

Chapter 30

ZONING*

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ARTICLE I. IN GENERAL**Sec. 30-1. 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. All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure," and the word "dwelling" includes "residence"; the word "person" includes "corporation," "copartnership," "association," as well as an "individual"; the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes the words "plot" or "parcel"; the words "used" or "occupied" includes the words "intended," "designed" or "arranged to be used or occupied." Terms not herein defined shall have the meaning customarily assigned to them.

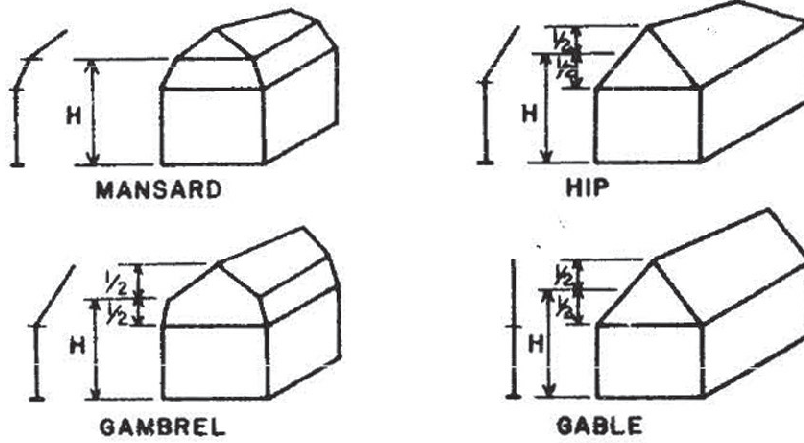
Alley means any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

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

Apartment 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.

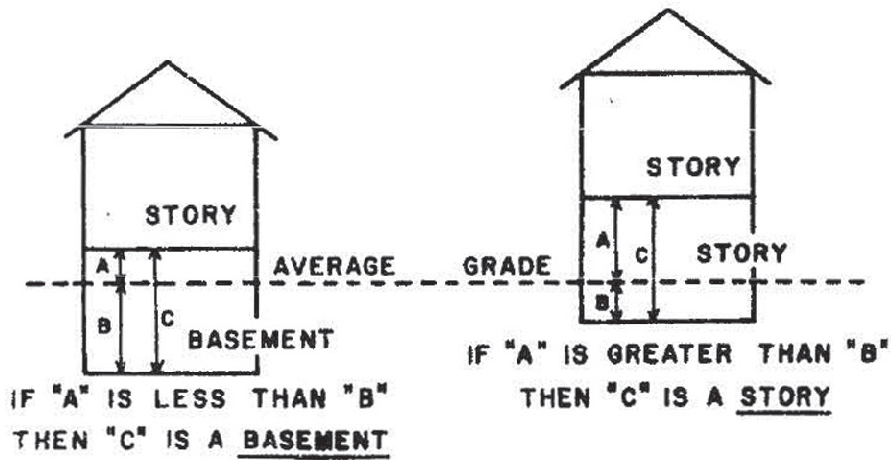
Auto repair station means a place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and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

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.



H = HEIGHT OF BUILDING

BUILDING HEIGHT



BASEMENT & STORY

PPA

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 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. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building inspector means the building inspector or official designated by the village.

Building line means a line formed by the face of the building, and for the purpose of this chapter, a minimum building line is the same as a front setback line.

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

Club 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.

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.

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 erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

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

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

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 buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garage, breezeways, and enclosed and unenclosed porches.

Floor area, usable, (for the purpose 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 horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Garage, private, means an accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

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

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

Grade 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 dwelling.

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

- (1) Maid service.
- (2) Furnishing of linen.
- (3) Telephone, secretarial, or desk service.
- (4) 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 includes 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. 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 provisions of this chapter. A lot may or may not be specifically designated as such on public records.

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 curved street or streets 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.

Lot, interior, means any lot other than a corner lot.

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 sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

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 records.

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

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

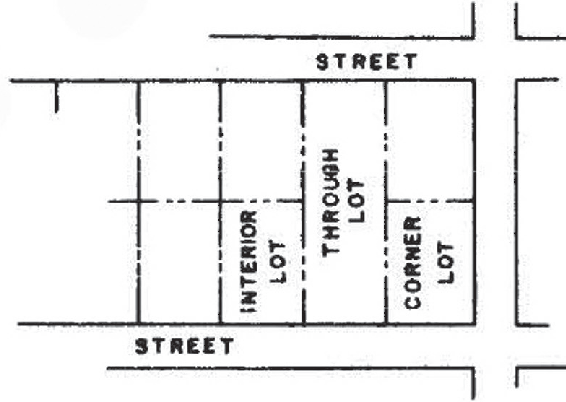
Lot depth means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

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

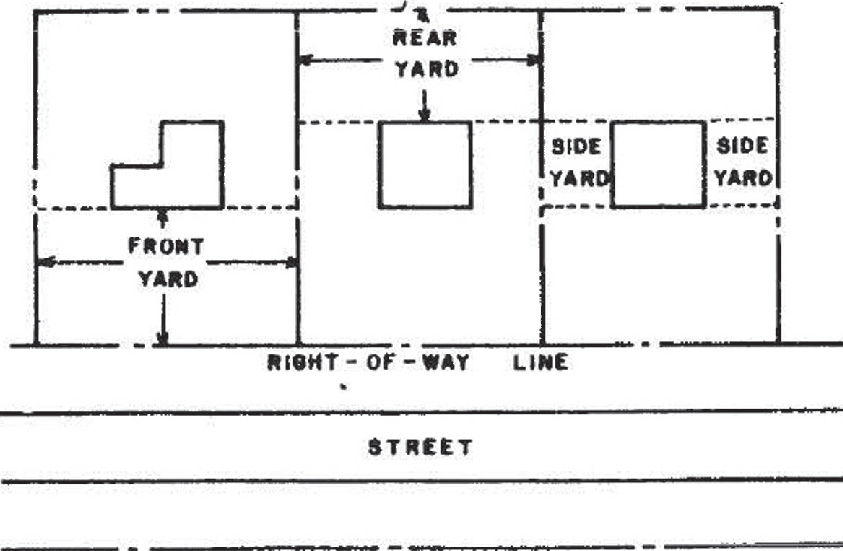
- (1) *Front lot line* means, in the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street.
- (2) *Rear lot line* means the lot line opposite the front lot line. In the case of a 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* means 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 the 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 width means the horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines.



LOTS



YARDS

PPA

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

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

Major thorofare means an arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thorofare, parkway, freeway, expressway, or equivalent term on the major thorofare plan to identify those streets comprising the basic structure of the major thorofare plan.

Master plan means the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the village, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the planning commission and/or the 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 any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

Mobile home park means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located.

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

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 this 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.

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.

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:

- (1) Noise;
- (2) Dust;
- (3) Smoke;
- (4) Odor;
- (5) Glare;
- (6) Fumes;
- (7) Flashes;
- (8) Vibration;
- (9) Shock waves;
- (10) Heat;
- (11) Electronic or atomic radiation;
- (12) Objectionable effluent;
- (13) Noise or congregation of people, particularly at night;
- (14) Passenger traffic;
- (15) Invasion of nonabutting street frontage by traffic.

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 automobile service stations.

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

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

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

corridors, hallways, and storage. Plans presented showing one-bedroom, two-bedroom, or three-bedroom units and including a "den," "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Setback means the distance required to obtain front, side or rear yard open space provisions 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 which is accessory to the principal use of the premises.

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

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

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

Street means a public dedicated 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.

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

Travel trailer means a vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit and not exceeding 200 square feet in area.

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.

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 as defined herein:

- (1) *Front yard* means 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* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- (3) *Side yard* means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning exceptions and variances means:

- (1) *Exception* means a use permitted only after review of an application by the board of appeals, planning commission, or village council other than the administrative official (building inspector), 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 is required by this chapter.
- (2) *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.

- (3) The "exception" differs from the "variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this chapter appear as "conditional approval" by the planning commission, village council, or board of appeals. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:
 - a. They require large areas;
 - b. They are infrequent;
 - c. They sometimes create an unusual amount of traffic;
 - d. They are sometimes obnoxious or hazardous;
 - e. They are required for public safety and convenience.

(Code 1959, § 15.015)

Sec. 30-2. Vested rights.

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

(Code 1959, § 15.505)

Secs. 30-3—30-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 30-31. Enforcement.

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

(Code 1959, § 15.430)

Sec. 30-32. Duties of building inspector.

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

(b) The building inspector shall record all nonconforming uses existing at the effective date of the ordinance from which this chapter is derived for the purpose of carrying out the provisions of section 30-323.

(c) Under no circumstances is the building inspector permitted to make changes to this chapter nor to vary the terms of this chapter in carrying out his duties as building inspector.

(d) The building inspector shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

(Code 1959, § 15.431)

Sec. 30-33. Plot plan.

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

- (1) The actual shape, location and dimensions of the lot.
- (2) The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.
- (3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

- (4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.
(Code 1959, § 15.432)

Sec. 30-34. Permits.

The following shall apply in the issuance of any permit:

- (1) *Permits not to be issued.* No building 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) *Permits required.* No building or structure, or part thereof, shall be hereinafter erected, altered, moved, or repaired unless a building permit shall have been first issued for 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 single state construction code and the Housing Law of Michigan (MCL 125.401 et seq.), or this chapter, except for minor repairs or changes not involving any of the aforesaid features.
(Code 1959, § 15.433)

Sec. 30-35. Certificates.

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

- (1) *Certificate of new use of land.* No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (2) *Certificate for new use of buildings.* No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (3) *Certificate not to be issued.* No certificates of occupancy shall be issued for any building, structure, or part thereof, or for the use of any land, which is not in accordance with all the provisions of this chapter.
- (4) *Certificates required.* No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- (5) *Certificates including zoning.* Certificates of occupancy as required by the single state construction code for new buildings or structures, or parts thereof or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.

- (6) *Certificates for existing buildings.* Certificates of occupancy shall be issued, upon application, for existing buildings, structures, or parts thereof, or existing uses of land, if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this chapter.
 - (7) *Records of certificates.* A record of all certificates issued shall be kept on file in the office of the building inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
 - (8) *Certificates for dwelling accessory buildings.* Buildings or structures accessory to dwelling shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
 - (9) *Application for certificates.* Application for certificates of occupancy shall be made in writing to the building inspector on forms furnished by him, and such certificates shall be issued within five days after receipt of such application if it is found that the building or structures or part thereof or the use of land is in accordance with the provisions of this chapter. If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof, within the aforesaid five-day period.
- (Code 1959, § 15.434)

Sec. 30-36. Final inspection.

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

(Code 1959, § 15.435)

Sec. 30-37. 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 building inspector 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.

(Code 1959, § 15.436)

Sec. 30-38. 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 this chapter, 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 an existing ordinance or by rules, regulations or permits; the provisions of this chapter shall control.

(Code 1959, § 15.437)

Sec. 30-39. Zoning commission designated.

The village planning commission is hereby designated as the commission specified in Section 4 of Public Act No. 207 of 1921 (MCL 125.584), and in Section 2 of Public Act No. 285 of 1931 (MCL 125.32), and shall perform the duties of said commission as provided in the statute in connection with the amendment of this chapter.

(Code 1959, § 15.438)

Sec. 30-40. Planning commission approval.

(a) In cases where the village planning commission is empowered to recommend approval of certain use of premises under the provisions of this chapter, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said commission for the proper consideration of the matter.

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

(c) The planning commission may impose such conditions or limitations in recommending approval as may in its judgment be necessary to fulfill the spirit and purpose of this chapter.

(Code 1959, § 15.439)

Sec. 30-41. Changes and amendments.

The village council may from time to time, on recommendations from the planning commission, on its own motion, or on petition amend, supplement or change this chapter in accordance with the procedure established in Public Act No. 207 of 1921 (MCL 125.581 et seq.).

(Code 1959, § 15.440)

Sec. 30-42. Fees; petition for amendment.

Upon presentation of petition for amendment of this chapter by the owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the village council and shall be placed in the general fund to partly defray the expense of publishing the required notices of public hearings, and the expenses of said public hearing.

(Code 1959, § 15.441)

Sec. 30-43. Violations.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor.

(Code 1959, § 15.442)

Sec. 30-44. 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 the ordinance from which this chapter is derived and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction. (Code 1959, § 15.443)

Sec. 30-45. Fines; imprisonment.

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 and upon conviction thereof shall be liable to the fine and imprisonment herein provided. (Code 1959, § 15.444)

Sec. 30-46. Each day a separate offense.

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues. (Code 1959, § 15.445)

Sec. 30-47. Rights and remedies are cumulative.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. (Code 1959, § 15.446)

Secs. 30-48—30-70. Reserved.

DIVISION 2. BOARD OF APPEALS*

Sec. 30-71. Creation and membership.

(a) *Established.* There is hereby established a board of zoning 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), and in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done.

(b) *Composition; term; officers; compensation.* The board of zoning appeals shall consist of five members appointed by the village council. Appointments for the first year shall be for a period of one, two, and three years respectively, so near as may be to provide for appointment of an equal number each year, thereafter each member to hold office for the full three-year

***State law reference**—Board of appeals, MCL 125.585 et seq.

term. The board of zoning appeals shall annually elect its own chair, vice-chair, and secretary. The compensation of the appointed members of the board of zoning appeals may be fixed by the village council.

(Code 1959, § 15.480)

Sec. 30-72. Meetings.

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

(Code 1959, § 15.481)

Sec. 30-73. Appeal.

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

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

(Code 1959, § 15.482)

Sec. 30-74. 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 board of zoning appeals. At the

time the notice of appeal is filed, said fee shall be paid to the secretary of the board of zoning appeals, which the secretary shall forthwith pay over to the village treasurer to the credit of the general revenue fund of the village.

(Code 1959, § 15.483)

Sec. 30-75. Jurisdiction.

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

- (1) *Administrative review.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the building inspector or any other administrative official in carrying out or enforcing any provisions of this chapter.
- (2) *Variance.* To authorize, upon an appeal, a variance from the strict applications 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 of zoning appeals may attach thereto such condition regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter. In granting a variance, the board of zoning appeals shall state the grounds upon which it justifies the granting of a variance.
- (3) *Exceptions and conditional approval.* To hear and decide in accordance with the provisions of this chapter, requests for exceptions, for interpretations of the zoning map, and for decisions on conditional approval situations on which this chapter specifically authorizes the board of zoning appeals to pass. Any exception or conditional approval shall be subject to such conditions as the board of zoning appeals may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this chapter, including the following:
 - a. Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 - b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the planning commission.

- c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
- d. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modifications.
- e. 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.
- f. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed 12 months with the granting of 12 months extensions being permissible, uses which do not require the erection of any capital improvement of a structural nature. The board of zoning appeals, in granting permits for the above temporary uses, shall do so under the following conditions:
 - 1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
 - 2. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
 - 3. All setbacks, land coverage, 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 zoning appeals.
 - 4. In classifying uses as not requiring capital improvement, the board of zoning appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments such as, but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
 - 5. The use shall be in harmony with the general character of the district.
 - 6. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this chapter. Further, the board of zoning appeals shall seek the review and recommendation of the planning commission prior to the taking of any action.
- g. Permit modification of wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.

- (4) In consideration of all appeals and all proposed variations to this chapter the board of zoning appeals shall, before making any variations from this chapter in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in the public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the village. The concurring vote of a majority of the board of zoning appeals shall be necessary to reverse any order, requirements, decision, or determination of the building inspector, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision. Nothing herein contained shall be construed to give or grant to the board of zoning appeals the power or authority to alter or change this chapter or the zoning map, such power and authority being reserved to the village president and the village council in the manner provided by law.

(Code 1959, § 15.484)

Sec. 30-76. Orders.

In exercising the above powers, the board of zoning 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 building inspector from whom the appeal is taken.

(Code 1959, § 15.485)

Sec. 30-77. Notice.

The board of zoning appeals shall make no decision except in a specific case and after a public hearing conducted by the board of zoning appeals. It shall by general rule or in specific cases, determine the interested parties who, in the opinion of the board of zoning appeals, may be affected by any matter brought before it, which shall in all cases include all the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single and two-family dwellings within 300 feet. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. If a tenant's name is not known, the term "occupant" may be used. Upon the hearing, a party may appear in person or by agent or by attorney. The board of zoning appeals may require any party applying to the board for relief to give such notice to other interested parties as it shall prescribe.

(Code 1959, § 15.486)

Sec. 30-78. Duration of orders permitting erection of building or permitting use.

(a) No order of the board of zoning 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 of zoning appeals permitting a use of a building or premises 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 said 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.
(Code 1959, § 15.487)

Secs. 30-79—30-100. Reserved.

ARTICLE III. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 30-101. Districts.

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

- R-1 One-Family Residential District
- R-2 One-Family Residential District
- R-3 One-Family Residential District
- RM Multiple-Family Residential District
- O-S Office Service District
- B-1 Central Business District
- B-2 General Business District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- MH Mobile Home Park District

(Code 1959, § 15.030)

Sec. 30-102. Boundaries.

The boundaries of the zoning districts are hereby established as shown on the Zoning Map, Village of Unionville Zoning Ordinance, which accompanies this chapter, 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 herein:

- (1) Unless shown otherwise, the boundaries of the district are lot lines, section lines, the centerlines of streets, alleys, roads or such lines extended, and the corporate limits of the village.
- (2) Where, due to the scale, lack of detail, or illegibility of the zoning map accompanying this chapter, there is any uncertainty, contradiction or conflict as to the intended

location of any district boundaries, shown thereon, interpretation concerning the exact location of the district boundary lines shall be determined, upon written application, by the board of zoning appeals.

(Code 1959, § 15.031)

Sec. 30-103. Zoning of vacated areas.

Whenever any street, alley or other public way, within the village shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of the land formerly within such vacated street, alley or public way shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used for that same use as is permitted under this chapter for such adjoining lands.

(Code 1959, § 15.032)

Sec. 30-104. Zoning of annexed areas.

Any areas annexed to the village shall immediately upon such annexation be automatically classified as an R-3 district until a zoning map for said area has been adopted by the village council. The planning commission shall recommend appropriate zoning for such area within three months after the matter is referred to it by the village council.

(Code 1959, § 15.033)

Sec. 30-105. District requirements.

All buildings and uses in any district shall be subject to the provisions of "general provisions" and "general exceptions."

(Code 1959, § 15.034)

Secs. 30-106—30-120. Reserved.

DIVISION 2. R-1, R-2, R-3 ONE-FAMILY RESIDENTIAL DISTRICTS

Sec. 30-121. Preamble.

The R-1, R-2 and R-3 districts are designed to be composed of low density residential home development. The regulations are intended to stabilize, protect and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood. Development is limited to single-family dwellings plus such other uses as schools, parks, churches and certain public facilities which serve residents of the R-1, R-2 and R-3 districts.

(Code 1959, § 15.045)

Sec. 30-122. Principal uses permitted.

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

- (1) One-family detached dwellings.
- (2) State licensed residential facilities as required by Section 3b of Public Act No. 207 of 1921 (MCL 125.583b).
- (3) Home occupations as required by Section 3c of Public Act No. 207 of 1921 (MCL 125.583c).
- (4) Publicly owned and operated libraries, parks, parkways, and recreational facilities.
- (5) Accessory buildings and uses, customarily incident to any of the above permitted uses. (Code 1959, § 15.050)

Sec. 30-123. Conditional uses.

The following uses shall be permitted in one-family residential districts by the council after review and recommendation of the site plan by the planning commission, subject to the conditions hereinafter imposed for each use, and subject further to such other reasonable conditions which in the opinion of the planning commission are necessary to provide adequate protection to the neighborhood and to abutting properties:

- (1) Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity. Further, no building and/or structure shall be located in any required front or side yard.
- (2) Nonprofit recreational areas and recreation facilities when not operated for profit and primarily intended to serve village residents when approved by the planning commission after first holding a public hearing, and further providing that 100 percent of the property owners abutting the proposed site shall be given written notice of the hearing at least ten days prior to the hearing.
- (3) Nursery schools, day nurseries and child care centers (not including dormitories); provided that for each child so cared for there is provided and maintained a minimum of 100 square feet of outdoor play area. Such play space shall have a total minimum area of at least 1,000 square feet and shall be fenced or screened from any adjoining land with planting. Any use permitted herein shall not be permitted in the interior of any residential block, and shall be located adjacent to a business district.
- (4) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious educational and not operated for profit, all subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least 20 acres in area and shall not be permitted on any portion of a recorded subdivision plat.

- b. All ingress to and egress from said site shall be directly onto a major thorofare.
 - c. No building other than a structure for residential purposes shall be closer than 75 feet to any property line.
- (5) Churches and other facilities normally incidental thereto subject to the following conditions:
- a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thorofare.
 - b. The principal buildings on the site shall be setback from abutting properties zoned for residential uses not less than 15 feet.
 - c. Buildings of greater than the maximum height allowed in division 10 of this article, may be allowed provided front, side and rear yards are increased above the minimum requirements by one foot for each foot of building that exceeds the maximum height allowed.
- (6) Public, parochial and private elementary, intermediate and/or secondary schools offering courses in general education, not operated for profit.
- (7) Village office buildings when in character with the neighborhood.
- (8) Cemeteries.
- (9) Accessory buildings and uses customarily incident to any of the above uses.
(Code 1959, § 15.051)

Sec. 30-124. Area and bulk requirements.

See division 10 of this article, schedule of regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted in one-family residential districts.
(Code 1959, § 15.052)

Secs. 30-125—30-140. Reserved.

DIVISION 3. RM MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

Sec. 30-141. Preamble.

The RM multiple-family residential districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and the lower density one-family residential districts. The multiple-family districts are further provided to serve the limited needs for the apartment type of unit in an otherwise low density, single-family community.
(Code 1959, § 15.075)

Sec. 30-142. Principal uses permitted.

In a multiple-family district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter, and after review and approval of a site plan by the planning commission.

- (1) All principal uses permitted and all conditional uses as regulated in the R-1, R-2, and R-3 residential districts with the lot area, yards, and floor area requirements for single-family dwellings equal to at least the requirements of the immediately abutting residential district.
 - (2) Multiple-family dwellings.
 - (3) Two-family dwellings.
 - (4) Housing for the elderly.
 - (5) Accessory buildings and uses customarily incident to any of the above uses.
- (Code 1959, § 15.080)

Sec. 30-143. Conditional uses.

The following uses shall be permitted by the council in the RM multiple-family residential districts after review and recommendation of the site plan by the planning commission, subject to the conditions hereinafter imposed for each use, and subject further to such other reasonable conditions which in the opinion of the planning commission are necessary to provide adequate protection to the neighborhood and to abutting properties:

- (1) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, when the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least 60,000 square feet.
 - b. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 30 feet from 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 ten feet.
- (2) Extended care facility, convalescent home or nursing home, not to exceed a height of two stories, when the following conditions are met:
 - a. The maximum coverage shall not exceed 50 percent for all buildings including principal structures and those incident to the principal structure.
 - b. The maximum extent of development shall not exceed 30 patient units per acre.
- (3) Tourist homes and tourist rooms as part of a dwelling when the following conditions are met:
 - a. Such uses shall be permitted only within a dwelling occupied by the proprietor and shall be incidental to the use as a year-round residential dwelling.

- b. The property shall abut a major or secondary thorofare on at least one side.
- c. Such use shall display not more than a total of four square feet of sign area. Where such sign is illuminated such illumination shall be of a nonflashing type and shall be effectively screened from abutting residences.

(4) Accessory buildings and uses customarily incident to any of the above uses.
 (Code 1959, § 15.081)

Sec. 30-144. Area and bulk requirements.

See division 10 of this article, schedule of regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted in multiple-family residential districts.
 (Code 1959, § 15.082)

Secs. 30-145—30-160. Reserved.

DIVISION 4. O-S OFFICE SERVICE DISTRICTS

Sec. 30-161. Preamble.

The O-S office service districts are designed to accommodate office buildings and uses, and basic personal service establishments, and are, as a use district, intended to serve the function of land use transition between commercial districts and the adjacent residential neighborhoods.
 (Code 1959, § 15.105)

Sec. 30-162. Principal uses permitted.

In an 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 types of occupations: executive, administrative and professional.
- (2) Medical and dental offices, including clinics, except veterinary.
- (3) Prescription pharmacies and laboratories.
- (4) Banks, post offices, and other governmental office buildings.
- (5) Churches.
- (6) Private clubs or lodge halls.
- (7) Municipal buildings, and public utility offices, but not including storage yards, transformer stations, exchanges, or substations.
- (8) Newspaper offices and printing facilities.

(9) Other uses similar to the above uses.

(10) Accessory buildings and uses customarily incident to any of the above permitted uses.
(Code 1959, § 15.110)

Sec. 30-163. Conditional uses.

The following uses shall be permitted by the council in office service districts after review and recommendation of the site plan by the planning commission, subject to the conditions hereinafter imposed for each use, and subject further to such other reasonable conditions which in the opinion of the planning commission are necessary to provide adequate protection to the neighborhood and to abutting properties:

- (1) Office supply stores, restaurants and lunchrooms provided it can be clearly shown that such use is primarily for the convenience of the occupants of the office service district, and subject to the following:
 - a. No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed 25 percent of the usable floor area of either the first or second story, or in the basement.
 - b. The outdoor storage of goods or materials shall be prohibited irrespective of whether or not they are for sale.
 - c. Warehousing or indoor storage of goods or materials, beyond that normally incident to the above permitted uses, shall be prohibited.
- (2) Publicly-owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, water and sewage pumping stations, without service yards and storage yards.

(Code 1959, § 15.111)

Sec. 30-164. Area and bulk requirements.

See division 10 of this article, schedule of regulations limiting the height and bulk of buildings and the minimum size of lots permitted by land use in the office service districts.

(Code 1959, § 15.112)

Secs. 30-165—30-180. Reserved.

DIVISION 5. B-1 CENTRAL BUSINESS DISTRICT

Sec. 30-181. Preamble.

The B-1 central business district is designed to provide for office buildings and the great variety of large retail stores and related activities which occupy the prime retail frontage by serving the comparison, convenience and service needs of the entire municipal area as well as a substantial area of the adjacent and surrounding residential developments and agricultural

area beyond the village limits. The B-1 central business district regulations are designed to promote convenient pedestrian shopping and stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive related services and nonretail uses which tend to break up such continuity.

(Code 1959, § 15.135)

Sec. 30-182. Principal uses permitted.

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

- (1) Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: foods, drugs, liquor, furniture, clothing, dry goods, notions, or hardware.
- (2) Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers and dry cleaners.
- (3) Restaurants and taverns where the patrons are served while seated within a building occupied by such establishment, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in restaurant or open-front store.
- (4) Theaters when completely enclosed.
- (5) Offices and office buildings of an executive, administrative or professional nature.
- (6) Banks, with drive-in facilities permitted when said drive-in facilities are incidental to the principal function.
- (7) Municipal buildings and post offices.
- (8) Offices and showrooms of plumbers, electricians, decorator or similar trades, in connection with which not more than 25 percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise, and provided that: The ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display. All storage of materials on any land shall be within the confines of the building or part thereof occupied by said establishment.
- (9) Business schools, or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: dance schools, music and voice schools, and art studies.
- (10) Newspaper offices and printing plants.

- (11) Warehouse and storage facilities when incident to and physically connected with any principal use permitted, provided that such facility be within the confines of the building or part thereof occupied by said establishment.
- (12) Veterinary offices and hospitals.
- (13) Other uses which are similar to the above and subject to the following restrictions:
 - a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
 - b. All business, servicing, or processing except for off-street parking or loading, shall be conducted within completely enclosed buildings.
 - c. Outdoor storage of commodities shall be expressly prohibited.
- (14) Accessory structures and uses customarily incident to the above permitted uses.
(Code 1959, § 15.140)

Sec. 30-183. Conditional uses.

The following uses shall be permitted by the council in a central business district after review and recommendation of the site plan by the planning commission, subject to the conditions hereinafter imposed for each use, and subject further to such other reasonable conditions which in the opinion of the planning commission are necessary to provide adequate protection to the neighborhood and to abutting properties:

Publicly-owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, water and sewage pumping stations, without service yards and storage yards.

(Code 1959, § 15.141)

Sec. 30-184. Area and bulk requirements.

See division 10 of this article, schedule of regulations limiting the height and bulk of buildings and the minimum size of lots permitted in a central business district.

(Code 1959, § 15.142)

Secs. 30-185—30-200. Reserved.

DIVISION 6. B-2 GENERAL BUSINESS DISTRICTS

Sec. 30-201. Preamble.

The B-2 general business districts are designed to furnish areas served typically by the central business district with a variety of automotive services and goods incompatible with the

uses and with the pedestrian movement in such central business district. The general business districts are characterized by more diversified business types and are often located so as to serve the passerby traffic.

(Code 1959, § 15.165)

Sec. 30-202. Principal uses permitted.

In a 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) All principal uses as permitted in a B-1 central business district.
- (2) New automobile sales or showroom, farm implement dealers and any accessory parking or outdoor sales area subject to the conditions under section 30-291, and including all necessary accessory uses.
- (3) Bus passenger stations.
- (4) Funeral homes (mortuaries).
- (5) Automobile car wash, when completely enclosed in a building.
- (6) Private clubs or lodge halls.
- (7) Governmental offices or other governmental uses; public utility offices, exchanges, transformer stations, pump stations, and service yards, but not including outdoor storage.
- (8) Clinics.
- (9) Retail cold storage establishments.
- (10) Self-service laundry and dry cleaning establishments.
- (11) Bowling alleys.
- (12) Pool or billiard parlor or clubs.
- (13) Storage of materials or goods to be sold at retail provided such storage is within a building or is enclosed as not to be visible to the public from any abutting residential district or public street.
- (14) Other uses which are similar to the above uses.
- (15) Accessory structures customarily incident to the above permitted uses.

(Code 1959, § 15.170)

Sec. 30-203. Conditional uses.

The following uses shall be permitted by the council in general business districts after review and recommendation of the site plan by the planning commission, subject to the

conditions hereinafter imposed for each use, and subject further to such other reasonable conditions which in the opinion of the planning commission are necessary to provide adequate protection to the neighborhood and to abutting properties:

- (1) Outdoor sales space for the sale of new and used automobiles, farm equipment, house trailers, and travel trailers subject to the following:
 - a. Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
 - b. No major repair or major refinishing shall be done on the lot.
- (2) Motel, subject to the following:
 - a. Provided that it can be demonstrated that ingress and egress do not conflict with adjacent business uses.
 - b. No kitchen or cooking facilities are to be provided, with the exception of units for the use of the manager or caretaker.
 - c. Each unit shall contain no less than 200 square feet of floor area.
- (3) Business in the character of a drive-in restaurant, so called, or so called open front store, subject to the following:
 - a. A setback of at least 60 feet from the street right-of-way line of any existing or proposed major thoroughfare must be maintained.
 - b. Ingress and egress points shall be located at least 60 feet from the intersection of any two streets.
- (4) Commercially used outdoor recreational space for children's amusement parks, miniature golf courses, and similar uses, subject to the following:
 - a. Children's amusement park must be fenced on all sides with a four-foot wall or fence.
 - b. Adequate parking shall be provided off the road right-of-way and shall be fenced with a four-foot six-inch wall or fence where adjacent to the use.
- (5) Automobile service station for sale of gasoline, oil, and accessories, and subject to the following:
 - a. The curb cuts for ingress and egress to a service station shall not be permitted at such location that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 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 10,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait.
 - c. Major automobile repair, engine and body repair, steam cleaning and undercoating when conducted on the site shall be within a completely enclosed building.

The storage of wrecked automobiles on the site shall be obscured from public view. No automobile or vehicle of any kind, shall be stored in the open for a period exceeding one week.

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

(Code 1959, § 15.171)

Sec. 30-204. Area and bulk requirements.

See division 10 of this article, schedule of regulations limiting the height and bulk of buildings and the minimum size of lots permitted by land use in general business districts.

(Code 1959, § 15.172)

Secs. 30-205—30-220. Reserved.

DIVISION 7. I-1 LIGHT INDUSTRIAL DISTRICTS

Sec. 30-221. Preamble.

The I-1 light industrial district is designed so as to primarily accommodate wholesale activities, warehousing, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material.

(Code 1959, § 15.195)

Sec. 30-222. Principal uses permitted.

In a 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. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.
- (2) Any of the following uses:
 - 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 machining shops.

- c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to; bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
 - 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. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
 - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 - g. Laboratories — experimental, film, or testing.
 - h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 - i. 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 propane tank holders. Railroad transfer and storage tracks. Railroad right-of-way. Freight terminals.
 - j. Storage facilities for building materials, sand, gravel, stone, lumber, or storage of contractor's equipment and supplies.
- (3) Central dry cleaning plants or laundries.
 - (4) Automotive repair garages, auto engine and body repair, and undercoating shops when completely enclosed.
 - (5) Nonaccessory signs.
 - (6) Other uses which are similar to the above uses.
 - (7) Accessory buildings and uses customarily incident to the above permitted uses.
- (Code 1959, § 15.200)

Sec. 30-223. Conditional uses.

The following uses shall be permitted by the council in the light industrial district after review and recommendation of the site plan by the planning commission, subject to the conditions hereinafter imposed for each use, and subject further to such other reasonable conditions which in the opinion of the planning commission are necessary to provide adequate protection to the neighborhood and to abutting properties:

- (1) Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to: lumberyards, building materials, outlets, garage sales, upholsterer, cabinet maker, outdoor boat, or house trailer,

automobile, or agricultural implement sales) or serve convenience needs of the industrial district (such as, but not limited to: eating and drinking establishments, banks, savings and loan associations, credit unions, automobile service stations, motel or bowling alley, trade or industrial schools, or medical or other offices serving the district, including an industrial clinic).

- (2) 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.
- (3) Metal plating, buffering and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- (4) Accessory buildings and uses customarily incident to any of the above permitted uses.
(Code 1959, § 15.201)

Sec. 30-224. Area and bulk requirements.

See division 10 of this article, schedule of regulations limiting the height and bulk of buildings and the minimum size of lots permitted by land use, and providing minimum yard setback requirements in the light industrial district.
(Code 1959, § 15.202)

Secs. 30-225—30-240. Reserved.

DIVISION 8. I-2 HEAVY INDUSTRIAL DISTRICTS

Sec. 30-241. Preamble.

The I-2 heavy industrial district is established primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I-2 district is so structured as to permit, in addition to I-1 light industrial uses, the manufacturing, processing and compounding of semi-finished or finished products from raw materials.
(Code 1959, § 15.225)

Sec. 30-242. Principal uses permitted.

In a heavy 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 and special approval use permitted in an I-1 district, with the exception of retail uses allowable by the provisions of section 30-223 which shall require review and approval subject to the provision of section 30-223(1).
- (2) Heating and electric power generating plants, and all necessary uses.

- (3) Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which shall conform with the performance standards set forth in article IV of this chapter.
- (4) Other uses which are similar to the above uses.
- (5) Accessory buildings and uses customarily incident to any of the above permitted uses.
(Code 1959, § 15.230)

Sec. 30-243. Conditional uses.

The following uses shall be permitted by the council in the heavy industrial districts after review and recommendation of the site plan by the planning commission, subject to the conditions hereinafter imposed for each use, and subject further to such other reasonable conditions which in the opinion of the planning commission are necessary to provide adequate protection to the neighborhood and to abutting properties:

- (1) Junkyards, provided such are entirely enclosed within an eight-foot obscuring wall. There shall be no burning on the site and all industrial processes including the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.
- (2) Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
- (3) Accessory buildings and uses customarily incident to any of the above permitted uses.
(Code 1959, § 15.231)

Sec. 30-244. Area and bulk requirements.

See division 10 of this article, schedule of regulations limiting the height and bulk of buildings, the minimum size of lots permitted by land use, and providing minimum yard setback requirements in I-2 heavy industrial districts.
(Code 1959, § 15.232)

Secs. 30-245—30-260. Reserved.

DIVISION 9. MH MOBILE HOME PARK*

Sec. 30-261. Preamble.

The MH mobile home park district is established to provide for housing not compatible with the type found commonly in the R-1, R-2, and R-3 districts. The MH district is established to provide a higher density single-family residential area which would not be compatible to the lower densities typically found within the R-1, R-2 and R-3 districts.
(Code 1959, § 15.255)

***State law reference**—Mobile home commission act, MCL 125.2301 et seq.

Sec. 30-262. Principal uses permitted.

Unless hereinafter provided, no building or premises shall be used and no building shall be hereafter erected or altered within the MH mobile home park district except for one or more of the following uses:

- (1) Mobile home park.
 - (2) Accessory structures customarily incident to the above permitted uses.
- (Code 1959, § 15.260)

Sec. 30-263. Height regulations.

In the MH mobile home park district, no structure shall exceed a height of 25 feet or two stories.

(Code 1959, § 15.261)

Sec. 30-264. Area regulations.

In the MH mobile home park district the minimum dimensions of yards and the minimum lot area per mobile home shall be as follows:

- (1) The mobile home park shall be permitted only on parcels of five acres or more.
- (2) An open area shall be provided on each mobile home lot to insure adequate natural light and ventilation to each mobile home and to provide sufficient area for outdoor uses essential to the occupants of the mobile home. Mobile home lots shall average not less than 4,500 square feet in area exclusive of drives, open space in the mobile home park or other open areas not specifically for mobile home occupancy. The minimum width for mobile home lots shall be 45 feet.

(Code 1959, § 15.262)

Sec. 30-265. Wall and plantings.

The mobile home site shall be enclosed by a masonry wall four feet by six inches high, and/or greenbelt planting, whichever the village council deems necessary, adjacent to all abutting properties and public rights-of-way. The wall and/or planting shall be located within the mobile home site.

(Code 1959, § 15.263)

Sec. 30-266. Required conditions.

(a) All mobile home park development shall further comply with Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

(b) There shall not be less than 450 square feet of floor space within each mobile home.

(c) There shall be provided for each mobile home park a recreation area equal in size to at least 200 square feet per mobile home site. Said recreation area shall be no longer than 1½ times its width. Such area shall be graded, developed, sodded and maintained by the management, so as to provide recreation for the residents of the mobile home park.

(d) The front yard, and any side yard adjacent to a street shall be landscaped within one year, and the entire mobile home park shall be maintained in a good, clean, presentable condition at all times.

(e) No business of any kind shall be conducted in any mobile home park except for separate, permanent structures which contain facilities such as the management's office, laundry and dry cleaning facilities or similar uses which are designed to serve only the residents of the mobile home park.

(f) All mobile homes shall be skirted.

(g) All fences, other than the greenbelt surrounding the court, shall be uniform in height, and shall not exceed 30 inches in height, and shall be constructed in such a manner as to provide firefighters access to all sides of each mobile home.

(Code 1959, § 15.268)

Sec. 30-267. Site plan review.

Prior to the issuance of a permit for construction on a mobile home park site, a site plan shall be submitted to the planning commission for recommendation in accordance with the following:

- (1) Every site plan submitted to the planning commission shall be in accordance with the requirements of this chapter. No site plan shall be approved until same has been reviewed by the building department, fire department, police department, and county road commission for compliance with the standards of their respective departments.
- (2) The following information shall be included on the site plan:
 - a. A scale of not less than one inch equals 100 feet.
 - b. The area of the site in acres.
 - c. Date, north point and scale.
 - d. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - e. The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
 - f. The location and dimensions of all existing and proposed service drives, sidewalks, parking areas, greenbelts and individual mobile home sites.
 - g. The location and right-of-way widths of all abutting streets and alleys.
 - h. The names and addresses of the architect, planner, designer, engineer, or person responsible for the preparation of the site plan.

- (3) In the process of reviewing the site plan the planning commission shall consider:
- a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - b. The traffic circulation features within the site and location of automobile parking areas: and may make such requirements with respect to any matter as will assure:
 1. Safety and convenience of both vehicular and pedestrian traffic within the site and in relation to access streets.
 2. Satisfactory and harmonious relationship between development on the site and existing and prospective development of contiguous land and adjacent neighborhoods.
- (4) Actual construction of the mobile home park shall be in accordance with the site plan. Any change which, in the opinion of the building inspector or official constitutes a major change in the site plan, shall be resubmitted to the planning commission.

(Code 1959, § 15.269)

Secs. 30-268—30-290. Reserved.

DIVISION 10. SCHEDULE OF REGULATIONS

Sec. 30-291. Limiting height, bulk, density and area by land use.

Use District	Lot Area in Square Feet	Lot Width in Feet	Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (Sq. Ft.)	Maximum Percent- age of Lot Area Covered by All Build- ings	
			In Stories	In Feet	Front	Sides				Rear
						Least One	Total Two			
R-1 One-family residential	7,200	60	2	25	25(b)	5 (b, c)	14 (c)	35 (b)	850 (o)	30%
R-2 One-family residential	9,600 (a)	80	2	25	25(b)	8 (b, c)	20 (c)	35 (b)	900 (o)	30%
R-3 One-family residential	12,000 (a)	100	2	25	25(b)	8 (b, c)	20 (c)	35 (b)	950 (o)	30%
RM Multiple-family residential	(d)	—	2½	30	(e)	(e, h)	(e)	(e)	(d)	(d)
O-S Office service	—	—	2½	35	25(f)	(g,h)	(g,h)	10 (h,i)	none	(j)
B-1 Central business	—	—	4	50	none	(h)	(h)	10 (h,i)	none	(j)
B-2 General business	—	—	2½	35	25 (f)	(g,h,k)	(g,h,k)	10 (h,i,k)	none	(j)
I-1 Light industrial	—	—	2	30	50 (f,m)	50 (h,l)	100 (h,l)	(h,l,n)	none	(j)
I-2 Heavy industrial	—	—	2	30	100 (f,m)	75 (h,l)	150 (h,l)	(h,l,p,n)	none	(j)
MH Mobile Home Park	See division 9 of this article for regulations covering mobile home park districts.									

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ZONING

§ 30-291

Notes to section 30-291:

- (a) See section 30-292, subdivision open space plan, regarding exceptions as to lot area, and the related density controls.
- (b) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in section 30-123 or section 30-291, whichever is greater.
- (c) The side yard abutting upon a street shall not be less than ten feet when there is a common rear yard relationship in said block and a common side yard relationship with the block directly across the common separating street. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required minimum front yard of the district.
- (d) The total number of rooms of 80 square feet or more (not including kitchen, dining and sanitary facilities) in a multiple structure of 2½ stories or less shall not be more than the area of the parcel, in square feet, divided by 850. All units shall have at least one living room and one dining room, except that ten percent of the units may be an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

One bedroom = 2 rooms.

Two bedroom = 3 rooms.

Three bedroom = 4 rooms.

Four bedroom = 5 rooms.

Plans presented showing one-bedroom, two-bedroom, or three-bedroom units and including a "den," "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

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

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

$$S = \frac{L_A + L_B + 2(H_A + H_B)}{6} \quad \text{where:}$$

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

L_A = Total length of building A.

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

L_B = Total length of building B.

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

H_A = Height of building A.

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

H_B = Height of building B.

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

- (f) Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the planning commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines, whichever is greater.
- (g) No side yards are required along the interior side lot lines, except as otherwise specified in the single state construction code. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten feet on the side or residential street. If walls of structures, facing such interior side lot lines, contain windows, or other openings, side yards of not less than 15 feet shall be provided.
- (h) A four-foot six-inch obscuring wall or fence, and/or greenbelt planting at the discretion of the planning commission, shall be provided on those sides of the property abutting land zoned for residential use (refer to section 30-334).
- (i) Loading space shall be provided in the rear yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements; except in the instance of O-S districts loading space shall be provided in the ratio of five square feet per front foot of building. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- (j) The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading, and unloading, and required yards.

- (k) On unplatted land or on parcels or development areas of three acres or more in area, required side and rear yards shall be 60 feet in depth when abutting a residential district.
- (l) No building shall be closer than 50 feet to the outer perimeter (property line) of such district when said property line abuts any residential district.
- (m) Off-street parking for visitors may be permitted within the required front yard provided that such off-street parking is not located within 30 feet of the front lot line. The board of zoning appeals may permit the front yard requirement to be reduced to not less than ten feet for buildings constructed prior to the effective date of the ordinance from which this chapter is derived; provided that minimum off-street parking requirements can still be met.
- (n) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six feet high, or with a chainlink fence and greenbelt planting so as to obscure all view from any adjacent residential, office or business district or a public street.
- (o) The minimum first floor area of any single-family dwelling shall be no less than 800 square feet. Where a single-family dwelling is constructed without a basement, an additional 100 square feet shall be added to the minimum required first floor area requirements to provide space for utilities, such as, but not limited to: furnace, hot water, laundry tubs, incinerator, and the like.
- (p) Loading space shall be provided in the rear yard in the ratio as required in section 30-327, and shall be computed separately from off-street parking requirements.
(Code 1959, §§ 15.295, 15.300)

Sec. 30-292. Subdivision open space plan.

(a) Lot dimensions in the R-2 one-family residential districts may be reduced in accord with the following schedule, provided the number of residential lots shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each one-family district under section 30-291.

- (1) All calculations of density for residential development shall be predicated upon the R-2 one-family districts having the following gross densities (including roads):
R-2 — 3.4 dwelling units per acre.
- (2) Lot widths shall not be less than 60 feet.
- (3) Lot depths shall not be less than 120 feet.
- (4) Minimum yard setbacks as indicated in section 30-291 shall be provided.
- (5) Lot depths may be reduced to not less than 100 feet when such lots border on land dedicated to the common use of the subdivisions as indicated in subsection (b) of this section.

(b) For each square foot of land gained under the provision of subsection (a) of this section, within a residential subdivision, through the reduction of lot size below the minimum requirements as outlined in section 30-291, regarding the schedule of regulations, equal amounts of land shall be dedicated to the common use of the lot owners in the subdivision in a manner approved by the village or may, if approved by the village, be dedicated to the village.

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

(d) Access shall be provided to areas dedicated for the common use of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian accessways.

(e) In approving the application of the "subdivision open space plan," the village shall consider the following objectives:

- (1) To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
- (2) To encourage developers to use a more creative approach in the development of residential areas.
- (3) To encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles on the site.
- (4) To encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.

(f) Under this supervision open space plan approach, the developer or subdivider shall dedicate the total park area (see subsection (b) of this section) at the time of filing of the final plat on all or any portion of the plat, unless otherwise agreed to by the village.

(g) Application for approval of a "subdivision open space plan" shall be submitted at the time of submission of the preliminary plat.

(Code 1959, § 15.301)

Secs. 30-293—30-320. Reserved.

ARTICLE IV. SUPPLEMENTAL REGULATIONS

Sec. 30-321. Conflicting regulations.

Wherever 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.

(Code 1959, § 15.330)

Sec. 30-322. Scope.

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no 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.

(Code 1959, § 15.331)

Sec. 30-323. Nonconforming lots, nonconforming uses of land, nonconforming structures, and nonconforming uses of structures and premises.

(a) *Intent.*

- (1) 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.
- (2) It is recognized that there exists within the districts established by this chapter and subsequent amendments uses 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.
- (3) Such uses are declared by this chapter to be incompatible permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (4) 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 the ordinance from which this chapter is derived by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- (5) 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 hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(b) *Nonconforming lots.*

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

(c) *Nonconforming uses of land.* 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, and 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; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.

- (2) Should such structure be destroyed by any means to an extent of more than 60 percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this 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 allowed 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 this chapter, but no such use shall be extended to occupy any land outside such buildings.
- (3) In any district, if no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the board of zoning appeals either by general rule or 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 zoning appeals may require appropriate 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 restrictive classification, it shall not thereafter be changed to a less restricted classification.
- (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 premises 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 premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

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

(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 the ordinance from which this chapter is derived 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 allowed as conditional uses not nonconforming uses.* Any use which is permitted as a conditional use 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 use of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

(Code 1959, § 15.332)

State law reference—Nonconforming uses and structures, MCL 125.583a.

Sec. 30-324. Accessory buildings.

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

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.
- (2) Buildings accessory to residential buildings shall not be erected in any required yard, except a rear yard.
- (3) Buildings accessory to residential buildings not exceeding one story or 14 feet in height may occupy not more than 25 percent of a required rear yard, plus 40 percent of any nonrequired rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.
- (4) No detached building accessory to a residential 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. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

- (5) No detached accessory building in R-1, R-2, R-3, RM, MH, and O-S districts shall exceed one story or 14 feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to the board of zoning appeals review and approval.
- (6) When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. A building accessory to a residential building shall in no case be located nearer than ten feet to a street right-of-way line.
- (7) When an accessory building in any residence, business or office district is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the board of zoning appeals.

(Code 1959, § 15.333)

Sec. 30-325. Off-street parking requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. 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 hereinafter prescribed.

- (1) Off-street parking may be located within any nonrequired yard and within the rear yard setback unless otherwise provided in this chapter. Off-street parking shall not be permitted in a required front or 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) 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 30-324, regarding accessory buildings.
- (4) Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
- (5) Off-street parking existing at the effective date of 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 hereinafter required for a similar new building or new use.
- (6) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

- (7) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the board of zoning appeals may grant an exception.
- (8) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- (9) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the planning commission considers is similar in type.
- (10) When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-half 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 "usable floor area" shall govern.
- (12) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

<i>Use</i>	<i>Number of Minimum Parking Spaces Per Unit of Measure</i>
a. RESIDENTIAL	
(1) Residential, one-family and two-family.	One for each dwelling unit.
(2) Residential, multiple-family.	Two for each dwelling unit plus one-half space for each unit for visitor parking.
(3) Housing for the elderly.	One for each two units, and one for each employee. Should units revert to general occupancy, then 1½ spaces per unit shall be provided.
b. INSTITUTIONAL	
(1) Churches or temples.	One for each three seats or six feet of pews in the main unit of worship.
(2) Hospitals.	One for each one bed.
(3) Homes for the aged and convalescent homes.	One for each two beds.
(4) Elementary and junior high schools.	One for each one teacher, employee or administrator, in addition to the requirements of the auditorium.

<i>Use</i>	<i>Number of Minimum Parking Spaces Per Unit of Measure</i>
(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 three persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
(7) Private golf clubs, tennis clubs, or other similar uses.	One for each two member families or individuals.
(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.
(9) Fraternity or sorority.	One for each five permitted active members, or one for each two beds, whichever is greater.
(10) Stadium, sports arenas, 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. BUSINESS AND COMMERCIAL	
(1) Planned commercial or shopping center located in a B-2 district.	One for each 100 square feet of usable floor area.
(2) Auto wash	One for each one employee. In addition, reservoir parking spaces equal in number to five times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.

<i>Use</i>	<i>Number of Minimum Parking Spaces Per Unit of Measure</i>
(3) Beauty parlor or barber shop.	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.
(5) Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed seats.	One for each three persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
(6) Establishments for sale and consumption on the premises, of beverage, food or refreshments.	One for each 100 square feet of usable floor space.
(7) Furniture and appliance, household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses.	One 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.)
(8) Automobile service stations.	Two for each lubrication stall, rack, or pit; and one for each gasoline pump.
(9) Laundromats and coin operated dry cleaners.	One for each two machines.
(10) Miniature and "par-3" golf courses.	Three for each one hole plus one for each one employee.
(11) Mortuary establishment.	One for each 50 square feet of usable assembly room floor space, parlors and slumber rooms.
(12) Motel, hotel, or other commercial lodging establishments.	One for each one occupancy unit plus one for each one employee.
(13) Motor vehicle sales and service establishments.	One for each 200 square feet of usable floor space of sales room and one for each one auto service stall in the service room.
(14) Retail stores except as otherwise specified herein.	One for each 150 square feet of usable floor space.
(15) Telephone exchange buildings.	One for each employee in largest working shift.
 d. OFFICES.	
(1) Banks.	One for each 100 square feet of usable floor space.

<i>Use</i>	<i>Number of Minimum Parking Spaces Per Unit of Measure</i>
<ul style="list-style-type: none"> (2) Business offices or professional offices except as indicated in the following item (3). (3) Professional offices of doctors, dentists or similar professions. 	<p>One for each 200 square feet of usable floor space.</p> <p>One for each 100 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair, or similar use area.</p>
<p>e. INDUSTRIAL.</p>	
<ul style="list-style-type: none"> (1) Industrial or research establishments. (2) Wholesale establishments. 	<p>Five, plus one for every 1½ employees in the largest working shift, or one for every 550 square feet of usable floor space, or whichever is determined to be greater. Space on site shall also be provided for all construction workers during periods of plant construction.</p> <p>Five, plus one for every one employee in the largest working shift, or one for every 1,700 square feet of usable floor space, whichever is greater.</p>

(Code 1959, § 15.334)

Sec. 30-326. Off-street parking space layout, standards, construction and maintenance.

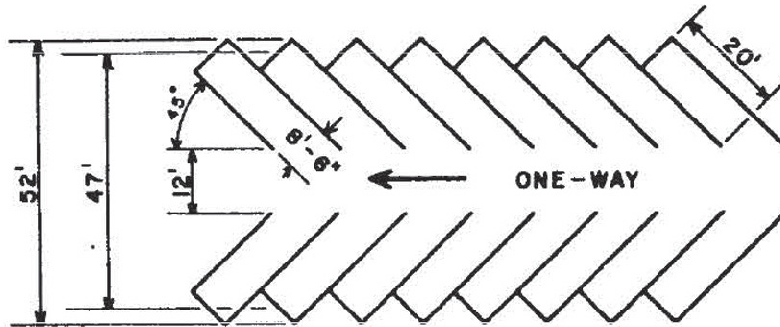
Whenever the off-street parking requirements in section 30-325 require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- (1) No parking lot shall be constructed unless and until a permit therefor is issued by the building inspector. Application for a permit shall be submitted in such form as may be determined by the building inspector and shall be accompanied with two sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- (2) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

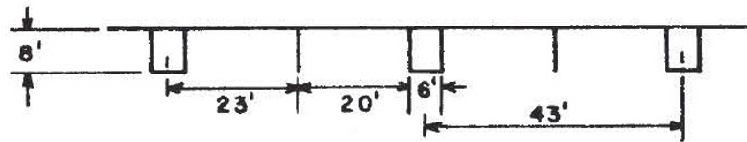
ZONING

§ 30-326

<i>Parking Pattern</i>	<i>Maneuvering Lane Width</i>	<i>Parking Space Width</i>	<i>Parking Space Length</i>	<i>Total Width of One Tier of Spaces Plus Maneuvering Lane</i>	<i>Total Width of Two Tiers of Spaces Plus Maneuvering Lane</i>
0° (parallel parking)	12 ft.	8 ft.	20 ft.	23 ft.	46 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.



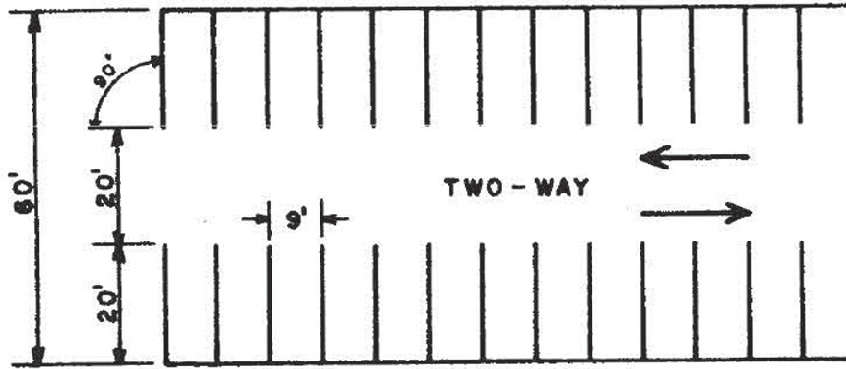
45 DEGREE PARKING



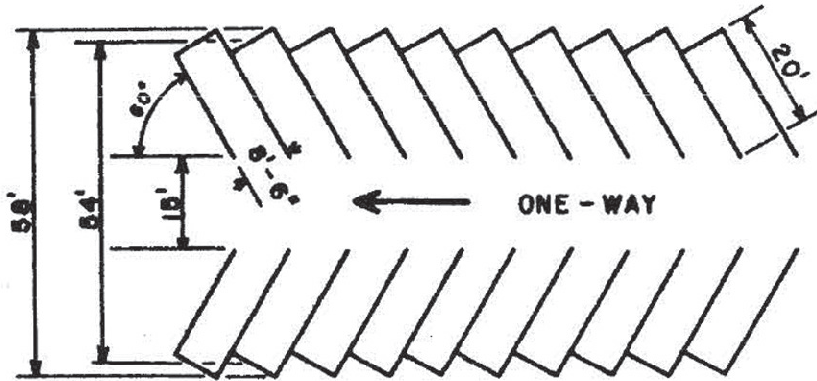
PARALLEL PARKING

PARKING LAYOUTS

PPA



90 DEGREE PARKING



60 DEGREE PARKING

PARKING LAYOUTS

PPA

- (3) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- (4) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- (5) All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
- (6) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from any adjacent property located in any single-family residential district.
- (7) The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district and shall be subject further to the requirements of section 30-334. When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
- (8) The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the village council. The parking area shall be surfaced within one year of the date the permit is issued. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the village council.
- (9) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- (10) In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
- (11) The board of zoning appeals, after recommendation of the planning commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

(Code 1959, § 15.335)

Sec. 30-327. Off-street loading and unloading.

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained

on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- (1) All spaces shall be provided as required in section 30-291, "schedule of regulations", noted after minimum rear yards, except as hereinafter provided for I districts.
- (2) All spaces shall be laid out in the dimension of at least ten feet by 50 feet, or 500 square feet in area, with clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in I districts shall be provided in the following ratio of spaces to floor area.

<i>Gross Floor Area (In Square Feet)</i>	<i>Loading and Unloading Space Required in Terms of Square Feet of Usable Floor Area</i>
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.

(Code 1959, § 15.336)

Sec. 30-328. Uses not otherwise included within a specific use district.

(a) Because of uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they shall be permitted by the board of zoning appeals under the conditions specified, and after public hearing.

(b) These uses require special consideration since they service an area larger than the village and require sizeable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this section, is as follows:

- (1) *Outdoor theaters.* Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in B-2 districts only when the site in question abuts an I-1 or I-2 district. Outdoor theaters shall further be subject to the following conditions:
 - a. The proposed internal design shall receive approval from the building inspector as to adequacy of drainage, lighting and other technical aspects.
 - b. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares of 120-foot right-of-way or greater, and shall not be available from any residential street.

- c. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space in the ratio of one waiting space for each ten viewing stalls within the theater. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- (2) *Television and radio towers.* Radio and television towers and their attendant facilities shall be permitted in I districts provided said use shall be located centrally on a parcel having a dimension of not less than 1½ times the height of the tower measured from the base of said tower to all points on each property line.
 - (3) *Auto race track (including midget auto and karting tracks).* Because auto race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be permitted in the I districts when located adjacent to a major thorofare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions and such other controls as the board of zoning appeals deems necessary to promote health, safety, and general welfare in the village.
 - a. All parking shall be provided as off-street parking within the boundaries of the development and shall meet the requirements of sections 30-325 and 30-326.
 - b. All access to the parking areas shall be provided from a major thorofare.
 - c. All sides of the development not abutting a major thorofare shall be provided with a 20-foot greenbelt planting and fence or wall so as to obscure from view all activities within the development. Said planting shall be in accord with section 30-330.
 - (4) *Horse and dog race tracks.* Because horse and dog race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and require sizeable land areas which would be incompatible with business or residential districts, they shall be permitted in the I districts when located adjacent to a major thorofare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions and such other controls as the board of zoning appeals deems necessary to promote health, safety, and general welfare in the village.
 - a. All parking shall be provided as off-street parking within the boundaries of the development.
 - b. All access to the parking areas shall be provided from a major thorofare.
 - c. All sides of the development not abutting a major thorofare shall be provided with a 20-foot greenbelt planting and fence or wall so as to obscure from view all activities within the development. Said planting shall be in accord with section 30-330.
 - (5) *Riding academies and stables.* Facilities for horseback riding, accessory trails and stables may be allowed by the board of zoning appeals on parcels of five acres or more,

or on parcels zoned I-1 and I-2, provided that animal housing facilities or enclosures are located at least 250 feet from any residential structure. Under a temporary permit basis, riding trails may extend into the rugged and/or undeveloped portions of the R districts.

- (6) *Airports and related uses.* Airports, landing fields, and platforms, hangars, masts and other facilities for the operation of aircraft, may be permitted in I district, and shall be subject to the following conditions:
- a. The plans for such facility shall be given approval by the Federal Aviation Administration prior to submittal to the board of zoning appeals for their review and action.
 - b. The standards for determining obstruction to air navigation as announced in the FAA Technical Order N-18, April 26, 1950 (as amended July 30, 1952) and any other amendments thereto shall be complied with. This standard shall be applied by the class of airport as determined by the FAA.
 - c. The area of the "clear zone" (see FAA definition) shall be provided for within the land area under airport ownership, and in no instance, shall the "clear zone" be above property zoned R-1, R-2, R-3, RM or MH.
- (7) *Kennels.* The raising of any fur bearing animals, for commercial purposes, or commercial kennel, may be permitted on a farm of five acres or more in size and the pens or cages shall be located not less than 100 feet from any front, side or rear property line, and further provided that such use shall not be injurious to the surrounding neighborhood. Commercial kennels shall only be allowed in I-1 and I-2 districts if district regulations of section 30-291 are met.
- (8) *Oil, gas or brine wells.* Oil, gas or brine wells, including the drilling operations for any underground natural resource, with the exception of water, may be permitted only in I districts when authorized by the board of zoning appeals if it can be clearly shown that the use will not be injurious to the surrounding area, and after public hearing, subject to the following conditions:
- a. No buildings or structures of a permanent nature shall be erected, except that when such building is a permitted use within the I district.
 - b. No truck parking or storage shall be located within 300 feet of any residential district, or within 100 feet of any other district.
 - c. All the operation shall be screened with a wire screen or uniformly painted wood fence six feet in height, with evergreen screen planting on any side adjacent to residentially zoned property.
 - d. After the natural resources have been removed the property shall be restored by the replacement of top soil where feasible, and all excavations shall be sloped to a gradient with not more than a 30-degree slope, and the contour shall be caused to blend as nearly as possible with the natural surroundings.

- e. All truck operations shall be directed away from residential streets whenever possible.
- f. The board of zoning appeals may require and bond as deemed necessary to insure that requirements are fulfilled and may revoke permission to operate at any time specified conditions are not maintained.

(Code 1959, § 15.337)

State law reference—Special land uses, MCL 125.584a.

Sec. 30-329. Performance standards.

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

(1) *Smoke.*

- a. *Generally.* It shall be unlawful for any person, firm or corporation to cause or permit to be discharged into the atmosphere from any single source of emission, smoke of a density equal to or darker than No. 2 of the Ringelmann chart except:
 - 1. Smoke of a density equal to but not darker than No. 2 of the Ringelmann chart may be emitted for not more than three minutes in any 30-minute period.
 - 2. Smoke of a density equal to but not darker than No. 3 of the Ringelmann chart may be emitted for not more than three minutes in any 60-minute period, but such emissions shall not be permitted on more than three occasions during any 24-hour period.
- b. *Method of measurement.* For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. However, the Umbrascope readings of smoke densities may be used when correlated with Ringelmann's Chart.

(2) *Dust, dirt and fly ash.*

- a. *Generally.* no person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace, or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining said operating, while using said process or furnace or combustion device, recognized and approved equipment, means, methods, devices or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

- b. *Method of measurement.* For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.
- (3) *Open storage.* The open storage of any industrial equipment, vehicles and all materials including wastes, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored. Whenever such open storage is adjacent to a residential zone in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six feet in height.
- (4) *Glare and radioactive materials.* Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- (5) *Fire and explosive hazards.* The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941 (MCL 29.1 et seq.).
- (6) *Noise.* Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
- (7) *Odors.* Creation of offensive odors shall be prohibited.
(Code 1959, § 15.338)

Sec. 30-330. 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. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided:

- (1) *Plant material spacing.*
- a. Plant materials shall not be placed closer than four feet from the fence line or property line.

- b. Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
- c. Evergreen trees shall be planted not more than 30 feet on centers.
- d. Narrow evergreens shall be planted not more than six feet on centers.
- e. Deciduous trees shall be planted not more than 30 feet on centers.
- f. Tree-like shrubs shall be planted not more than ten feet on centers.
- g. Large deciduous shrubs shall be planted not more than four feet on centers.

(2) *Suggested plant materials.*

<i>Suggested plant Materials</i>	<i>Minimum Size</i>
a. Evergreen Trees	Five feet in height
(1) Juniper	
(2) Hemlock	
(3) Fir	
(4) Pine	
(5) Spruce	
(6) Douglas-Fir	
b. Narrow Evergreens	Three feet in height
(1) Column Hinoki Cypress	
(2) Blue Columnar Chinese Juniper	
(3) Pyramidal Red-Cedar	
(4) Swiss Stone Pine	
(5) Pyramidal White Pine	
(6) Irish Yew	
(7) Douglas Arbor-Vitae	
(8) Columnar Giant Arbor-Vitae	
c. Tree-like Shrubs	Four feet in height
(1) Flowering Crabs	
(2) Russian Olives	
(3) Mountain-Ash	
(4) Dogwood	
(5) Redbud	
(6) Rose of Sharon	
(7) Hornbeam	
(8) Hawthorn	
(9) Magnolia	

*Suggested plant Materials**Minimum Size*

d. Large Deciduous Shrubs

Six feet in height

- (1) Honeysuckle
- (2) Viburnum
- (3) Mock-Orange
- (4) Forsythia
- (5) Lilac
- (6) Ninebark
- (7) Cotoneaster
- (8) Hazelnuts
- (9) Euonymus
- (10) Privet
- (11) Buckthorn
- (12) Sumac

e. Large Deciduous Trees

Eight feet in height

- (1) Oaks
- (2) Hard Maples
- (3) Hackberry
- (4) Planetree (sycamore)
- (5) Birch
- (6) Beech
- (7) Ginkgo
- (8) Honeylocust
- (9) Sweet-Gum
- (10) Hop Hornbeam
- (11) Linden

(3) *Trees not permitted.*

- a. Box Elder.
- b. Soft Maples (Red Silver).
- c. Elms.
- d. Poplars.
- e. Willows.
- f. Horse Chestnut (nut bearing).
- g. Tree of Heaven.
- h. Catalpa.

(Code 1959, § 15.339)

Sec. 30-331. Signs.

- (a) The following conditions shall apply to all signs erected or located in any use district.
 - (1) All signs shall conform to all codes and ordinances of the village and, where required, shall be approved by the building inspector and a permit issued.
 - (2) No sign, except those established and maintained by the village, county, state or federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
 - (3) No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located, except that for a planned commercial or shopping center development involving three acres or more under one ownership the board of zoning appeals may modify the height limitation.
 - (4) All directional signs required for the purpose of orientation, when established by the village, county, state, or federal government, shall be permitted in all use districts.
 - (5) Accessory signs shall be permitted in any use district.
 - (6) Nonaccessory signs shall be permitted only in I-1 and I-2, industrial districts; except that nonaccessory signs pertaining to real estate development located within the village and designed to promote the sale of lots or homes within a subdivision located within the village may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all codes and ordinances of the village and approved by the building inspector and a temporary permit issued.
 - (7) Signs used for advertising land or buildings for rent, lease, and/or for sale shall be permitted when located on the land or building intended to be rented, leased, and/or sold.
 - (8) Accessory freestanding signs may be located in the required front yard except as otherwise provided herein.

(b) In addition to the provisions of subsection (a) of this section, the following requirements shall apply to signs in the various use districts as follows:

<i>Use District</i>	<i>Requirements</i>
R Districts	For each dwelling unit, one name plate not exceeding two square feet in area, indicating name of occupant.
R Districts	For structures other than dwelling units, one identification sign not exceeding ten square feet, except a church bulletin board, not exceeding 18 square feet.
RM and MH Districts	For rental and/or management offices, one identification sign not exceeding six square feet.

<i>Use District</i>	<i>Requirements</i>
RM and MH Districts	Signs indicating the name of multiple housing projects shall be permitted provided that no such sign shall be located closer than 100 feet to any property line in any adjacent single-family district.
O-S Districts	For each office unit occupying a building, one sign.
O-S Districts	For each office building, one wall sign and/or one freestanding sign indicating the name of the building not exceeding 18 square feet in area.
O-S Districts	Freestanding signs shall not be over six feet in height.
O-S Districts	No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than one foot, and shall not project above or beyond the highest point of the roof or parapet.
O-S Districts	Freestanding, accessory signs or advertising pylons shall not be placed closer than 100 feet to any adjacent residential district.
B and I Districts	Freestanding, accessory signs may be located in the required front yard.
I Districts	Freestanding, accessory signs or advertising pylons shall not be placed closer than 200 feet to any adjacent residential district.
B and I Districts	Freestanding, accessory signs shall not be over 300 square feet in area.
I Districts	Nonaccessory signs shall be permitted but shall be spaced no closer than 1,000 feet between signs on the same side of the right-of-way.
I Districts	Freestanding, nonaccessory signs, not to exceed 300 square feet in area are allowed but shall comply with all requirements of article III, division 10, regarding the schedule of regulations of this chapter.

(Code 1959, § 15.340)

Sec. 30-332. Exterior lighting.

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

(Code 1959, § 15.341)

Sec. 30-333. Corner clearance.

In all districts except the B-1 district, no fence, wall, shrubbery, sign, or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted

within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection.

(Code 1959, § 15.342)

Sec. 30-334. Walls.

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

<i>Use</i>	<i>Requirements</i>
(1) MH Mobile Home Park District and RM Multiple-Family District	4' 6" high wall.
(2) Off-Street Parking Area	4' 6" high wall.
(3) O-S, B-1 and B-2 Districts	4' 6" high wall.
(4) I Districts, (open storage areas, loading and unloading areas, service areas)	5' to 8' 0" high wall.

(b) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with front yard setback lines in abutting residential districts. Required walls may, upon approval of the board of zoning appeals, 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 of the board of zoning appeals in reviewing such request.

(c) Such walls and screening barrier 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 building inspector. All walls herein required shall be constructed of materials approved by the building inspector to be durable, weather resistant, rust proof and easily maintained; and wood or wood products shall be specifically excluded. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of 42 inches below a grade approved by the building inspector and shall not be less than four inches wider than the wall to be erected. Masonry walls may be constructed with openings above 32 inches above grade provided such openings are not larger than 64 square inches, provided that the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum wall height requirement.

(d) The board of zoning appeals may waive or modify the foregoing requirements 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. In consideration of requests to waive wall requirements between nonresidential and residential districts, the board of zoning appeals shall refer the request to the planning commission for a determination. In such cases as the planning commission determines the residential district to be a future nonresidential area, the board of zoning appeals 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 hereinbefore described, for each subsequent waiver prior to the granting of such waiver by the board of zoning appeals. (Code 1959, § 15.343)

Sec. 30-335. Use restriction.

No portion of a lot or parcel once used in complying with the provisions of this chapter for yards, lot area per family, density as for a development in the multiple-family district, or percentage of lot occupancy, in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.

(Code 1959, § 15.344)

Sec. 30-336. Site plan review (all districts).

(a) A site plan shall be submitted to the planning commission for approval of:

- (1) Any use or development for which the submission of a site plan is required by any provision of this chapter.
- (2) Any development, except single-family and two-family residential, for which off-street parking areas are provided as required in section 30-325, regarding off-street parking requirements.
- (3) Any use in an RM, O-S, B-1, B-2 or I district lying contiguous to, or across a street from, a single-family residential district.
- (4) Any use except single-family residential which lies contiguous to a major thorofare or collector street.
- (5) All residentially related uses permitted in single-family districts such as, but not limited to: churches, schools, and public facilities.

(b) Every site plan submitted to the planning commission shall be in accordance with the requirements of this chapter.

(c) The following information shall be included on the site plan:

- (1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres and one inch equals 100 feet if three acres or more.
- (2) Date, north point and scale.
- (3) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
- (4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
- (5) The location of all existing and proposed drives and parking areas.
- (6) The location and right-of-way widths of all abutting streets and alleys.

- (7) The names and addresses of the architect, planner, designer or engineer responsible for the preparation of the site plan.
- (d) In the process of reviewing the site plan, the planning commission shall consider:
 - (1) Single-family development on the basis of a subdivision.
 - (2) The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - (3) The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - (4) The planning commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.

(Code 1959, § 15.345)

State law reference—Site plan, MCL 125.584d.

Sec. 30-337. Residential entranceway.

In R districts, so called entranceway structures, including but not limited to, walls, columns, and gate marking, entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided by section 30-333, regarding corner clearance, provided that such entranceway structures shall comply to all codes and ordinances of the village, and be approved by the building inspector and a permit issued.

(Code 1959, § 15.346)

Secs. 30-338—30-370. Reserved.

ARTICLE V. EXCEPTIONS

Sec. 30-371. Applicability.

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

(Code 1959, § 15.375)

Sec. 30-372. Essential services.

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

(Code 1959, § 15.380)

Sec. 30-373. 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.

(Code 1959, § 15.381)

Sec. 30-374. Height limit.

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

(Code 1959, § 15.382)

Sec. 30-375. Lot area.

Any lot existing and of record at the time the ordinance from which this chapter derives became effective may be used for any principal use permitted, other than conditional uses for which special lot area requirements are specified in this chapter, in the district in which such lot is located whether or not such lot complies with the lot area requirements of this chapter, except as provided in section 30-323(b)(2), regarding nonconforming lots. Such use may be made provided that all requirements other than lot area requirements 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.

(Code 1959, § 15.383)

Sec. 30-376. Lots and adjoining alleys.

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

(Code 1959, § 15.384)

Sec. 30-377. Yard regulations.

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

(Code 1959, § 15.385)

Sec. 30-378. Multiple dwelling side yard.

For the purpose of side yard regulations, a row house or a multiple-dwelling shall be considered as one building occupying one lot. When more than one structure is involved on one zoning lot, the above requirement shall not negate the formula contained in section 30-291, pertaining to the distance spacing for multiple dwellings.

(Code 1959, § 15.386)

Sec. 30-379. 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.

(Code 1959, § 15.387)

Sec. 30-380. Projections into yards.

Architectural features, not including vertical projections, 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.

(Code 1959, § 15.388)

Sec. 30-381. Residential yard fences.

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

(Code 1959, § 15.389)

Sec. 30-382. 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 and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine 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 yards.

(Code 1959, § 15.390)