisions on which this chapter specifically authorizes the board to pass. Any exception or decision shall be subject to such conditions as the board may require to preserve and promote the character of the district in question and otherwise promote the purpose of this chapter, including the following:

- a. Permit the erection and use of buildings or use of premises for public utility purposes and make exceptions therefor to the height and bulk district requirements established in this chapter which such board considers necessary for the public convenience or welfare.

- b. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
- (4) *Temporary uses or structures.*
- a. Permit temporary buildings and uses for periods not to exceed two years in undeveloped sections of the village and for periods not to exceed six months in developed sections. Such uses must be classified as uses permitted in the districts in which located.
 - b. Permit, upon proper application, the following character of temporary use, not otherwise permitted in the district, not to exceed 12 months with the granting of 12-month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature. The board of appeals, in granting permits for such temporary uses, shall do so under the following conditions:
 - 1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
 - 2. The granting of the temporary use shall be granted, in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of such temporary permit.
 - 3. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the village shall be made at the discretion of the board of appeals.
 - 4. Uses not requiring capital improvements may include recreation developments such as, but not limited to, golf, driving ranges or outdoor archery or uses housed in demountable structures or not requiring foundations, heating systems or sanitary connections.
 - 5. The use shall be in harmony with the general character of the district.
- (5) *Findings.* In consideration of all actions, the board shall, before making any decisions, first determine that the proposed action will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the village.

(Ord. of 3-28-1988, § 2005)

Sec. 46-87. - Orders.

In exercising the powers described in this division, the board of appeals may reverse or affirm wholly or partly, or may modify the orders, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the zoning administrator or planning commission from whom the appeal is taken.

(Ord. of 3-28-1988, § 2006)

Sec. 46-88. - Notice of hearing.

The board of appeals shall make no determination except in a specific case and after a hearing conducted by such board. The board shall fix a reasonable time for the hearing of the appeal and give ten days' notice of the appeal to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of one-family and two-family dwellings within 300 feet, the

notice to be delivered by mail addressed to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. A proof of service of such mailing shall be filed prior to the commencement of such hearing. The village council may also make the necessary provisions requiring the applicant to pay the costs required relative to such notices.

(Ord. of 3-28-1988, § 2007)

Sec. 46-89. - Miscellaneous.

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

(Ord. of 3-28-1988, § 2008)

Secs. 46-90—46-120. - Reserved.

ARTICLE III. - ZONING DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 46-121. - Districts established.

For the purpose of this chapter, the village is hereby divided into the following districts:

(1) *Residential Districts.*

- RA-1 one-family residential district
- RA-1B one-family residential district
- RA-2 one-family residential district
- RB two-family residential district
- RC multiple-family residential district
- MH mobile home district

(2) *Nonresidential Districts.*

- OS-1 office service district
- B-1 community business district
- B-2 general business district
- I-1 light industrial district

I-2 general industrial district

P-1 vehicular parking district

(Ord. of 3-28-1988, § 300)

Sec. 46-122. - District boundaries.

The boundaries of these districts are established as shown on the zoning districts map, village zoning ordinance, which is on file in the office of the village clerk, and which map with all notations, references and other information shown thereon shall be as much a part of this chapter as if fully described in this section.

(Ord. of 3-28-1988, § 301)

Sec. 46-123. - District boundaries interpreted.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning districts map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following village limits shall be construed as following village limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- (5) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (6) Where physical or natural features existing on the ground are at variance with those shown on the official zoning districts map, or in other circumstances not covered by subsections (1) through (5) of this section, the board of appeals shall interpret the district boundaries.
- (7) Insofar as some or all of the various districts may be indicated on the zoning districts map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

(Ord. of 3-28-1988, § 302)

Sec. 46-124. - Zoning of annexed areas.

Whenever any area is annexed to the village, one of the following conditions will apply:

- (1) Land that is zoned previous to annexation shall be classified as being in whichever district of this chapter most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the planning commission to the village council and the council shall approve such classification by resolution.
- (2) Land not zoned prior to annexation shall be automatically classified as an RA-1 district until a zoning map for such area has been adopted by the village council. The planning commission

shall recommend the appropriate zoning districts for such area within three months after the matter is referred to it by the village council.

(Ord. of 3-28-1988, § 303)

Sec. 46-125. - Zoning of vacated area.

Whenever any street, alley or other public way within the village shall be vacated, such street, alley or other public way, or portion thereof, shall automatically be classified in the same zone district as the property to which it attaches.

(Ord. of 3-28-1988, § 304)

Sec. 46-126. - District requirements.

All buildings and uses in any district shall be subject to the provisions of division 12 of this article, schedule of regulations, article IV of this chapter, supplementary regulations, and article VI of this chapter, general exceptions.

(Ord. of 3-28-1988, § 305)

Secs. 46-127—46-150. - Reserved.

DIVISION 2. - RA-1, RA-1B AND RA-2 ONE-FAMILY RESIDENTIAL DISTRICTS

Sec. 46-151. - Intent.

The RA-1, RA-1B and RA-2 one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the RA-1, RA-1B and RA-2 districts.

(Ord. of 3-28-1988, § 400)

Sec. 46-152. - Principal uses permitted.

In an RA-1, RA-1B and RA-2 one-family residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) One-family detached dwelling units.
 - a. One-family detached dwelling units shall:
 1. Be permanently attached to a perimeter foundation.
 2. Have a minimum width of 20 feet on at least two sides within any single, vertical plane.
 3. Have an overhang or eave as required by the building code of residential dwellings.
 4. Be provided with an exterior building wall configuration which represents an average width-to-depth or depth-to-width ratio which does not exceed three to one.
 - b. Procedures are as follows:

1. Applications for one-family detached dwelling units shall be submitted to the zoning administrator who may require the applicant to furnish such plans, photographs, elevations or similar documentation necessary to permit a complete review and evaluation.
 2. Should the zoning administrator find that any dwelling unit does not conform with the standards of this section, he may deny the application or ask for an opinion from the planning commission. The applicant or any affected property owner located within 300 feet of the property in question may appeal the zoning administrator's decision by requesting a public hearing before the zoning board of appeals. Notice of hearing shall be given in accordance with section 46-88, notice of hearing.
- (2) Farms on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five acres, all subject to the health and sanitation provisions of the village, and provided further that no farms shall be operated as piggeries, or for the disposal of garbage, sewage rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption by persons residing on the premises.
 - (3) Publicly owned and operated libraries, parks, parkways and recreational facilities.
 - (4) Cemeteries which lawfully occupied land at the time of adoption of this chapter.
 - (5) Public, parochial and other private elementary schools offering courses in general education and not operated for profit.
 - (6) A state-licensed residential facility providing supervision or care, or both, to six or less persons as required to be a permitted residential use by section 36 of Public Act No. 207 of 1921 (MCL 125.583b).
 - (7) Accessory buildings and uses customarily incident to any of the permitted uses of this section.
 - (8) Garage sales may be permitted as temporary uses, accessory to the principal use of a dwelling, provided that such sales shall not exceed three consecutive days and are limited to three sales annually at a single location.

(Ord. of 3-28-1988, § 401; Ord. No. 143, 9-29-1997)

Sec. 46-153. - Principal uses permitted subject to special conditions.

The following uses shall be permitted in the RA-1, RA-1B and RA-2 districts, subject to the conditions imposed in this section for each use and subject further to the review and approval of the site plan by the planning commission:

- (1) Churches and other facilities normally incidental thereto subject to the following conditions: Buildings of greater than the maximum height allowed in division 12 of this article, schedule of regulations, may be allowed, provided that front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
- (2) Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit. Vehicular access to the site shall be in accordance with section 46-487. All buildings shall have a setback of at least 40 feet.
- (3) Public utility and public service buildings and uses (without storage yards).
- (4) Nursery schools, day nurseries and child care centers (not including dormitories) subject to the following:
 - a. The zoning lot shall contain not less than one-half acre.

- b. Building setbacks shall be not less than 30 feet.
 - c. The outdoor play space shall have a total minimum area of not less than 4,000 square feet.
 - d. There shall be provided and maintained a minimum area of 150 square feet of outdoor play space for each child cared for.
 - e. All vehicular access to the site shall be in accordance with section 46-487, unless the use is located in a church.
- (5) Private noncommercial recreational areas, institutional or community recreation centers, and nonprofit swimming pool clubs, all subject to the following conditions:
- a. The proposed site for any of the uses permitted in this section which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major or secondary street as designated on the village's thoroughfare plan, and the site shall be so planned as to provide all vehicular access in accordance with section 46-487.
 - b. Front, side and rear yards shall be at least 40 feet wide.
 - c. Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. The planning commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
 - d. Whenever a swimming pool is constructed under this chapter, such pool area shall be subject to the provisions of village swimming pool requirements in article II of chapter 6.
- (6) Golf courses, which may or may not be operated for profit, subject to the following conditions:
- a. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. All principal or accessory buildings shall be not less than 100 feet from any property line abutting residentially zoned lands; provided, however, that where topographic conditions are such that buildings would be screened from view, the planning commission may modify this requirement.
 - b. Whenever a swimming pool is to be provided, such pool shall be subject to the provisions of village Ordinance No. 66, swimming pool ordinance.
- (7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:
- a. All vehicular access to such site shall be in accordance with section 46-487.
 - b. No building shall be closer than 80 feet to any property line.
 - c. No off-street parking lot shall be closer than 40 feet to any property line. A berm, constructed in accordance with section 46-483, walls and berms, and planted in accordance with section 46-478, plant materials, shall be provided between off-street parking lots and property lines that abut one-family residential districts.
- (8) Skilled or basic nursing homes or convalescent homes, subject to the following conditions:
- a. Not less than 1,000 square feet of open space for each bed or unit shall be provided on the site. The 1,000 square feet of area shall provide for landscape setting, off-street parking,

service drives, loading space, yard requirements and accessory uses, but shall not include the area covered by main or accessory buildings.

- b. No building shall be closer than 70 feet to any abutting single-family residential zoning lot. In no instance, however, shall any building be located closer than 25 feet to any property line.
 - c. Buildings shall not exceed one story in height.
- (9) Accessory buildings and uses customarily incident to any of the permitted uses in this section.
- (10) Private pools shall be permitted as an accessory use within the rear yard only, subject further to the provisions of village Ordinance No. 66, swimming pool ordinance.
- (11) Home occupation, subject to the following:
- a. Such home occupation shall not exceed 200 square feet or 20 percent of the floor area of the residential structure as defined in this chapter, whichever is greater.
 - b. There shall be no alteration in the residential character or function of the premises in connection herewith; nor shall any garage or accessory building be used in connection herewith.
 - c. There shall be no exterior display, other than one nonilluminated nameplate, which is not more than two square feet in area which may be attached to the building.
 - d. No more than one assistant or employee shall be employed in connection with the home occupation, provided that family members shall not be counted as employed.
 - e. There shall be no equipment or machinery used in connection with the home occupation which is discernable beyond the property line because of noise, odor, glare or vibration.
 - f. Home occupations, not meeting the criteria of this subsection (11), may be permitted, subject to the review and approval of the board of appeals, when such use is not in conflict with the residential character of the area and subject to conditions they may impose. The board may apply conditions such as limiting time of operation or requiring screening that will assist in maintaining the residential character.
- (12) Bed and breakfast, subject to the following conditions:
- a. Not more than 30 percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms; provided, however, that the number of sleeping rooms shall not exceed three.
 - b. There shall be no separate cooking facilities for bed and breakfast occupants.
 - c. A sign not to exceed two square feet in area may be provided. Such sign may be located in the setback area.
 - d. One off-street parking space shall be provided for each leasable bedroom in addition to the two residential spaces.
- (13) Funeral homes, subject to the following:
- a. The zoning lot shall contain not less than one acre.
 - b. The zoning lot shall have a front lot line with no less than 100 feet of width along Main Street.
 - c. All buildings shall have a minimum setback of 30 feet.
 - d. If there is a common side lot with a residential use, then a landscaped greenbelt of not less than ten feet will be required.
 - e. Parking is permitted within a front yard, provided that a landscaped greenbelt of not less than ten feet is maintained between the parking and the front lot line.
 - f. All vehicular access to the site shall be in accordance with section 46-487, access to a major or secondary street.

(Ord. of 3-28-1988, § 402; Ord. No. 130, § 2, 1-26-1993)

Sec. 46-154. - Area and bulk requirements.

See division 12 of this article, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements for the RA-1, RA-1B, and RA-2 districts.

(Ord. of 3-28-1988, § 403)

Secs. 46-155—46-180. - Reserved.

DIVISION 3. - RB TWO-FAMILY RESIDENTIAL DISTRICTS

Sec. 46-181. - Intent.

The RB two-family residential districts are designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfares or other uses which would affect residential character. This RB district also recognizes the existence of older residential areas of the village where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. This RB district also allows the construction of new two-family residences where slightly greater densities are permitted.

(Ord. of 3-28-1988, § 500)

Sec. 46-182. - Principal uses permitted.

In an RB two-family residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) All uses permitted and as regulated in the one-family residential districts. The standards of division 12 of this article, schedule of regulations, applicable to the RA-2 one-family residential district, shall apply as minimum standards when one-family detached dwellings are erected.
- (2) Two-family dwellings, subject to the conditions of section 46-152(1)a and (1)b.
- (3) A state-licensed residential facility providing supervision or care, or both, to six or less persons as required to be a permitted residential use by section 36 of Public Act No. 207 of 1921 (MCL 125.583b).
- (4) Accessory buildings and uses customarily incident to any of the permitted uses in this section.

(Ord. of 3-28-1988, § 501)

Sec. 46-183. - Area and bulk requirements.

See division 12 of this article, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements for the RB district.

(Ord. of 3-28-1988, § 502)

Secs. 46-184—46-200. - Reserved.

DIVISION 4. - RC MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

Sec. 46-201. - Intent.

The RC multiple-family residential districts are designed to provide sites for multiple-family dwelling structures and related uses which will generally serve as zones of transition between the nonresidential districts and lower density single-family districts. The RC multiple-family district is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, single-family community.

(Ord. of 3-28-1988, § 600)

Sec. 46-202. - Principal uses permitted.

In an RC multiple-family residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) All uses permitted and as regulated in the RB two-family residential district; provided, however, that the area and bulk requirements of the RC district shall apply to all permitted uses other than one-family dwellings.
- (2) Multiple-family dwellings, subject to the conditions of section 46-152(1)a and (1)b.
- (3) A state-licensed residential facility providing supervision or care, or both, to six or less persons as required to be a residential use by section 36 of Public Act No. 207 of 1921 (MCL 125.583b).
- (4) Accessory buildings and uses customarily incident to any of the permitted uses of this section.

(Ord. of 3-28-1988, § 601)

Sec. 46-203. - Required conditions.

- (a) In the case of multiple dwelling developments in the RC district, all site plans shall be submitted to the planning commission for its review and approval prior to issuance of a building permit.
- (b) Approval shall be contingent upon a finding that:
 - (1) The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety.
 - (2) All the development features, including the principal buildings and any accessory buildings or uses, open spaces, service roads, driveways and parking areas, are located so as to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to, channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located so as not to interfere with police or fire equipment access.

(Ord. of 3-28-1988, § 602)

Sec. 46-204. - Uses permitted subject to special conditions.

The following uses shall be permitted in the RC district, subject to the conditions imposed in this section for each use and subject further to the review and approval of the site plan by the planning commission:

- (1) General hospitals, with no maximum height restrictions, when the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least six acres in area.
 - b. All vehicular access to the site shall be in accordance with section 46-487.
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.
- (2) Private offices for doctors or dentists, or similar professions provided that all vehicular access to the site is in accordance with section 46-487.
- (3) Housing for the elderly when the following conditions are met:
 - a. All dwellings shall consist of at least 350 square feet per unit (not including kitchen and sanitary facilities).
 - b. Total coverage of all buildings, including dwelling units and related service buildings, shall not exceed 25 percent of the total site exclusive of any dedicated public right-of-way.
- (4) Convalescent homes or orphanages when the following conditions are met:
 - a. There shall be provided on the site not less than 1,000 square feet of open space for each bed in the home. The 1,000 square feet of land area may include landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
 - b. No building shall be closer than 25 feet to any property line.
- (5) Accessory buildings and uses customarily incident to any of the permitted uses of this section.

(Ord. of 3-28-1988, § 603)

Sec. 46-205. - Area and bulk requirements.

See division 12 of this article, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted, and providing minimum yard setback requirements for the RC district.

(Ord. of 3-28-1988, § 604)

Secs. 46-206—46-230. - Reserved.

DIVISION 5. - MH MOBILE HOME DISTRICTS

Sec. 46-231. - Intent.

The MH mobile home districts are designed to provide for the appropriate location of and requirements for mobile home parks. Mobile home parks possess characteristics of site development, use and density which are unique. Such characteristics are more intensive than those of one-family residential districts and, therefore, mobile home parks are treated as a distinct zoning district in this chapter.

(Ord. of 3-28-1988, § 800)

Sec. 46-232. - Principal uses permitted.

- (a) In an MH mobile home district, no building or land shall be used and no building shall be erected except for the following specified use, unless otherwise provided in this chapter and further subject to the review and approval of the site plan by the planning commission: Mobile home parks.
- (b) Mobile home parks may include the following:
 - (1) Mobile homes.
 - (2) One management building exclusively provided for the conducting of business operations of the mobile home park in which located.
 - (3) Utility building for laundry facilities and auxiliary storage space for tenants or management of the mobile home park.
 - (4) Community building for the accessory use of tenants of the mobile home park in which located.
 - (5) Recreation facilities such as, but not limited to, swimming pools, field and court games and sports, and passive recreation areas.
 - (6) The sale of mobile homes, provided that:
 - a. Such sale is clearly accessory to the occupancy of individual lots within the mobile home park.
 - b. Such sale is not made by a person or business engaged in the sale of mobile homes as a commercial operation. Mobile homes located on lots within the mobile home park to be used and occupied on that site may be sold by a licensed dealer or broker. This shall not prohibit the sale of a mobile home owned and occupied by a resident of the mobile home development, provided that the development permits the sale.
 - (7) Accessory structures and uses customarily incident to any principal use permitted.

(Ord. of 3-28-1988, § 801)

Sec. 46-233. - Procedures.

- (a) *Application.*
 - (1) An application for approval of a mobile home park shall require submission of a preliminary site plan to the planning commission for review and approval.
 - (2) The date of receipt of the preliminary plan shall be not less than 15 days prior to the regular meeting of the planning commission.
- (b) *Preliminary site plan.*
 - (1) Preliminary site plans and specifications of the proposed mobile home park shall be submitted in accordance with section 46-485.
 - (2) The preliminary plan shall be submitted to the county road commission, county health department and the county drain commission where required by section 11 of Public Act No. 96 of 1987 (MCL 125.2311).
 - (3) The planning commission shall either approve, modify or disapprove the site plan within 60 days of the date of receipt of the preliminary plan.
 - (4) The preliminary site plan shall be approved by the planning commission prior to submission of a final site plan. If the planning commission does not approve the preliminary plan, it shall indicate the reasons for such denial in the minutes of the planning commission meeting. The applicant shall have the right to appeal such decision of the planning commission to the village council, provided that it is done so in writing within seven days of the planning commission meeting at which the denial took place.

- (c) *Final site plan.* For purposes of recordkeeping, three copies of drawings of the proposed mobile home park, approved by the state for construction, shall be submitted to the village by the applicant. Building permits are not required by this section.

(Ord. of 3-28-1988, § 802)

Sec. 46-234. - Area, height and bulk requirements.

- (a) All mobile home sites shall have a site area of not less than 5,000 square feet, except that if parks provide common open space for use by the residents, site areas may be reduced by 20 percent, provided that the common open space shall be at least equal to the total area by which any sites have been reduced.
- (b) No mobile home, community building or service building shall be located closer than ten feet to any mobile home park perimeter lot line or 50 feet to any existing or proposed major or secondary thoroughfare right-of-way line.
- (c) Accessory buildings servicing the mobile home park shall not exceed 25 feet in height. Mobile homes shall not exceed 14 feet in height.
- (d) A mobile home park shall provide an open area of at least 25,000 square feet. For mobile home parks containing more than 50 sites, the minimum area shall be increased by 200 square feet for each site over 50. Open space resulting from site reductions permitted in subsection (a) of this section may be applied to this open space requirement. Land designated for recreational use shall be so located and designed to facilitate access and usability and shall be shaped so that its length is no greater than three times its width.

(Ord. of 3-28-1988, § 803)

Sec. 46-235. - Required conditions.

- (a) Uses permitted for mobile home parks in section 46-232 shall be subject to the following conditions:
- (1) Mobile home parks shall not be permitted on parcels of less than ten acres in area.
 - (2) Vehicular access to a mobile home park shall be directly from a major or secondary street as shown on the village's thoroughfare plan. If a mobile home park does not directly abut such thoroughfare, vehicular access shall be by means of a public right-of-way of not less than 60 feet in width. Access shall not be permitted through one-family residential districts unless property bordering such access is publicly owned or is already developed for a permitted use other than one-family residential.
 - (3) Storm drainage facilities shall be provided so as to protect residents of the mobile home park as well as adjacent property owners. Facilities shall be of a capacity which will ensure adequate drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park. Storm drainage facilities shall meet the requirements of the state department of public health and the applicable requirements of the village.
 - (4) All utility lines shall be underground.
 - (5) All off-site connections to utilities (water, sanitary and storm sewer) shall be made in accordance with applicable village codes and ordinances.
 - (6) All mobile homes shall be anchored by means of an anchoring system approved by the state construction code commission.
 - (7) Where an off-street parking lot is abutting or adjacent to a residential district, an obscuring wall or landscaped berm, as specified in section 46-483, walls and berms, shall be provided.

- (8) Outdoor signs shall be permitted and regulated as provided in section 46-479, signs, for the RC multiple-family residential districts.
- (b) The regulations and standards as provided for and promulgated under Public Act No. 96 of 1987 (MCL 125.2301 et seq.), are adopted and shall apply to and control in all mobile home parks, unless exceeded by the requirements of this chapter.

(Ord. of 3-28-1988, § 804; Ord. No. 130, § 3, 1-26-1993)

Secs. 46-236—46-260. - Reserved.

DIVISION 6. - OS-1 OFFICE SERVICE DISTRICTS

Sec. 46-261. - Intent.

The OS-1 office service districts are designed to accommodate uses such as offices, banks and personal services which can serve as transitional areas between residential and commercial districts and to provide a transition between major streets and residential districts.

(Ord. of 3-28-1988, § 900; Ord. No. 130, § 4, 1-26-1993)

Sec. 46-262. - Principal uses permitted.

In an OS-1 office service district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.
- (2) Medical and dental offices, including clinics.
- (3) Facilities for human care such as hospitals, sanitariums, rest and convalescent homes.
- (4) Banks, credit unions, savings and loan associations, and similar uses; drive-in facilities as an accessory use only.
- (5) Personal service establishment including barbershops, beauty shops and health salons.
- (6) Off-street parking lots.
- (7) Churches.
- (8) Rehabilitation centers.
- (9) Other uses similar to the uses of this section.
- (10) Accessory structures and uses customarily incident to the permitted uses of this section.

(Ord. of 3-28-1988, § 901)

Sec. 46-263. - Principal uses permitted subject to special conditions.

The following uses shall be permitted in the OS-1 district, subject to the conditions imposed in this section for each use and subject further to the review and approval of the site plan by the planning commission:

- (1) An accessory use customarily related to a principal use authorized by this section, such as, but not limited to, pharmacy or apothecary shops, stores, limited to corrective garments or bandages, or optical service may be permitted.

- (2) Mortuary establishments when adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.
- (3) Publicly owned buildings, telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations.

(Ord. of 3-28-1988, § 902)

Sec. 46-264. - Required conditions.

The following conditions are required in the OS-1 district:

- (1) No interior display shall be visible from the exterior of the building.
- (2) The outdoor storage of goods or material shall be prohibited.
- (3) Warehousing or indoor storage of goods or materials beyond that normally incident to the permitted uses of this division shall be prohibited.

(Ord. of 3-28-1988, § 903)

Sec. 46-265. - Area and bulk requirements.

See division 12 of this article, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements for the OS-1 district.

(Ord. of 3-28-1988, § 904)

Secs. 46-266—46-290. - Reserved.

DIVISION 7. - B-1 COMMUNITY BUSINESS DISTRICTS

Sec. 46-291. - Intent.

The B-1 community business districts, as established in this division, are designed to meet the day-to-day convenience and comparison shopping and service needs of persons residing in adjacent residential areas.

(Ord. of 3-28-1988, § 1000)

Sec. 46-292. - Principal uses permitted.

In a B-1 community business district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Generally recognized retail businesses which supply commodities on the premises such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
- (2) Personal service establishments which perform services on the premises such as, but not limited to, repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barbershops, photographic studios, and self-service laundries and dry cleaners.

- (3) Laundry, dry cleaning establishments, or pickup stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
- (4) Business establishments which perform services on the premises such as, but not limited to, banks, loan companies, insurance offices and real estate offices.
- (5) Professional services including the following: offices of doctors, dentists, osteopaths, and similar or allied professions; clinics.
- (6) Business schools, colleges, dance schools or private schools operated for profit.
- (7) Private clubs, fraternal organizations and lodge halls.
- (8) Restaurants or other places serving food or beverage, except those having the character of a drive-in or carryout.
- (9) Hotels or motels.
- (10) Theaters, assembly halls, concert halls or similar places of public assembly when conducted within enclosed buildings.
- (11) Mortuaries subject to the conditions of section 46-263.
- (12) Post office and similar governmental office buildings.
- (13) Off-street parking lots.
- (14) Rehabilitation centers.
- (15) Other uses similar to the uses of this section.
- (16) Residential occupancy shall be permitted in buildings which are two stories or more in height, provided that:
 - a. Dwellings shall be permitted only on floors above the ground floor.
 - b. Dwelling units shall meet all applicable building, housing, fire and safety codes of the village.
- (17) Accessory structures and uses customarily incident to the permitted uses of this section.

(Ord. of 3-28-1988, § 1001)

Sec. 46-293. - Required conditions.

Required conditions in the B-1 district are as follows:

- (1) All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.
- (2) All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

(Ord. of 3-28-1988, § 1002)

Sec. 46-294. - Principal uses permitted subject to special conditions.

The following uses shall be permitted in the B-1 district, subject to the conditions imposed in this section for each use and subject further to the review and approval of the site plan by the planning commission:

- (1) Gasoline service station for the sale of gasoline, oil and minor accessories only, and where no repair work is done, other than incidental service, but not including steam cleaning or

undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work and such other activities of which the external effects could adversely extend beyond the property line.

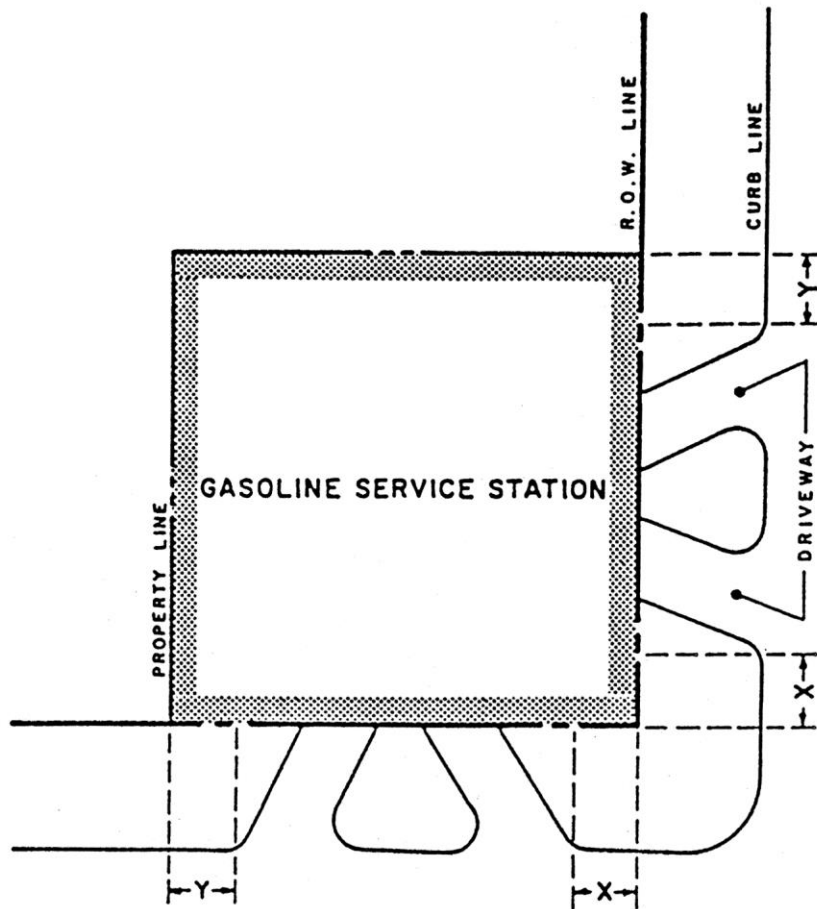
- a. The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - b. The minimum lot area shall be 15,000 square feet and so arranged that ample space is available for motor vehicles which are required to wait. Gasoline service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for repair or servicing of automobiles (including lubricating facilities) may be permitted on lots of 10,000 square feet, subject to all other provisions required in this section.
 - c. Off-street loading and unloading space shall be provided in the ratio of at least ten square feet per front of building but may be located in any required yard notwithstanding section 46-477.
- (2) Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards but without storage yards, and water and sewage pumping stations.
- (3) *Residential occupancy of first (ground) floor:* The first (ground) floor of a building may be used for residential, one family occupancy, providing the following conditions are met:
- a. Each first floor dwelling unit shall have a separate, non-public entrance/exit into a non-public hallway with access onto the frontage street.
 - b. Exterior design and facade materials of the new or redeveloped residential building shall complement or be comparable to the facade plan of surrounding residential/commercial structures.

(Ord. of 3-28-1988, § 1003; Ord. No. 164, § 1, 11-27-2006)

Sec. 46-295. - Area and bulk requirements.

See division 12 of this article, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements for the B-1 district.

(Ord. of 3-28-1988, § 1004)



X = MINIMUM DISTANCE A DRIVEWAY OR CURB CUT, FOR ACCESS, CAN BE LOCATED FROM A STREET INTERSECTION.

Y = MINIMUM DISTANCE A DRIVEWAY OR CURB CUT, FOR ACCESS, CAN BE LOCATED FROM AN ADJOINING PROPERTY LINE.

DRIVEWAYS FOR GASOLINE SERVICE STATIONS

Driveways for Gasoline Service Stations

Secs. 46-296—46-320. - Reserved.

DIVISION 8. - B-2 GENERAL BUSINESS DISTRICTS

Sec. 46-321. - Intent.

The B-2 general business districts are designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the B-1 community business district.

(Ord. of 3-28-1988, § 1100)

Sec. 46-322. - Principal uses permitted.

In a B-2 general business district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Any use permitted in B-1 districts as principal uses permitted and uses permitted subject to special conditions.
- (2) Farm equipment and machinery sales.
- (3) Dancehall or catering hall when completely enclosed in a building.
- (4) Auto wash when completely enclosed in a building.
- (5) Tire, battery and accessory sales.
- (6) Bus passenger stations.
- (7) Retail sales of plant materials, lawn furniture, playground equipment and other house or garden supplies.
- (8) Laundry and dry cleaning establishments performing their operation on the site.
- (9) Lawn mower sales or service.
- (10) New and used car salesroom, showroom or office.
- (11) Carryout restaurant.
- (12) Publicly owned buildings, telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations.
- (13) Other uses similar to the uses of this section.
- (14) Accessory structures and uses customarily incident to the permitted uses of this section.

(Ord. of 3-28-1988, § 1101)

Sec. 46-323. - Principal uses permitted subject to special conditions.

The following uses shall be permitted in the B-2 district, subject to the conditions imposed in this section for each use and subject further to the review and approval of the site plan by the planning commission:

- (1) Outdoor sales space for exclusive sale of new or secondhand automobiles, mobile homes, or rental of trailers, or automobiles, all subject to the following:
 - a. The lot or area shall be provided with a permanent, durable and dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - b. Access to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.

- c. No major repair or major refinishing shall be done on the lot.
 - d. All lighting shall be shielded from adjacent residential districts.
- (2) Business in the character of a drive-in, (including restaurants) drive-through or open front store, subject to the following conditions:
- a. A setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.
 - b. Access points shall be located at least 60 feet from the intersection of any two streets.
 - c. All lighting shall be shielded from adjacent residential districts.
 - d. A five-foot high completely obscuring wall shall be provided when abutting or adjacent districts are zoned for any R district, MH, OS-1, B-1 or B-2 district. Such wall shall meet the requirements of article IV of this chapter, supplementary regulations.
- (3) Veterinary hospitals or clinics, provided that all activities are conducted within a totally enclosed main building and provided further that all buildings are set back at least 200 feet from abutting residential districts on the same side of the street.
- (4) Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least 100 feet from any front, rear or side yard of any residential lot in an adjacent residential district.

(Ord. of 3-28-1988, § 1102)

Sec. 46-324. - Area and bulk requirements.

See division 12 of this article, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements for the B-2 district.

(Ord. of 3-28-1988, § 1103)

Secs. 46-325—46-350. - Reserved.

DIVISION 9. - I-1 LIGHT INDUSTRIAL DISTRICTS

Sec. 46-351. - Intent.

The I-1 light industrial districts are designed so as to primarily accommodate wholesale activities, warehouses and industrial operations of which the external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly or treatment of finished or semifinished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted. The general goals of this I-1 use district include, among others, the following specific purposes:

- (1) To provide sufficient space, in appropriate locations, to meet the needs of the village's expected future economy for all types of manufacturing and related uses.
- (2) To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.

- (3) To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
- (4) To protect the most desirable use of land in accordance with a well-considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the village's tax revenue.

(Ord. of 3-28-1988, § 1200)

Sec. 46-352. - Principal uses permitted.

In an I-1 light industrial district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.
- (2) Any of the uses in this subsection (2) when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding or processing shall be totally obscured by a wall on those sides abutting RA, RB, RC, OS-1, B-1 and B-2 districts, and on any front yard abutting a public thoroughfare except as otherwise provided in section 46-483. In I-1 districts, the extent of such a wall may be determined by the planning commission on the basis of usage. Such a wall shall not be less than four feet, six inches, in height and may, depending upon land usage, be required to be eight feet in height and shall be subject further to the requirements of article IV of this chapter, supplementary regulations. A chainlink fence, with intense evergreen shrub planting, shall be considered an obscuring wall. The height shall be determined in the same manner as the wall height as set forth in this section.
 - a. Warehousing and wholesale establishments, and trucking facilities.
 - b. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.
 - c. The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheetmetal, shell, textiles, tobacco, wax, wire, wood and yarns.
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - e. The manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products.
 - f. The manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 - g. Laboratories: experimental, film or testing.
 - h. The manufacture and repair of electric or neon signs, light sheetmetal products, including heating and ventilating equipment, cornices, eaves and the like.
 - i. Central dry cleaning plants or laundries, provided that such plants shall not deal directly with the consumer at retail.
 - j. All public utilities, including buildings, necessary structures, storage yards and other related uses.

- (3) Warehouse, storage and transfer and electric and gas service buildings and yards; public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations; water supply and sewage disposal plants; water and gas tank holders; railroad transfer and storage tracts; railroad rights-of-way; and freight terminals.
- (4) Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided that such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential, office or business districts, and on any yard abutting a public thoroughfare. In any I-1 district, the extent of such fence or wall may be determined by the planning commission on the basis of usage. Such fence or wall shall not be less than six feet in height and may, depending on land usage, be required to be eight feet in height. A chainlink type fence with heavy evergreen shrubbery inside of such fence shall be considered to be an obscuring fence.
- (5) Municipal uses such as water treatment plants and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.
- (6) Commercial kennels.
- (7) Greenhouses.
- (8) Trade or industrial schools.
- (9) Freestanding nonaccessory signs.
- (10) Indoor tennis or racquet court facilities, indoor ice or roller skating arenas, and other similar uses which require large structures such as are normally found in industrial districts.
- (11) Other uses of a similar and no more objectionable character to the uses of this section.
- (12) Accessory buildings and uses customarily incident to any of the permitted uses of this section.

(Ord. of 3-28-1988, § 1201)

Sec. 46-353. - Principal uses permitted subject to special conditions.

The following uses shall be permitted in the I-1 District, subject to the conditions imposed in this section for each use and subject further to the review and approval of the site plan by the planning commission:

- (1) Auto engine and body repair, and undercoating shops when completely enclosed.
- (2) Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to, lumberyard, building materials outlet, upholsterer, cabinet maker, outdoor sales of boats, mobile homes, automobile garages or agricultural implements).
- (3) Outdoor storage of trucks, recreation vehicles, boats or automobiles, subject to the following conditions:
 - a. Any abutting residential district shall be screened by a six-foot to eight-foot high wall or berm as provided in section 46-483.
 - b. Any vehicles having engines, such as refrigeration units, that will be operated overnight or between the hours of 9:00 p.m. and 7:00 a.m. shall not be located within 300 feet of any residential district.
- (4) Uses not expressly permitted by village ordinances are prohibited. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited. Waivers are prohibited unless it is reviewed and findings submitted by the village planning commission and approved by the village council.
- (5) Other uses of a similar character to the uses of this section.

(Ord. of 3-28-1988, § 1202; Ord. No. 159, § 2, 7-25-2005; Motion No. [2010.09.27-09](#))

Sec. 46-354. - Area and bulk requirements.

See division 12 of this article, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements for the I-1 district.

(Ord. of 3-28-1988, § 1203)

Secs. 46-355—46-380. - Reserved.

DIVISION 10. - I-2 GENERAL INDUSTRIAL DISTRICTS

Sec. 46-381. - Intent.

The I-2 general industrial districts are designed primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations of which the external physical effects will be felt to some degree by surrounding districts. The I-2 district is so structured as to permit the manufacturing, processing and compounding of semifinished or finished products from raw materials as well as from previously prepared material.

(Ord. of 3-28-1988, § 1300)

Sec. 46-382. - Principal uses permitted.

In an I-2 general industrial district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Any principal use first permitted in an I-1 district.
- (2) Heating and electric power generating plants.
- (3) Any of the following production or manufacturing uses (not including storage of finished products), provided that they are located not less than 800 feet distant from any residential district and not less than 300 feet distant from any other district:
 - a. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
 - b. Blast furnace, steel furnace, blooming or rolling mill.
 - c. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris.
 - d. Petroleum or other inflammable liquids, production, refining or storage.
 - e. Smelting of copper, iron or zinc ore.
- (4) Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-1 district.
- (5) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- (6) Any other use which shall be determined by the planning commission, to be of the same general character as the permitted uses in this section. In granting special approval for such use, the planning commission may impose setback or performance standards so as to ensure public health, safety and general welfare.

(7) Accessory buildings and uses customarily incident to any of the permitted uses of this section.

(Ord. of 3-28-1988, § 1301)

Sec. 46-383. - Area and bulk requirements.

See division 12 of this article, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements for the I-2 district.

(Ord. of 3-28-1988, § 1302)

Secs. 46-384—46-400. - Reserved.

DIVISION 11. - P-1 VEHICULAR PARKING DISTRICTS⁽⁴⁾

Footnotes:

--- (4) ---

Cross reference— Stopping, stranding and parking, § 38-71 et seq.

Sec. 46-401. - Intent.

The P-1 vehicular parking districts are intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. This P-1 district will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities.

(Ord. of 3-28-1988, § 1400)

Sec. 46-402. - Principal uses permitted.

Premises in such P-1 districts shall be used only for an off-street vehicular parking area and shall be developed and maintained subject to such regulations as are provided in this division.

(Ord. of 3-28-1988, § 1401)

Sec. 46-403. - Required conditions.

Required conditions in the P-1 district are as follows:

- (1) The parking area shall be accessory to and for use in connection with one or more businesses, or industrial establishments, located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.
- (2) Such parking lots shall be contiguous to an RC or nonresidential district. Parking areas may be approved when adjacent to such districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 district and such other districts listed in this section.

- (3) Parking area shall be used solely for parking of private passenger vehicles for periods of less than one day.
- (4) No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
- (5) No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.
- (6) No buildings other than those for shelter or attendants shall be erected upon the premises and they shall not exceed 15 feet in height.
- (7) Applications for P-1 district rezoning shall be made by submitting a dimensional layout of the area requested showing the intended parking plans in accordance with sections 46-476 and 46-485.

(Ord. of 3-28-1988, § 1402)

Sec. 46-404. - Minimum distances and setbacks.

- (a) *Side and rear yards.* Where the P-1 district is contiguous to the side or rear lot lines of premises within a residentially zoned district, the required wall shall be located along such lot line.
- (b) *Front yards.* Where the P-1 district has a common boundary with a residential district and the districts have frontage on the same street, a setback from the street shall be required which is equal in depth to the required front yard setback of the adjacent residential district, or 25 feet, whichever is greater. The required wall shall be located on this minimum setback line unless, under unusual circumstances, the planning commission finds that no good purpose would be served. The land between such setback and street right-of-way line shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy, growing condition, neat and orderly in appearance.

(Ord. of 3-28-1988, § 1403)

Sec. 46-405. - Parking; space layout; standards; construction and maintenance.

P-1 vehicular parking districts shall be developed and maintained in accordance with the requirements of article IV of this chapter, supplementary regulations.

(Ord. of 3-28-1988, § 1404)

Secs. 46-406—46-430. - Reserved.

DIVISION 12. - SCHEDULE OF REGULATIONS

Sec. 46-431. - Schedule limiting height, bulk, density and area by zoning district.

| | Minimum Zoning Lot Size Per Unit | Minimum Height of Structures | Minimum Yard Setback (Per Lot In Feet) | Minimum Floor Area Per Unit | Maximum Percent of Lot Area Covered (By All Buildings) |
|--|----------------------------------|------------------------------|--|-----------------------------|--|
| | | | | | |

| Zoning District | Area In Square Feet | Width In Feet | In Stories | In Feet | Front | Each Side | Rear | Square Feet | |
|--------------------------------|---------------------|---------------|------------|---------|--------|-----------|-----------|--|------------|
| RA-1 one-family residential | 12,000(a) | 80(a) | 2 | 25 | 35(b) | 10(b,c) | 35(b) | 1,200 | 35 percent |
| RA-1B one-family residential | 12,000(a) | 80(a) | 2 | 25 | 35(b) | 10(b,c) | 35(b) | 1,000 | 35 percent |
| RA-2 one-family residential | 8,500(a) | 60(a) | 2 | 25 | 25(b) | 6(b,c) | 35(b) | 850 | 35 percent |
| RB two-family residential | 4,000 | 40 | 2 | 25 | 25(b) | 10(b,c) | 35(b) | 650 | 30 percent |
| RC multiple-family residential | (d) | (d) | 2 | 25 | 25 (e) | 25(e,l) | 25(e) | 1BR-500 2BR-700 3BR-900 BR-1100 | 30 percent |
| OS-1 office service | | | | 30 | 20(f) | 15(l) | 20(h) | | |
| B-1 community business | | | | 30 | (f) | (g,l) | 20(h) | | |
| B-2 general business | | | | 40 | 30(f) | (g,l) | 20(h) | | |
| I-1 light industrial | | | | 30 | 50(j) | 20(i,k,l) | 40(h,k,l) | | |
| I-2 general industrial | | | | 40 | 100(j) | 30(i,k,l) | 50(h,k,l) | | |

Notes to Schedule of Regulations:

- (a) See section 46-432, averaged lot size, section 46-433, subdivision open space plan, section 46-434, zero lot line option, and section 46-435, site condominium option, regarding flexibility allowances.
- (b) For all uses permitted other than one-family residential, the setback shall equal the height of the main building or the setback required in division 2 of article III of this chapter or section 46-431, whichever is greater.
- (c) In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply.
- (d) The areas used for computing density shall be the total site area exclusive of any dedicated public right-of-way of roads located on the perimeter of the site. All units shall have at least one living room and one bedroom, except that not more than ten percent of the units may be of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre, the following lot area assignments shall control:

| Unit Type | Lot Area/Unit |
|------------|-------------------|
| Efficiency | 1,200 square feet |
| 1 bedroom | 2,400 square feet |
| 2 bedroom | 3,600 square feet |
| 3 bedroom | 4,800 square feet |
| 4 bedroom | 6,000 square feet |

Plans presented showing one or two 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.

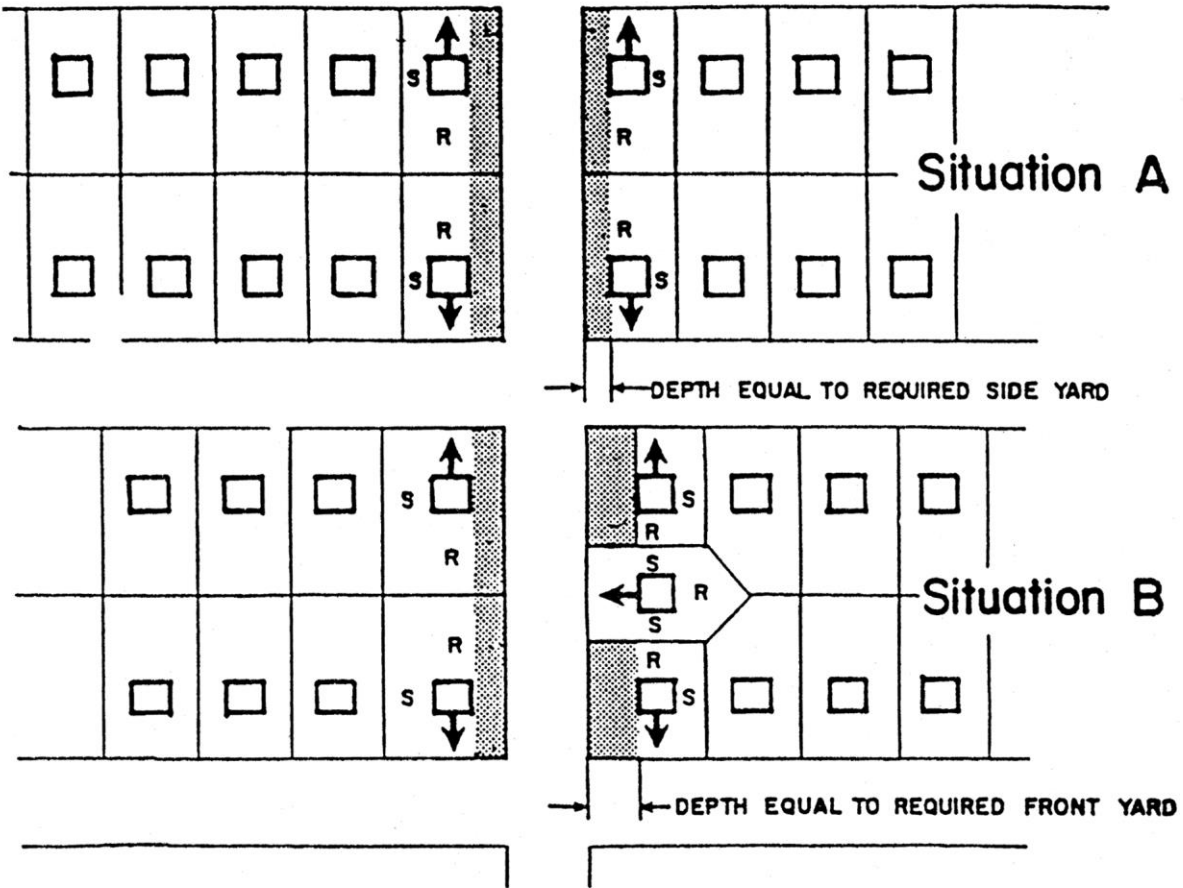
- (e) Where more than one building occupies a single zoning lot, the following building relationships shall be maintained:



| Building Relationships | Overall Distance Between Buildings |
|------------------------|------------------------------------|
| Front to front | 50 feet |

| | |
|------------------|---------|
| Front to side | 45 feet |
| Front to rear | 60 feet |
| Rear to rear | 60 feet |
| Rear to side | 45 feet |
| Side to side | 20 feet |
| Corner to corner | 15 feet |

- (e) The front and rear of the multiple-family building shall be considered to be the distance along the longest dimension of said building. The builder may designate the front and rear of the structures. The depth of any yard shall be increased by one foot for each ten feet or part thereof, by which the length of any main building exceeds 40 feet in overall dimension along the adjoining lot line. No building shall exceed 180 feet in length. The depth of any court shall not be greater than three times the width.
- (f) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest street right-of-way.
- (g) No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten feet shall be provided. On a corner lot which has a common lot line with a residential district, there shall be provided a setback of 20 feet on the side or residential street. Where a lot borders on a residential district or a street, there shall be provided a setback of not less than ten feet on the side bordering the residential district or street.
- (h) See section 46-477, off-street loading and unloading.
- (i) Off-street parking shall be permitted in a required side yard setback.
- (j) Off-street parking for visitors, over and above the number of spaces required under section 46-475, may be permitted within the required front yard, provided that such off-street parking is not located within 20 feet of the front lot line and provided that the number of such spaces does not equal more than ten percent of the total number of spaces required.
- (k) No building shall be located closer than 50 feet or the height of the building, whichever is the greater to the outer perimeter (property line) of such district when such property line abuts any residential district.
- (l) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six feet high, or with a chainlink type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.

(Ord. of 3-28-1988, § 1500; Ord. No. 130, § 5, 1-26-1993; Ord. No. 154, § 1, 2-24-2003)



-  REQUIRED SETBACKS - CORNER LOT
-  FRONT YARD
- R REAR YARD
- S SIDE YARD

SIDE YARDS ABUTTING A STREET

Side Yards Abutting a Street

Sec. 46-432. - Averaged lot size.

The intent of this section is to permit the subdivider or developer to vary lot sizes and lot widths so as to average the minimum size of lot per unit as required in this division for each one-family residential district. If this option is selected, the following conditions shall be met:

- (1) In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area or width greater than ten percent below that area or width required in this division and shall not create an attendant increase in the number of lots.
- (2) Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located.
- (3) All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.

(Ord. of 3-28-1988, § 1501)

Sec. 46-433. - Subdivision open space plan.

- (a) The intent of the subdivision open space plan is to promote the following objectives:
 - (1) Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
 - (2) Encourage a more creative approach in the development of residential areas.
 - (3) Bypass natural obstacles on the site resulting in a reduction of development costs and to encourage a more efficient, aesthetic and desirable use of open area.
 - (4) Encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.
- (b) Modifications to the standards as outlined in this division may be made in the one-family residential districts when the following conditions are met:
 - (1) The lot area in all one-family residential districts, which are served by a public sanitary sewer system, may be reduced up to 20 percent. In the RA-2 district, this reduction may be accomplished in part by reducing lot widths up to six feet. In the RA-1 districts, this reduction may be accomplished in part by reducing lot widths up to ten feet. These lot area reductions shall be permitted, provided that the dwelling unit density shall be not greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each one-family district under this division. All calculations shall be predicated upon the one-family districts having the following gross densities (including roads):

RA-1 equals 2.7 dwelling units per acre

RA-1B equals 2.7 dwelling units per acre

RA-2 equals 3.8 dwelling units per acre
 - (2) Rear yards may be reduced to 30 feet when such lots border on land dedicated for park, recreation, and/or open space purposes, provided that the width of such dedicated land shall not be less than 100 feet measured at the point at which it abuts the rear yard of the adjacent lot.
 - (3) Under the provisions of subsection (b)(1) of this section, for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in this division, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner approved by the village or the land may be dedicated to the village.

(Ord. of 3-28-1988, § 1502; Ord. No. 130, § 6, 1-26-1993)

Sec. 46-434. - Zero lot line option.

The intent of this section is to permit one-family detached housing to be located on an interior side lot line if compensating space is located within the side yard of an abutting lot and a maintenance easement is provided. This section shall be applicable only to lots meeting the area and width requirements of section 46-431.

- (1) Any interior side yard may be reduced to zero, provided that the remaining side yard equals 20 feet in the RA-1 or RA-1B district and 12 feet in the RA-2 district. Where a zero side yard setback is used, the abutting property must be held under the same ownership at the time a zoning compliance permit is issued or the owners of the abutting property must record an agreement or deed restriction acceptable to the village council consenting to such zero setback.
- (2) A separation of ten feet in the RA-1 or RA-1B district and six feet in the RA-2 district shall be provided between structures on abutting lots where a zero side yard is utilized.
- (3) For the purpose of upkeep and repair of structures located on an interior property line, a maintenance easement shall be recorded between the owner of the property containing such structure and the owner of the property upon which entry must take place in order to perform maintenance activities. Such easement shall be an irrevocable covenant and shall run with the land and be acceptable to the village council. Proof that such easement is recorded shall be submitted to the zoning administrator prior to issuance of a zoning compliance permit. Such easement shall be wide enough to provide the minimum separation required in subsection (2) of this section.

(Ord. of 3-28-1988, § 1503)

Sec. 46-435. - Site condominium option.

- (a) The site condominium option is intended to provide for the division of land as regulated by the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.) rather than the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.). In accordance with section 141 of Public Act No. 59 (MCL 559.241), it is further intended that site condominiums are treated similarly to a subdivision developed under the land division act and that the same standards are applied in their design layout and improvements. If this option is selected, the following stipulations are applicable:
 - (1) This division limiting the height and bulk of buildings, the minimum lot sizes and yard requirements shall be applicable as permitted in each zoning district or as otherwise altered within this section.
 - (2) Any development which utilizes the site condominium option shall conform to the requirements of the village subdivision regulations, article II of chapter 18.
 - (3) Other options as defined and regulated by sections 46-432, 46-433 and 46-434 can be used in conjunction with this section.
 - (4) Setbacks shall be provided for each building envelope equal to the minimum setback requirements of the zoning district and shall be measured as specified as follows:
 - a. Front setbacks shall be measured from the street right-of-way for public or private streets, and from the pavement edge for streets not having a right-of-way. In instances where there is no right-of-way, the setback shall be increased by 15 feet.
 - b. Rear setbacks shall be measured from the rear lot line to the rear building envelope line.
 - c. Side setbacks shall be measured from the side area lot line to the side building envelope line.
 - (5) In the instance in which building plans are available, setbacks will be measured to the actual building rather than to the building envelope. If this alternative is used, building floor plans and elevations must be submitted and a building footprint must be shown on the site plans. The

planning commission may request that several different facades be used to provide a variety of building appearances.

- (6) Plans for the development and landscaping of all commons areas must be submitted in accordance with section 46-478, plant materials.
 - (7) All streets shall be dedicated to the public unless private streets are allowed by the planning commission. In considering the approval of private streets at least, the following criteria will be considered:
 - a. If the site is oddly shaped and the right-of-way required for public streets would create an impractical situation, i.e., double frontage lots, single loaded frontage.
 - b. If the site contains natural features that could be better preserved through the use of private streets.
 - c. The use of private streets would not prevent the interconnection of existing or planned public streets.
 - d. Construction standards for private streets must meet or exceed village standards.
- (b) These criteria are included as guidelines and do not exclude further considerations.
- (c) The means of maintaining all limited and general commons areas shall be specified in the master deed.
- (d) A copy of the master deed shall be submitted for review and acceptance by the village attorney prior to final plan approval.

(Ord. of 3-28-1988, § 1504; Ord. No. 130, § 7, 1-26-1993)

Secs. 46-436—46-470. - Reserved.

ARTICLE IV. - SUPPLEMENTARY REGULATIONS

Sec. 46-471. - Conflicting regulations.

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

(Ord. of 3-28-1988, § 1600)

Sec. 46-472. - Scope of chapter.

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

(Ord. of 3-28-1988, § 1601)

Sec. 46-473. - Nonconforming lots, uses of land, structures, and uses of structures and premises.

- (a) *Intent.* It is the intent of this chapter to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage their survival. It is recognized that there exists within the

districts established by this chapter and subsequent amendments, lots, structures and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this chapter is derived and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction provided that work shall be diligently carried on until completion of the building involved.

- (b) *Nonconforming lots.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the ordinance from which this chapter is derived. This subsection shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided, however, that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the board of appeals.
- (c) *Nonconforming uses of land without buildings.* Where, at the effective date of adoption or amendment of the ordinance from which this chapter is derived, lawful use of land exists that is made no longer permissible under the terms of this chapter, as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this chapter is derived.
 - (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance from which this chapter is derived.
 - (3) If such nonconforming use of land ceases for any reason for a period of more than 90 days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- (d) *Nonconforming structures.* Where a lawful structure exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - (1) No such structure may be enlarged or altered in a way which increases its nonconformity. Such structure may be enlarged or altered in a way which does not increase its nonconformity.
 - (2) Should such structure be destroyed by any means to an extent of more than 60 percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this chapter.
 - (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

- (e) *Nonconforming uses of structures and land.* If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived, that would not be permitted in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 - (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of the ordinance from which this chapter is derived, but no such use shall be extended to occupy any land outside such building.
 - (3) If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification, provided that the board of appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of appeals may require conditions and safeguards in accord with the purpose and intent of this chapter. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
 - (4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 - (5) When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for six consecutive months or for 18 months during any three-year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this subsection.
 - (6) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (f) *Repairs and maintenance.* On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50 percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- (g) *Uses under exception provisions not nonconforming uses.* Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.
- (h) *Change of tenancy or ownership.* There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, of structures or of structures and land in combination.
- (i) *Acquisition of uses or structures.* The village council may acquire, by purchase, condemnation or otherwise, private property or an interest in private property for the removal of nonconforming uses or structures all in accordance with the applicable provisions of Public Act No. 207 of 1921 (MCL 125.581 et seq.), as amended.

(Ord. of 3-28-1988, § 1602)

Sec. 46-474. - Accessory buildings and structures.

Accessory buildings or structures shall be subject to the following regulations, unless otherwise provided in this chapter:

- (1) Accessory buildings or structures located in any use district shall be subject to the following conditions:
 - a. Where an accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.
 - b. Accessory buildings or structures shall not be erected in any minimum side yard setback nor in any front yard.
 - c. No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than three feet to any side or rear lot line.
 - d. A detached accessory building shall not be located within one foot of an alley right-of-way. In no instance shall an accessory building or structure be located within a dedicated easement right-of-way.
 - e. See section 46-475 and section 46-476 regarding accessory off-street parking.
 - f. See section 46-477 regarding accessory off-street loading and unloading.
 - g. See section 46-479 regarding accessory signs.
 - h. Antenna structures for radio or television reception may be permitted as accessory to the principal use subject to the following additional conditions:
 1. Ground-mounted antenna structures shall be subject to the following conditions:
 - i. Antennas made of solid materials shall be effectively screened from view from residential districts or public streets by natural plants, trees or other suitable sight barrier provided that it does not interfere with the reception "window" of the antenna.
 - ii. Temporary or demonstration installations shall be permitted for not more than 14 days.
 2. Roof-mounted antennas shall be subject to the following requirements:
 - i. The antenna shall be located on that portion of the roof that is adjacent to the rear yard.
 - ii. An antenna may exceed the height limit of the district by three feet, provided that the portion extending above the height limit does not exceed ten square feet in area.
 3. Antennas may be located on another portion of the roof or may exceed the height permitted or may be located in a side yard setback upon approval as a special exception by the zoning board of appeals, provided that the applicant submits documentation that such location or height is necessary for reasonable reception.
- (2) Accessory buildings or structures located in any RA, RB or MH district shall be subject to the following regulations:
 - a. Detached accessory buildings shall not exceed 14 feet in height and shall occupy not more than 25 percent of a rear yard setback nor more than 40 percent of any rear yard in excess of the rear yard setback. Accessory structures located within the rear yard setback shall not exceed 14 feet in height.
 - b. In no instance shall the combined floor area of detached accessory buildings exceed the ground floor area of the main building.

- c. In order to permit solar energy collecting devices in instances where the percentage of lot coverage limitations would be exceeded, the percentage lot coverage of lots occupied by a residential structure prior to the effective date of this amendment (April 6, 1988) may be increased to the following amounts stated if the purpose is to add solar energy collectors:
 - 1. Thirty percent of a rear yard setback.
 - 2. Fifty percent of any rear yard in excess of a rear yard setback.
 - 3. Lot coverage of solar devices shall be excluded from computation of accessory floor area to the total ground floor area of the main building.
 - d. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building or structure shall not be located within a setback which is equal to the front yard setback required of the lot to the rear of such corner lot. In no instance shall an accessory building or structure be located within ten feet of a street right-of-way line.
 - e. See section 46-484 regarding accessory residential fences.
 - f. Ground-mounted antenna structures shall not exceed 125 square feet in area.
- (3) Accessory buildings or structures located in any district or portion of a district, other than those included under subsection (2) of this section, shall be subject to the following regulations:
- a. No detached accessory building in RC, OS-1 or B-1 districts shall exceed 14 feet in height unless adhering to all requirements of a main building.
 - b. On any corner lot or through lot, the setback requirements for main buildings from a street shall be applicable to accessory buildings or structures, unless otherwise provided.
 - c. Structures which support lighting fixtures, other than signs, may be permitted in any yard where off-street parking lots are permitted.
 - d. Dumpsters may be permitted as accessory to any use, other than one-family or two-family residential, provided that the dumpster is located in a rear yard or interior side yard and is clearly accessible to servicing vehicles.
- (4) Accessory buildings and structures located in any RA, RB or MH district shall include recreational equipment and shall be subject to the following regulations:
- a. Recreational equipment shall include, but is limited to, the following:
 - 1. Boats, large size floats and rafts, and boat trailers or similar transport vehicles.
 - 2. Folding tent trailers, pop-up trailers, and similar types of vehicles that are convertible in nature, mounted on wheels and intended for travel and vacation use.
 - 3. Pickup campers, travel trailers, fifth wheelers, pull-behinds and similar vehicles designed primarily to be mounted on a pickup truck or truck chassis, and intended for use as a temporary dwelling for travel, recreational and vacation use.
 - 4. Utility trailers or similar vehicles which are used to transport motorcycles, snowmobiles, go-carts, stock cars, or similar recreational vehicles.
 - 5. Motorized homes or similar vehicles which are used as portable dwellings and are designed and constructed as an integral part of a self-propelled vehicle.
 - 6. Motorized off-road vehicles, including but not limited to motorcycles, snowmobiles, go-carts and stock cars, which are not licensed for general operation on public roadways.
 - b. The storage of recreational equipment shall not be permitted on any public street or public right-of-way.

- c. Recreational equipment shall only be parked or stored within the confines of the rear yard and shall further respect any requirements related to distances from principal structures, lot lines and easements.
- d. Recreational equipment may be temporarily parked, for purposes of loading, unloading and travel preparation, in any front yard setback area for a period not to exceed 14 continuous days. A new 14-day period does not commence until the recreational equipment has been absent from the front yard setback area for a period of at least 48 consecutive hours.
- e. Recreational equipment may be parked or stored in that part of the side yard that is not a part of the required front yard setback, provided the recreational equipment is no closer than three feet to any principal structure and provided that such recreational equipment is adequately screened from view of adjacent property or public roadways.
- f. No person shall permanently occupy, reside or live in any recreational equipment parked or stored upon any property within the village. However, recreational equipment may be used for temporary occupancy purposes for a period not to exceed 14 consecutive days. A new 14-day period does not commence until the recreational equipment has been unoccupied for a period of at least seven consecutive days.
- g. No owner of recreational equipment, nor any property owner where the recreational equipment is parked or stored shall permit any recreational equipment to hook, attach or connect to sanitary facility service leads or connections, whether such connection is permanent or temporary.
- h. Recreational equipment that is parked or stored within the village shall be kept in good repair and carry license plates and registration.

(Ord. of 3-28-1988, § 1603; Ord. No. 148, § 1, 2-6-2002)

Sec. 46-475. - Off-street parking requirements.

There shall be provided in all districts except the B-1 community business district, at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The provision of such spaces may or may not be the responsibility of the village. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as prescribed in the following:

- (1) Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this chapter. Required off-street parking spaces shall not be permitted within a minimum front yard setback nor within a minimum side yard setback unless otherwise provided in this chapter.
- (2) Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- (3) Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of section 46-474, accessory buildings and structures.
- (4) Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere.
- (5) Off-street parking existing at the effective date of the ordinance from which this chapter is derived, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required in this section for a similar new building or new use.

- (6) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- (7) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the board of appeals may grant an exception.
- (8) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- (9) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the planning commission considers is similar in type.
- (10) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (11) For the purpose of computing the number of parking spaces required, the definition of the term "usable floor area" in section 46-4 shall govern.

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

| Use | | Number of Minimum Parking Spaces Per Unit of Measure |
|-----|---|---|
| a. | <i>Residential.</i> | |
| (1) | Residential | Two for each dwelling unit. |
| (2) | Housing for the elderly | One for each two units and one for each employee. Should units revert to general occupancy, then two spaces per unit shall be provided. |
| (3) | Mobile home park | Two for each mobile home site and one for each three mobile homes for visitor parking. |
| b. | <i>Institutional.</i> | |
| (1) | Churches or temples | One for each three seats or six feet of pew in the main unit of worship. |
| (2) | Hospitals | One for each one bed. |
| (3) | Homes for the aged and convalescent homes | One for each four beds. |

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| (4) | Elementary and junior high schools | One for each one teacher, employee, or administrator, in addition to the requirements of the auditorium. |
| (5) | Senior high schools | One for each one teacher, employee, or administrator, and one for each ten students, in addition to the requirements of the auditorium. |
| (6) | Private clubs or lodge halls | One for each 100 square feet of usable floor space. |
| (7) | Private golf clubs, swimming pool clubs, tennis clubs or other similar uses | One for each two-member families or individuals, plus spaces required for each accessory use such as a restaurant or bar. |
| (8) | Golf courses open to the general public, except miniature or "Par 3" courses | Six for each one golf hole and one for each one employee, plus spaces required for each accessory use such as a restaurant or bar. |
| (9) | Fraternity or sorority | One for each five permitted active members, or one for each two beds, whichever is greater. |
| (10) | Stadium, sports arena or similar place of outdoor assembly | One for each three seats or six feet of benches. |
| (11) | Theaters and auditoriums | One for each three seats, plus one for each two employees. |
| c. | <i>Business and Commercial.</i> | |
| (1) | Retail stores except as otherwise specified in this section | One for each 150 square feet of usable floor space. |
| (2) | Auto wash (self-service or coin-operated) | Five for each washing stall in addition to the stall itself. |
| (3) | Beauty parlor or barbershop | Three spaces for each of the first two beauty or barber chairs, and 1½ spaces for each additional chair. |
| (4) | Bowling alleys | Five for each one bowling lane, plus parking for accessory uses. |

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|------|--|---|
| (5) | Establishment for sale and consumption on the premises of beverages, food or refreshments | One for each 75 square feet of usable floor area. |
| (6) | Drive-in/fast food restaurant | One for each 50 square feet of usable floor area. |
| (7) | Carryout restaurant | One for each 25 square feet of usable floor area. |
| (8) | Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses | One for each 800 square feet of usable floor area. (For that floor area used in processing, one additional space shall be provided for each two persons employed therein.) |
| (9) | Laundromats and coin-operated dry cleaners | One for each two washing and/or drycleaning machines. |
| (10) | Mortuary establishments | One for each 50 square feet of usable floor space. |
| (11) | Motel, hotel or other commercial lodging establishments | One for each one occupancy unit, plus one for each one employee. |
| (12) | Gasoline service stations | Three spaces for each lubrication stall, rack, pit or similar service area and one-half space for each gasoline pump (nozzle). No spaces are required for "self-service" pumps. Additional parking shall be provided for any accessory retail use as required for such use. |
| (13) | Self-service gasoline stations | One space, plus one space for each employee in the largest working shift; but not less than three spaces in any instance. Additional parking shall be provided for any accessory retail use as required for such use. |
| (14) | Billiard hall or pool hall, coin-operated amusement device arcade | One space for each 50 square feet of usable floor area. |
| (15) | Dancehalls, catering hall, exhibition halls or assembly halls without fixed seats | One space for each 45 square feet of usable floor area. |

| | | |
|------|---|---|
| (16) | Indoor ice skating or roller skating rinks | One space for each three seats or six feet of benches, or one for each 50 square feet of skating area, whichever is greater. |
| (17) | Indoor tennis facilities | Seven spaces for each tennis court, plus spaces required for each permitted accessory use. |
| (18) | Motor vehicle sales and service establishments | One space for each 200 square feet of usable floor space of salesroom and one space for each one auto service stall in the service room. |
| (19) | Miniature or "Par 3" golf courses | One space for each one hole. |
| d. | <i>Offices.</i> | |
| (1) | Banks | One space for each 150 square feet of usable floor area. |
| (2) | Business offices or professional offices, except as indicated in the following item (3) | One space for each 210 square feet of usable floor area for the first 15,000 square feet, plus two additional spaces. |
| (3) | Professional offices of doctors, dentists and similar professions | One space for each 100 square feet of usable floor area for the first 5,000 square feet of usable floor area. |
| | | One space for each 115 square feet of usable floor area in excess of 5,000 square feet. |
| e. | <i>Industrial.</i> | |
| (1) | Industrial or research | Five spaces, plus one space for every 1½ employees in the largest work shift or five spaces, plus one space for each 500 square feet of usable floor area, whichever is greater. |
| (2) | Warehouses and wholesale establishments and related accessory offices | Five spaces, plus one space for every one employee in the largest work shift, or five spaces plus one space for every 1,700 square feet of usable floor area, whichever is greater. |

(Ord. of 3-28-1988, § 1604)

Cross reference— Stopping, standing and parking, § 38-71 et seq.

Sec. 46-476. - Off-street parking; space layout, standards, construction and maintenance.

Whenever the off-street parking requirements in section 46-475 require the building of an off-street parking facility, or where P-1 vehicular parking districts (division 11 of article III of this chapter) are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

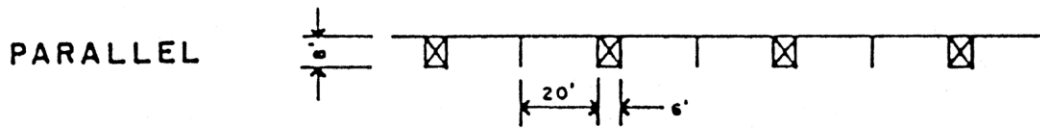
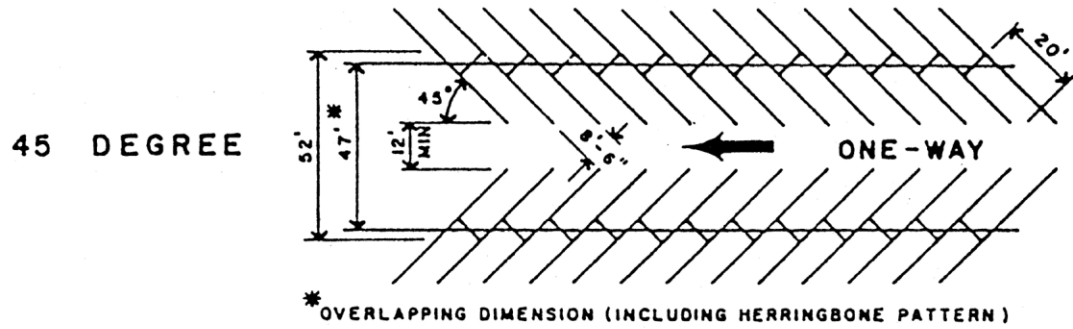
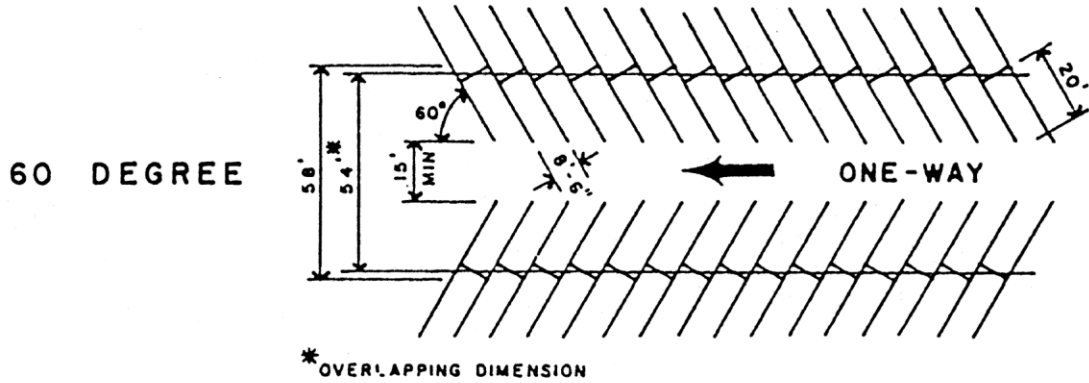
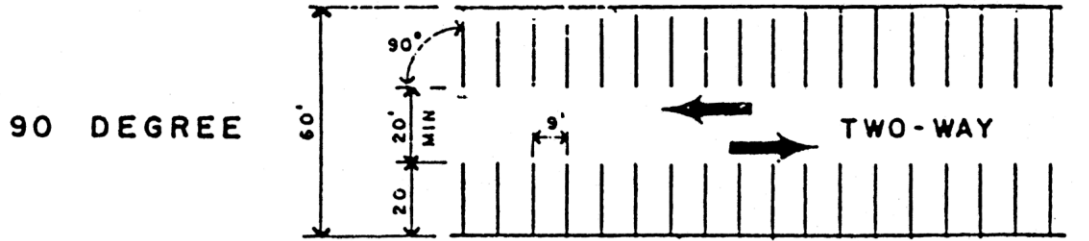
- (1) No parking lot shall be constructed unless and until a permit therefor is issued by the zoning administrator. Applications for a permit shall be submitted to the village administrator and shall be accompanied with two sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.

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

| Parking Pattern | Maneuvering Lane Width | Parking Space Width | Parking Space Length | Total Width of One Tier of Spaces, Plus Maneuvering Lane | Total Width of Two Tiers of Spaces, Plus Maneuvering Lane |
|----------------------|------------------------|---------------------|----------------------|--|---|
| 0 (parallel parking) | 12 feet | 8 feet | 23 feet | 20 feet | 28 feet |
| 30 to 53 | 12 feet | 8 feet, 6 inches | 20 feet | 32 feet | 52 feet |
| 54 to 74 | 15 feet | 8 feet, 6 inches | 20 feet | 36 feet, 6 inches | 58 feet |
| 75 to 90 | 20 feet | 9 feet | 20 feet | 40 feet | 60 feet |

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- (3) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
 - (4) Adequate ingress and egress to the parking lot and to all parking spaces shall be provided for all vehicles by means of clearly limited and defined drives.

- (5) Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- (6) Maneuvering lanes serving angle parking shall permit only one-way traffic movement; lanes serving the 90-degree pattern may permit two-way movement.
- (7) Each entrance to and exit from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 20 feet distant from adjacent property located in any one-family residential district.



PARKING LAYOUTS

Parking Layouts

- (8) The off-street parking area shall be provided with screening as required by section 46-483, walls and berms.

- (9) Off-street parking lots, including parking spaces and maneuvering lanes required under this section, shall be provided with a durable and dustless surfacing in accordance with specifications approved by the village manager.
- (10) Off-street parking lots shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
- (11) All lighting used to illuminate any off-street parking area shall be installed in accordance with section 46-480, exterior lighting.
- (12) In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking lot, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking lot.
- (13) The planning commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

(Ord. of 3-28-1988, § 1605)

Sec. 46-477. - Off-street loading and unloading.

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

- (1) *OS districts.* Within any OS district, off-street loading space shall be provided as follows:
 - a. For office buildings of less than 100,000 square feet in gross floor area, at least one loading space, separate from off-street parking, shall be provided and may be located in any yard. Loading space shall have a dimension of at least nine feet by 20 feet.
 - b. For office buildings of 100,000 space feet in gross floor area or more, at least one loading space with a dimension of at least ten feet by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height, in the rear or interior side yard only.
- (2) *B districts.* Within any B district, off-street loading space shall be provided in the rear yard only and in the ratio of at least ten feet square feet per front foot of building. In exceptional instances, such space may be permitted in an interior side yard with approval of the zoning administrator or of the planning commission, provided that such location is necessitated by the site conditions and provided that the area is screened from view from any public street.
- (3) *I districts.* Within an industrial district, off-street loading space shall be provided as follows:
 - a. All spaces shall be laid out in the dimension of at least ten feet by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height.
 - b. Loading dock approaches shall be surfaced with asphaltic or concrete paving so as to provide a permanent, durable and dustless surface.
 - c. All spaces in I districts shall be provided in the following ratio of spaces to floor area:

| Gross Floor Area (in square feet) | Loading and Unloading Space Required |
|-----------------------------------|--------------------------------------|
| 0—1,400 | None |

| | |
|------------------|--|
| 1,401—20,000 | One space |
| 20,001—100,000 | One space plus one space for each 20,000 square feet in excess of 20,001 square feet. |
| 100,001 and over | Five spaces plus one space for each 40,000 square feet in excess of 100,001 square feet. |

d. All spaces shall be provided off-street in the rear yard or interior side yard and shall in no instance be permitted in a front yard. In those instances where exterior side yards abut an industrial district across a public street, loading and unloading may take place in such exterior side yard when the setback is equal to at least 50 feet.

- (4) *Access.* Access to the loading-unloading area shall be designed in such a manner as to allow trucks to enter and leave the loading area without having to back from or onto the public street.
- (5) *Alleys.* Where a public alley exists or is provided at the rear of buildings, the loading requirements may be computed from the center of such alley.

(Ord. of 3-28-1988, § 1606)

Cross reference— Stopping, standing and parking, § 38-71 et seq.

Sec. 46-478. - Plant materials.

Whenever in this chapter a greenbelt or planting is required, it shall be planted within six months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties subject further to the requirements of the village ordinance, Ordinance No. 59. Suitable materials, equal in characteristics to the plant materials listed, shall be provided.

SUGGESTED PLANT MATERIALS

| | | | Minimum Size |
|-------------------------|------------------------------|-----------------|------------------|
| Evergreen Trees: | Fir Spruce Douglas Fir | Pine Hemlock | 5 feet in height |
| Narrow Evergreen Trees: | Red Cedar Arborvitae | Junipers | 5 feet in height |

| | | | |
|------------------------|---|--|---|
| Large Deciduous Trees: | Oaks Hard Maples Beech Lindens | Ash Ginkgo (male only) Honey locust (seedless and thornless varieties) Birch | 2½ inches in diameter, 1 foot above the ground |
| Small Deciduous Trees: | Flowering Dogwood Hawthorn Redbud Magnolia Mountain Ash | Hornbeam Russian Olive Flowering Crabapple (disease resistant varieties) | 2 inches in diameter, 1 foot above the ground |
| Large Shrubs: | | | |
| Deciduous: | Honeysuckle Lilac Border Privet Sumac Buckthorn Pyracantha Flowering Quince | Barberry Forsythia Cotoneaster (Peking, Spreading) Sargent Crabapple Dogwood (Red Osier, Grey) | 30 inches in height |
| Evergreen: | Irish Yew Hicks Yew Mugo Pine | Pfitzer Juniper Savin Juniper | 30 inches in height |
| Small Shrubs: | | | |
| Deciduous: | Compact Burning Bush Regal Privet Fragrant Sumac | Japanese Quince Cotoneaster (Cranberry, Rockspray) Potentilla | 24-inches diameter spread |
| Evergreen: | Spreading Yews (Dense, Brown's Ware, etc.) Low Spreading Junipers (Andora, Hughes, Tamarack, etc.) | Dwarf Mugo Pine Big Leaf Wintercreeper | 24-inches diameter spread |

(Ord. of 3-28-1988, § 1607)

Sec. 46-479. - Signs.

(a) *Intent.* The village finds that signs and other visual outdoor advertising tends to promote commerce and are related to the health, safety, and or general welfare of the residents of the village, and that the preservation of the existing character of the community requires regulation of signs and of other visual outdoor advertising. The village finds that failure to regulate the size, location, and construction of signs and other outdoor advertising may have an adverse effect upon the promotion of business and commerce in the village, may lead to poor identification of businesses, may have an adverse effect upon the existing aesthetic character of the village, and may cause deterioration of business and residential areas of the community. Therefore, the purpose of this section and subsections is to permit and regulate such signs and visual outdoor advertising of all types in all zoning districts. The regulation of outdoor signs is intended to enhance the physical appearance of the village, to preserve scenic and natural beauty and to create a climate that is attractive to business. It is further intended by the provisions of this chapter to improve traffic safety by avoiding sign distractions and the canceling out effect of conflicting overlapping signs.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory sign means a sign, located on the premises which pertains to the principal use of the premises.

Awning and canopy sign mean a type of building sign that is painted, printed or otherwise attached directly to the surface of an awning.

Banner sign means a sign of fabric or similar nonrigid material with no enclosing framework, attached at all edges to a building or other structure.

Business center means any group of two or more commercial establishments having not less than 100 feet of frontage on a major street and which are under one common ownership or management, have a common arrangement for the maintenance of the grounds and are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure; or share a common parking area.

Exterior building entrance means only those available for use by customers or patrons and does not include service or employee entrances.

Festoon sign means a sign where incandescent lightbulbs, banners or pennants or other such features are hung or strung overhead and are not an integral physical part of the buildings or structure they are intended to serve.

Flashing, animated or moving sign means a sign that intermittently reflects lights from either an artificial source or from the sun or sign which has movement of any illumination such as intermittent, flashing, scintillating or varying intensity or a sign that has any visible portion in motion, either constantly or at intervals, which motion may be caused by either artificial or natural sources.

Ground sign means a sign not attached to any building and supported by uprights or braces or some object on the ground and is a type of freestanding sign.

Height (for signs) means the distance from the ground to the highest point of the sign, including the sign frame.

Inflatable sign means a sign that is either expanded to its full dimension or supported by gases contained within the sign or sign parts at a pressure greater than atmospheric pressure.

Mural means a sign, that is a design and/or artwork that is painted, drawn, or attached in any form on the exterior building wall of a structure that does not promote a business, product, service or activity.

Nameplate means an accessory sign stating the name or street number of a person, firm, building or institution of a certain permitted use.

Nonaccessory sign means a sign which does not pertain to the principal use of the premises.

Painted wall sign means a sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas on any outside wall or roof or on glass of any building.

Political sign means a sign relating to the election of a person to public office or relating to a political party or relating to a matter to be voted upon at an election called by a public body.

Portable sign means a sign and sign structure which is designed to facilitate the movement of the sign from one zoning lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing.

Projecting sign means a sign attached to a building or other structure and extending in whole or in part more than 12 inches beyond the surface of the portion of the building line or extending over public property.

Real estate development sign means a sign placed on the premises of a subdivision or other real estate development to indicate a proposed start or to inform relative to availability.

Real estate sign means a sign placed upon a property advertising that particular property for sale, rent or lease.

Sidewalk sign means a temporary freestanding sign, typically with an "A" or "T" frame.

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

Sign area means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display, excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign.

Snipe sign means a sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

Temporary sign means a sign not permanently anchored or secured to a structure or the ground.

Vehicle business sign means a vehicle upon which a sign is painted or attached and is parked or placed upon the owner's premises primarily for advertising purposes.

Wall sign means a sign erected or fastened to the wall of a building with the exposed face of the sign in a plane approximately parallel to the plane of such wall and not extending more than 12 inches beyond the surface of the portion of the building wall on which erected or fastened. For the purposes of this chapter, a sign affixed to a marquee, canopy, awning, or mansard roof projection from a facade shall be considered a wall sign and shall not project more than 12 inches beyond the projecting face of the structure.

(c) *General provisions.* The following conditions shall apply to all signs erected or located in any use district:

- (1) Except for signs erected by the village, Elkland Township, the county, village public schools, or state or federal governments, no sign shall be located in, project into, or overhang a public right-

of-way or dedicated public easement. Signs illegally located within a public right-of-way may be immediately removed by the zoning administrator without notice.

- (2) Signs mounted on a building shall not project beyond or overhang the wall by more than 12 inches. Canopies and awnings located on the front and rear facades of buildings are excluded from this subsection.
- (3) Signs shall not project above the cornice, wall facade, parapet or eave of the building to which it is affixed. Roof signs are not permitted.
- (4) Signs shall be permitted in any required yard and for the purposes of determining required height and required setbacks, signs shall be exempt from other provisions of this chapter and the standards provided in this section shall apply.
- (5) No sign shall be erected which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol or character in such a manner that, in the opinion of the zoning administrator, may interfere with, mislead, or confuse traffic.
- (6) Except for signs displaying stock market index information, time, or temperature, no illumination will be intermittent, oscillating or flashing.
- (7) Accessory signs shall be permitted in any use district, subject to the requirements of this chapter.
- (8) Nonaccessory signs shall be permitted only in the I-1 and I-2 industrial districts, subject to the requirements of this chapter.
- (9) Wall signs may be placed upon the face of marquees, awnings or canopies. When canopies include a mansard roof, signs are permitted on the roof of the canopy, parallel to the face of the building, but in no instance projecting beyond the face of the mansard roof.
- (10) All signs are subject to section 46-482, corner clearance.
- (11) All signs shall be constructed in conformance with the following:
 - a. The construction, support, and location of any sign shall in no way constitute a hazard to the safety of the public or to adjacent property, the provisions of this section notwithstanding.
 - b. Illuminated signs shall conform in all respects to the electrical codes of the county building codes.
 - c. All signs are subject to section 46-480, exterior lighting.
 - d. Signs using glass shall be constructed and located so as to pose no safety hazard if broken.
 - e. Signs and all necessary supports shall be constructed to withstand a horizontal force of 30 pounds per square foot applied to the sign display area. The manufacturer of any sign must provide documentation verifying that this requirement will be met prior to issuance of a permit.
- (12) Temporary portable business advertising signs are intended for the promotion of a particular product, grand opening, announcement of service, management, or event, including signs used by churches, service clubs, and civic organizations for the promotion of charitable purposes and events. Temporary portable signs shall have a minimum setback of ten feet from any future street or road right-of-way line. They may be illuminated provided such lights are not flashing or intermittent and are not placed or designed such that they can be confused with traffic safety devices or highway signs. No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility. Temporary portable business advertising signs, not to exceed 32 square feet in surface display area per face, or 64 square feet if double faced, other than those specifically provided for, are allowed in any district with approval and issuance of a permit by the zoning administrator. Temporary portable signs may be allowed for up to four times, for no more than a total of 80 days, in any one calendar year. For the purposes of this section, a shopping center or other collective grouping of buildings shall have the same rights as an individual use.

- (d) *General exceptions.* The following signs shall not require a permit:
- (1) Temporary, accessory, real estate signs in residential districts, provided that such signs shall not exceed six square feet in area per sign face nor exceed 42 inches in height. Such signs shall be located on the property to be rented, leased or sold, and placed at least 15 feet from any road right-of-way or property line. Any such sign shall be removed within seven days after the consummation of the lease or sale transaction.
 - (2) Temporary, accessory, real estate signs in nonresidential districts, provided that such signs shall not exceed 15 square feet in area per sign face, nor exceed ten feet in height, and, if they are freestanding, such signs shall be set back a minimum of 25 feet from the nearest edge of existing pavement of adjacent streets. Any such sign shall be removed within seven days after the consummation of the lease or sale transaction.
 - (3) Temporary, off-premises real estate signs for the purpose of direction shall be permitted in any district provided that such sign shall not exceed six square feet in area per sign face. Such signs may be located off-premises between the hours of 9:00 a.m. and 9:00 p.m. and only for two consecutive days and for two days each week. Such sign shall not have a height exceeding 42 inches. Permission to locate the subject sign shall be obtained from the owner or occupant of property on which the sign is located. Failure to comply with this condition shall be cause for immediate removal of such sign.
 - (4) Temporary seasonal decorations.
 - (5) Signs erected by the village, Elkland Township, the county, village public schools, or state or federal governments, for any of the following:
 - a. Street identification, or general traffic control.
 - b. Legal notices, identification, or informational signs.
 - c. Signs or markers obtained from a state or federal agency identifying buildings or sites as having been designated as a centennial farm, historic landmark, a state historical site or as a site listed in the National Register of Historic Places.
 - d. Signs to identify public buildings or uses or to establish hours of activity or conditions of use.
 - e. Community event signs.
 - (6) One accessory nonilluminated nameplate sign not exceeding one square foot in area shall be permitted in any district.
 - (7) Two on-premises, and one off-premises nonilluminated temporary ground sign pertaining to a garage sale, estate sale, or similar type of sale may be permitted in any residential district. Such signs shall not exceed four square feet in area, nor a height of 30 inches. No such sign shall be posted earlier than 24 hours prior to the sale. All signs shall display the dates of the sale and shall be removed within 24 hours after the sale.
 - (8) Accessory on-site directional signs, each with an area of not more than four square feet and a height of no more than three feet.
 - (9) Political signs not exceeding six square feet in area per sign face and not exceeding 42 inches in height, provided that such signs are removed within ten days after the election for which they were erected. No such sign shall be displayed on public land. All political signs shall have a minimum setback of 25 feet from the nearest edge of existing pavement of adjacent streets.
 - (10) Flags, not more than three per zoning lot and not more than four feet by six feet in dimension.
 - (11) Signs for essential services denoting utility lines, hazards and precautions.
 - (12) Memorial signs which are either cut into the face of a masonry surface or constructed of bronze or other noncombustible material when located flat on the face of a building.

- (13) Exterior banners and pennants are intended for the promotion of business and as such shall be for the purpose of advertising special events, product promotion, and changes in service. These signs do not require a permit; provided, however, that such business advertising signs shall be subject to the following criteria:
 - a. Banners and pennants shall be maintained in a neat and orderly fashion in recognition that they are intended as an enhancement for the promotion of the business community.
 - b. Banners will be changed with regularity and in keeping with the statement of subsection (d)(13)a of this section.
 - c. Banners shall not exceed ten percent of the total square foot area of a building facade.
 - d. Banners and pennants shall not be located closer than ten feet from the future road or street right-of-way. No banner or pennant shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
 - e. Banners and pennants shall only be allowed in the RC, OS-1, B-1, B-2, I-1 and I-2 zoning districts.
- (e) *Administration and enforcement.*
 - (1) It shall be unlawful for any person to erect, reerect, alter or relocate any sign unless a permit shall have been first obtained from the zoning administrator, except as otherwise provided in this chapter.
 - (2) Application for sign permits shall be made to the zoning administrator upon forms supplied by the village.
 - (3) The zoning administrator will review the sign for conformance to village standards and has the authority to approve or deny all sign applications in all zoning districts. In all instances, the zoning administrator may require review and approval by the planning commission.
 - (4) Applicants have the right to appeal any decision of the zoning administrator or planning commission to the zoning board of appeals in conformance with division 2, article II of this chapter, board of appeals.
 - (5) A fee schedule shall be set by the village council which shall be collected with each application for a sign permit, unless otherwise waived by the village council.
 - (6) All signs shall be inspected at original installation. Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this chapter, the erector and/or owner shall be required to make the sign safe, secure and otherwise in compliance with the requirements of this chapter within 30 days' notice. All signs for which a permit is required and all supports therefor shall be kept in compliance with the plans and specifications filed and approved for issuance of the sign permit and shall be kept and maintained in a safe condition.
 - (7) Signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired at the owner's expense within 24 hours of notification by the village. If the sign is not removed or the violations corrected within the allotted time period, the sign shall be deemed a public nuisance and the zoning administrator may take such action as is necessary to have the sign removed.
- (f) *Signs in the RA-1, RA-1B, RA-2, RB, RC and MH districts.* In the RA-1 RA-1B, RA-2, RB, RC and MH districts, signs shall be permitted subject to the following:
 - (1) One ground sign identifying a subdivision or multiple-family housing development subject to the following:
 - a. A maximum area of 32 square feet.
 - b. A maximum height of six feet.

- c. A minimum setback of ten feet from the future road right-of-way (as shown in the village master plan) of any existing road and a setback of ten feet from the right-of-way of any existing or approved road.
 - d. Such signs are to be maintained by the developer until all lots are sold and development is complete, at which time it will be deeded to the village for future care.
- (2) One temporary sign for a new residential development, advertising the sale or lease of lots, buildings or units within such development subject to the following:
 - a. A maximum area of 32 square feet.
 - b. A maximum height of six feet.
 - c. A minimum setback of 20 feet from the future right-of-way (as shown in the village master plan) of any existing road and a setback of ten feet from the right-of-way of any existing or approved road.
 - d. Such signs shall be allowed on a temporary basis for a period not to exceed two years. However, the planning commission shall have authority to grant authorization to continue such signs for a reasonable period thereafter, upon a showing that a substantial number of lots, buildings or units remain vacant.
- (3) Nonresidential uses permitted in the district such as offices, hospitals, churches and schools shall be allowed the following signs:
 - a. One sign subject to the following:
 - 1. A maximum area of 18 square feet.
 - 2. A maximum height of six feet.
 - 3. A minimum setback of 20 feet from any future road right-of-way.
 - b. One nonilluminated wall sign not to exceed 50 square feet and mounted flat against the wall of the principal building.
- (4) Accessory buildings in the RC and MH districts, such as rental and/or management offices, may be permitted one identification sign subject to the following:
 - a. A maximum area of six square feet.
 - b. Ground signs are limited to a height of four feet.
 - c. Wall signs are limited to a height of ten feet.
 - d. A minimum setback of 20 feet from any future road right-of-way.
- (5) Accessory signs may be permitted in the RC district for hospitals and clinics, such as directional signs for emergency and medical services, parking, and other such purposes.
- (6) Home occupations and bed and breakfast establishments shall be subject to the provisions of this chapter as stated in section 46-153, principal uses permitted subject to special conditions.
- (g) *OS-1 districts*. In the OS-1 districts, signs shall be permitted subject to the following:
 - (1) One nameplate sign for each exterior building entrance shall be permitted. Such sign shall not exceed six square feet in area.
 - (2) One ground sign for each zoning lot, subject to the following:
 - a. A maximum area of 18 square feet.
 - b. A maximum height of six feet.
 - c. A minimum setback of ten feet from any future road right-of-way.
 - d. A minimum setback of 100 feet to any adjacent residential district.

- (3) For each use occupying a building, one wall sign, each with a maximum of 18 square feet, shall be permitted.
- (h) *B-1 districts.* In the B-1 districts, signs shall be permitted subject to the following:
- (1) One nameplate sign for each exterior building entrance shall be permitted. Such sign shall not exceed four square feet in area.
 - (2) Wall signs shall be permitted subject to the following:
 - a. For each zoning lot, one wall sign shall be permitted on each building facade that fronts on an adjacent street. Such signs shall be limited in area to 100 square feet.
 - b. For each zoning lot, one wall sign shall be permitted on each building facade that fronts on an adjacent alley. Such signs shall not exceed 15 square feet in area.
 - c. The total area of all wall signs on any one facade shall be limited to an area no greater than ten percent of the area of that facade.
 - (3) One ground sign shall be permitted for each zoning lot subject to the following:
 - a. Ground signs shall not be more than 20 feet in height and shall have a minimum setback of ten feet from any future right-of-way line. Such signs may be multifaced but shall not exceed 32 square feet in surface display area per face.
 - b. A minimum setback of 100 feet to any adjacent residential district.
 - (4) Gasoline service stations are permitted the following signs, in addition to those permitted in this subsection (h):
 - a. Directional signs on the face of the building over doorways necessary for customer convenience such as "restrooms," "lubrication," "bay 1," or words of similar import.
 - b. Signs may be displayed on the gasoline pumps.
- (i) *B-2 districts.* In the B-2 districts, signs shall be permitted subject to the following:
- (1) One ground sign shall be permitted for each zoning lot subject to the following:
 - a. Additional ground signs may be permitted when the following conditions exist:
 1. Two signs may be permitted on a corner lot that has at least 200 feet of frontage on each of two thoroughfares, provided that only one sign is oriented toward each thoroughfare.
 2. Two signs may be permitted where the zoning lot, not a corner lot, has frontage on two major thoroughfares and has vehicular access via both such thoroughfares, provided that only one sign is oriented toward each thoroughfare.
 3. For each lot having a frontage of 300 feet or more, one additional sign shall be permitted, provided that such signs are at least 200 feet apart.
 - b. Ground signs shall not be more than 30 feet in height and shall have a minimum setback of ten feet from any future right-of-way line. Such signs may be multifaced but shall not exceed 32 square feet in surface display area per face.
 - c. A minimum setback of 100 feet to any adjacent residential district.
 - (2) A business center shall be permitted one freestanding sign, subject to the following:
 - a. A maximum height of 30 feet.
 - b. A minimum setback of ten feet to any future road right-of-way.
 - c. The area of such sign shall not exceed one square foot for each linear foot separating the building from the front street right-of-way line, plus one square foot for each linear foot

between the sign and the front street right-of-way line. However, in no instance shall a sign have an area greater than 100 square feet per sign face.

- d. A minimum setback of 100 feet to any adjacent residential district.
 - e. No such sign shall be closer to a rear or side lot line than a distance equal to its height.
- (3) Each use shall be permitted one wall sign on each building facade with road frontage. Such signs shall be limited to an area equal to not more than ten percent of the area of the wall of the establishment upon which the sign is placed.
- (4) Gasoline service stations are permitted the following signs, in addition to those permitted in subsection (i)(1) and (i)(2) of this section:
- a. Directional signs on the face of the building over doorways necessary for customer convenience such as "restrooms," "lubrication," "bay 1," or words of similar import.
 - b. Signs may be displayed on the gasoline pumps.
- (5) Restaurants with drive-through windows shall be permitted one menu board ground sign in addition to those permitted in subsections (i)(1) and (i)(2) of this section. Such sign shall be located in a rear yard or interior side yard and shall not exceed a height of six feet, nor an area of 36 square feet.
- (j) *I-1 and I-2 districts.* In the I-1 and I-2 districts, signs shall be permitted subject to the following:
- (1) One ground sign identifying an industrial subdivision subject to the following:
- a. A maximum area of 100 square feet.
 - b. A maximum height of ten feet.
 - c. A minimum setback of ten feet from the future road right-of-way (as shown in the village master plan) of any existing road and a setback of ten feet from the right-of-way of any existing or approved road.
 - d. Such signs are to be maintained by the developer until all lots are sold and development is complete, at which time it will be deeded to the village for future care.
- (2) One ground sign shall be permitted for each zoning lot subject to the following:
- a. Additional ground signs may be permitted when the following conditions exist:
 - 1. Two signs may be permitted on a corner lot that has at least 200 feet of frontage on each of two thoroughfares, provided that only one sign is oriented toward each thoroughfare.
 - 2. Two such signs may be permitted where the zoning lot, not a corner lot, has frontage on two major thoroughfares and has vehicular access via both such thoroughfares, provided that only one sign is oriented toward each thoroughfare.
 - 3. For each lot having a frontage of 300 feet or more, one additional sign shall be permitted, provided that such signs are at least 200 feet apart.
 - b. Ground signs shall be subject to the following:
 - 1. A maximum area of 50 square feet per sign face.
 - 2. A maximum height of ten feet.
 - 3. A minimum setback of ten feet from any future road right-of-way.
- (3) Each use shall be permitted one wall sign on each building facade with road frontage. Such signs shall be limited to an area equal to not more than five percent of the area of the wall of the establishment upon which the sign is placed.
- (4) Nonaccessory signs are permitted in the I-1 and I-2 districts subject to the following:

- a. A maximum height of ten feet.
- b. A maximum area of 100 square feet.
- c. A minimum setback of 25 feet from any property line or street right-of-way.
- d. Nonaccessory signs shall be permitted but shall be spaced no closer than 1,000 feet between signs on the same side of the street right-of-way.
- e. The height and area of nonaccessory signs may be increased beyond the standards identified in subsections (j)(4)a and (j)(4)b of this section when the following conditions are met:
 1. The sign area may be increased by two square feet for every one foot of setback added beyond the minimum setback from any future road right-of-way, but in no instance shall be greater than 300 square feet.
 2. The sign height may be increased by one foot for every five feet of setback added beyond the minimum setback but in no instance shall exceed 20 feet.

(Ord. of 3-28-1988, § 1608; Ord. of 3-23-1998; Ord. No. 158, § 1, 6-27-2005)

Sec. 46-480. - Exterior lighting.

- (a) All outdoor lighting in all use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect light away from all adjacent residential districts or adjacent residences.
- (b) All outdoor lighting in all use districts shall be directed toward and confined to the ground areas of lawns or parking lots.
- (c) All lighting in nonresidential districts used for the external illumination of buildings, so as to feature such buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
- (d) Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
- (e) All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

(Ord. of 3-28-1988, § 1609)

Sec. 46-481. - Residential entranceway.

In all residential districts, so-called entranceway structures including, but not limited to, walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in section 46-482, corner clearance, provided that such entranceway structures shall comply to all codes of the village and shall be approved by the zoning administrator and a permit issued.

(Ord. of 3-28-1988, § 1610)

Sec. 46-482. - Corner clearance.

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted within the triangular area formed at the intersection of any

street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection.

(Ord. of 3-28-1988, § 1611)

Sec. 46-483. - Walls and berms.

For those use districts and uses listed as follows, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall or landscaped berm as required:

- (1) In those instances where the border between districts or uses requiring a wall or berm is a major or secondary street, a greenbelt may be substituted for the wall or berm adjacent to the street, planted in accordance with section 46-478, plant materials.

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- (2) The height of the wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall or berm, required as follows, except as otherwise provided in subsection 12 of this section:

| | Use | Minimum Requirements |
|-----|--|---|
| (a) | P-1 vehicular parking district | 4 feet, 6 inches high |
| (b) | Off-street parking area (other than P-1 districts) | 4 feet, 6 inches high |
| (c) | OS-1, B-1 and B-2 districts | 4 feet, 6 inches high |
| (d) | I-1 and I-2 districts: | |
| | Berms shall be landscaped in accordance with section 46-478, plant materials | 6-foot high wall |
| (e) | I-1 and I-2 districts, open storage areas, loading or unloading areas, service areas | 6-foot to 8-foot high wall, berm or obscuring fence |
| (f) | Auto wash, drive-in restaurant | 6 feet high |
| (g) | Hospital ambulance delivery areas | 6 feet high |
| (h) | Utility buildings, stations or substations | 6 feet high |

- (3) Required walls shall be located along the lot line except where underground utilities interfere and except in instances where this chapter required conformance with front yard setback lines in abutting residential districts.
- (4) Required walls may, upon approval of the planning commission and after public hearing as provided in section 46-48, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration.
- (5) Berms shall be a landscaped earth mound, the same height as required for a wall with a maximum slope of three to one (three foot horizontal to one foot vertical). All berms shall have a nearly flat, horizontal area at their highest point, at least two feet in width.
- (6) Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected, until the seed germinates and a permanent lawn is established, by a straw mulch, hydromulching or netting specifically designed to control erosion. The berm area shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy, growing condition.
- (7) A planting plan and grading plan shall be prepared for the berm and shall be reviewed by the planning commission. Plant materials within the berm area shall be installed in accordance with the requirements of greenbelt and plant material as set forth in section 46-478.
- (8) Such walls or berms shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as may be approved by the chief of police and the zoning administrator.
- (9) All walls required in this section shall be constructed to specifications approved by the zoning administrator to be durable, weather resistant, rustproof and easily maintained; and wood or wood products shall be specifically excluded.
- (10) Masonry walls may be constructed with openings which do not in any square section (height and width) exceed 20 percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the zoning administrator.
- (11) The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than 200 feet distant from such abutting residential district.
- (12) The planning commission may waive or modify the requirements of this section where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet, six inches in height, except where section 46-482 applies.
 - a. In consideration of request to waive wall requirements between nonresidential and residential districts, the planning commission shall determine whether or not the residential district is an area in transition that will become nonresidential in the future.
 - b. In such cases, the planning commission may temporarily waive wall requirements for an initial period not to exceed 12 months. Granting of subsequent waivers shall be permitted, provided that the planning commission shall make a determination, as described in this section, for each subsequent waiver prior to the granting of such waiver.

(Ord. of 3-28-1988, § 1611; Ord. No. 130, § 8, 1-26-1993)

Sec. 46-484. - Fences (residential).

Fences are permitted, or required, subject to the following:

- (1) Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever is greater.
- (2) Recorded lots having a lot area in excess of two acres and a frontage of at least 200 feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from the regulations of this section.
- (3) Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
- (4) Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of their total area.

(Ord. of 3-28-1988, § 1613)

Sec. 46-485. - Site plan review.

- (a) The purpose of site plan review with the planning commission is to determine compliance with the provisions of this zoning ordinance, to promote the orderly development of the village, to prevent the depreciation of land value because of uses or structures which do not give proper attention to siting or area protection, and to provide consultation and cooperation between applicants and the planning commission so that applicants may accomplish their objectives in the utilization of their land in conformity with the provisions of this zoning ordinance.
- (b) A site plan shall be submitted to the planning commission for approval for any use requiring off-street parking, except one-family residential dwellings.
- (c) An application for site plan review shall be made by filing the application form, required information, and the required fee, including any fees to be deposited in an escrow account, with the zoning administrator. Once deemed complete, the zoning administrator shall forward the application and fee to the clerk. Such fees are necessary to pay for professional services related to site plan review, engineering reviews, and staffing planning commission meetings. The application fee and any additional fees to be deposited in an escrow account to pay for professional planning and engineering services shall be set by resolution of the Cass City Village Council.
- (d) The following information shall be included on the site plan:
 - (1) Applicant and/or owner's names, addresses and telephone numbers.
 - (2) Professional seal of architect, engineer, surveyor, landscape architect, or planner, and their name and address, phone number and e-mail if available.
 - (3) Scale, north arrow, date of plan preparation, and date of each revision. Sheet size shall be at least 24"x 36" with plan view drawn to a scale of no greater than 1"= 50' for property less than three acres or no greater than 1"= 100' for property three or more acres.
 - (4) Vicinity/location map drawn at a scale of 1"= 2,000' with north point indicated.
 - (5) Location of existing and proposed lot lines, including dimensions, gross and net acreage figures, and zoning classification of the site.
 - (6) Adjacent land uses, property owners, zoning and location of adjacent buildings or structures, property lines, rights-of-way, abutting streets, drives, curb cuts, and access easement, and parking within 100 feet of subject property.
 - (7) Location and dimensions of existing and proposed buildings/structures; including intended uses, floor area, number of floors, width, length, height, number and type of dwelling units (where applicable), and setback distances.

- (8) Existing natural and man-made features to be retained and/or removed.
 - (9) Location of existing and proposed water bodies, watercourses, including county and village drains, man-made surface drainage ways, floodplains and wetlands.
 - (10) The location of all existing and proposed access drives, street intersections, driveway locations, sidewalks, bike paths, curbing, and other walkways associated with the site, including general alignment, right-of-way, surface type, width and centerline.
 - (11) Location, number and size of parking spaces, including width and method of surfacing, dimensions of spaces and aisles, acceleration, deceleration and passing lanes and approaches.
 - (12) Proposed phasing of project.
 - (13) The location of all accessory structures, including light poles, flagpoles, storage sheds, transformers, dumpsters, including method of screening.
 - (14) Detailed signage and lighting plans, including locations and illumination patterns, for both existing and proposed parking lots and structures.
 - (15) A landscape plan indicating the location, type and quantity of plant materials both existing and proposed. The location and description of all existing berms, fencing, walls, and other screening provisions.
 - (16) Location of outdoor storage/display areas including a description of the items to be located outdoors, as well as the location and description of required screening.
 - (17) Loading and unloading areas for commercial and industrial developments.
 - (18) Storage and containment areas, if the use of hazardous substances is involved.
 - (19) Location and size of all existing and proposed utility services above and below ground, to include water, electric, gas, phone, cable, stormwater, storm sewer, catch basins, and fire hydrants.
 - (20) Location and width of any easements (utility and otherwise) on the site.
 - (21) Designation of fire lanes.
 - (22) Any other pertinent physical features.
 - (23) Existing topography with a maximum contour interval of two feet. Topography on the site and beyond the site for a distance of 100 feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of two feet, correlated with existing contours so as to clearly indicate required cutting, filling, grading, and the direction of drainage. Any other items as deemed necessary by the zoning administrator in order to ensure that the proposed development is in compliance with this zoning ordinance and other village ordinances, as well as State and Federal [statutes].
- (e) Site plan review procedure.
- (1) Once the application and fee are forwarded to the clerk by the zoning administrator, the zoning administrator shall preliminarily review the submitted site plan for completeness. In the event that the site plan is not considered complete, the applicant shall be informed that the site plan needs to be updated and complete prior to review with the planning commission.
 - (2) At the next regularly scheduled meeting, planning commission shall review the site plan for conformance to the standards and requirements set forth in this chapter.
 - (3) Following its review of the proposed site plan, the planning commission shall take one of the following actions:
 - a. Approve the site plan if it is found to satisfy the requirements of this zoning ordinance.
 - b. Place conditions on the site plan approval to ensure that it satisfies the requirements of this zoning ordinance.

- c. Deny the site plan if it is found that the proposed site plan fails to satisfy the requirements of this zoning ordinance. In the event of denial, the applicant shall be informed of the decision in writing, with the reasons for denial contained in the letter.
- (4) The planning commission shall generally render its decision within 30 days from the date the application was received by the zoning administrator. The 30 day time period may be extended by the mutual consent between the applicant and the planning commission.
- (f) The planning commission shall review the site plan for compliance with the requirements of this zoning ordinance and conformity to the following general standards:
 - (1) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property and the size and type of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this zoning ordinance.
 - (2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by topographic modifications, which result in maximum harmony with adjacent areas.
 - (3) All stormwater shall be given to proper site drainage such that the controlled release of stormwaters will not adversely affect neighboring properties.
 - (4) The site plan shall provide for reasonable visual and sound privacy for all dwelling units located on the site. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
 - (5) All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
 - (6) Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
 - (7) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six feet in height.
 - (8) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.
 - (9) With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, the separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and that do not, insofar as practicable, detract from the design of the proposed buildings and structures and the neighboring properties.
 - (10) All streets shall be built in accordance with the requirements of the village.
- Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.
- (g) A site plan approved under this section shall be valid for a period of one year. If construction has not commenced within this time period, the site plan shall become null and void. Upon a written request from the applicant, the planning commission may grant one extension of the site plan for a period not to exceed 60 days.

(Ord. of 3-28-1988, § 1614; Ord. No. [169](#), 8-30-2010)

State Law reference— Site plan inclusions, 125.584d.

Sec. 46-486. - Frontage on a public street.

No lot shall be used for any purpose permitted by this chapter unless such lot abuts a public street or unless otherwise provided for in this chapter.

(Ord. of 3-28-1988, § 1615)

Cross reference— Streets, sidewalks and other public places, ch. 34.

Sec. 46-487. - Access to a major or secondary street.

For uses making references to this section, vehicular access shall be provided only to a major or secondary street as designated on the village's thoroughfare plan. Access driveways may be permitted to other than a major or secondary street where the following conditions are met:

- (1) Such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and major or secondary street is zoned for multiple-family use or nonresidential uses.
- (2) Such access is provided to a street where the property directly across the street is developed with permanent uses other than one-family residences or is an area which, in the opinion of the planning commission, will be used for other than single-family purposes in the future.
- (3) This exception shall apply only if the planning commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a major or secondary street.

(Ord. of 3-28-1988, § 1616; Ord. No. 130, § 9, 1-26-1993)

Sec. 46-488. - Reserved.

Sec. 46-489. - Prohibition of recreational marijuana establishments.

- (a) Marijuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marijuana Act (the "Act"), are prohibited in all zoning districts in the village, and shall not be permitted as home occupations under [article III] of this chapter.
- (b) No use that constitutes or purports to be a marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter or any other type of marijuana related business authorized by the Act, that was engaged in prior to the enactment of this section, shall be deemed to have been a legally established use under the provisions of the village Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.
- (c) Violations of this section are subject to the violations and penalties pursuant to section 46-54 of this chapter and if provided for separately may be abated as nuisances pursuant to section 46-54.
- (d) This section does not supersede rights and obligations with respect to the transportation of marijuana by marijuana secure transporters through the village to the extent provided by the Act, and does not supersede rights and the regulations under [article II] of this chapter with respect to medical marijuana facilities established pursuant to the Michigan Medical Marijuana Act and the Medical Marijuana Facilities Licensing Act.

(Ord. No. [182](#), § 1, 1-28-2019)

Secs. 46-490—46-520. - Reserved.

ARTICLE V. - SPECIAL LAND USES^[5]

Footnotes:

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State Law reference— Special land uses, MCL 125.584a, 125.584c.

Sec. 46-521. - Generally.

The special land uses may be permitted after review and approval by the planning commission. Such uses may be permitted after public hearing and under such conditions as are imposed after finding that the use is not injurious to the district and environs; is not contrary to the spirit and purpose of this chapter; is not incompatible with already existing uses in the area; would not interfere with the orderly development of the area; and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.

(Ord. of 3-28-1988, art. XVII)

Sec. 46-522. - Uses permitted with special approval.

The following uses may be permitted subject to the applicable required conditions and after notice of public hearing in accordance with section 46-48, notice of public hearing. A site plan shall be submitted in accordance with section 46-485, site plan review.

- (1) *Outdoor theaters*. Because outdoor theaters possess the unique characteristics of being used only after dark and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-2 districts only. Outdoor theaters shall further be subject to the following conditions:
 - a. The proposed internal design shall receive approval from the zoning administrator and the village manager as to adequacy of drainage, lighting and other technical aspects.
 - b. All vehicular access to the site shall be in accordance with section 46-487.
 - c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - d. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major or secondary streets. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.
- (2) *Commercial television and radio towers and public utility microwaves, and public utility TV transmitting towers*. Radio and television towers, public utility microwaves and public utility TV transmitting towers, and their attendant facilities, shall be permitted in I-1 and I-2 districts, provided that such uses shall be permitted in I-1 and I-2 districts as follows:
 - a. Such towers shall be located centrally on a continuous parcel of land. To meet area requirements as noted in subsection (2)c of this section, land need not be under single ownership. However, the applicant must have development rights for all land in question and, except for the construction of a tower and related facilities, all such land shall remain undeveloped.
 - b. Except as noted in subsection (2)c of this section, the distance of the tower from any property line shall be no less than the height of the tower.

- c. In the following instances, the planning commission can allow the distance of a tower from any property line to be reduced:
 - 1. Such reduction can result in a setback equal to no less than 30 percent of the height of the tower.
 - 2. The applicant must certify that the tower is engineered to fall wholly within the parcel in the event of any structural failure.
- (3) *Utility lines and towers.* Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the village shall receive the review and approval of the planning commission. Such review by the commission shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and, further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the village.
- (4) *Specialized medical facilities.* Facilities providing specialized medical services, such as, but not limited to, dialysis, clinical oncology, radiation therapy, radiography, magnetic resonance imaging, physical therapy, and rehabilitation, shall be permitted in RA-1, RA-2 and RB districts, subject to the following conditions:
 - a. Services shall be provided on an outpatient basis. Overnight stay for patients shall not be permitted.
 - b. The site shall have direct vehicular access to a state trunkline as shown on the village's Act 51 map.
 - c. The site plan shall conform to all applicable requirements of this chapter and of the district in which it is located. However, the planning commission may impose standards different than those specifically stated in division 12, article III of this chapter, schedule of regulations, to ensure that impacts from the proposed use do not negatively affect adjacent uses. This may include, but is not limited to, standards for setbacks, screening, landscape or building height.
 - d. Off-street vehicle parking shall be provided as required for a professional doctor's office.
 - e. Exterior building design and materials shall be architecturally compatible with surrounding and adjacent residential dwellings. To assist the planning commission in making this determination, the following shall be provided:
 - 1. The applicant shall submit rendered elevation drawings of all building facades which shall be a true representation of the colors and building materials of the proposed structure.
 - 2. The zoning administrator shall provide a written review of the plan from a design standpoint to the planning commission. The zoning administrator may seek the advice of design professionals on this matter.

(Ord. of 3-28-1988, § 1700; Ord. No. 130, § 10, 1-26-1993; Ord. of 3-23-1998)

Secs. 46-523—46-550. - Reserved.

ARTICLE VI. - GENERAL EXCEPTIONS

Sec. 46-551. - Area, height and use exceptions.

The regulations in this chapter shall be subject to the interpretations and exceptions of this article.

(Ord. of 3-28-1988, § 1800)

Sec. 46-552. - Essential services.

Essential services serving the village shall be permitted as authorized and regulated by law and other ordinances of the village.

(Ord. of 3-28-1988, § 1801)

Sec. 46-553. - Voting place.

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

(Ord. of 3-28-1988, § 1802)

Sec. 46-554. - Height limit.

The height limitations of this chapter shall not apply to farm buildings, chimneys, church spires, flagpoles, public monuments or wireless transmission towers; provided, however, that the planning commission may specify a height limit for any such structure when such structure requires authorization as a special use.

(Ord. of 3-28-1988, § 1803)

Sec. 46-555. - Lot area.

Any lot existing and of record on the effective date of the ordinance from which this chapter is derived may be used for any principal use, other than conditional uses for which special lot area requirements are specified in this chapter, permitted in the district in which such lot is located whether or not such lot complies with the lot area and width requirements of this chapter. Such use may be made, provided that all requirements other than lot area and width prescribed in this chapter are complied with, and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of this chapter for required lot area for each dwelling unit.

(Ord. of 3-28-1988, § 1804)

Sec. 46-556. - Lots adjoining alleys.

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this chapter, one-half the width of such alley abutting the lot shall be considered as part of such lot.

(Ord. of 3-28-1988, § 1805)

Sec. 46-557. - Yard regulations.

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the board of appeals.

(Ord. of 3-28-1988, § 1806)

Sec. 46-558. - Porches.

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

(Ord. of 3-28-1988, § 1807)

Sec. 46-559. - Projections into yards.

Architectural features attached to a building, not including vertical projections or signs, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three feet.

(Ord. of 3-28-1988, § 1808)

Sec. 46-560. - Access through yards.

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

(Ord. of 3-28-1988, § 1809)