

VILLAGE OF TEKONSHA

ZONING ORDINANCE

MARCH 2009

**Village of Tekonsha
Zoning Ordinance**

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ARTICLE 1
TITLE, PURPOSES AND LEGAL CLAUSES

Sec. 1.01. **TITLE.** This ordinance shall be known and may be cited as: "The 1972 Zoning Ordinance of the Village of Tekonsha".

Sec. 1.02. **REPEAL OF ORDINANCE.** The Tekonsha Village Zoning Ordinance adopted on September 16, 1960, and all amendments thereto are hereby repealed effective coincident with the effective date of this ordinance.

Sec. 1.03. PURPOSES

- a. Promoting and protecting the public health, safety and general welfare.
- b. Protecting the character and the stability of the agricultural, recreational, residential, commercial and other areas within the village and promoting the orderly and beneficial development of such areas.
- c. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.
- d. Lessening and avoiding congestion on the public highways and streets.
- e. Providing for the needs of industry, recreation, residence, commerce and other land uses in future growth.
- f. Fixing reasonable standards to which buildings and structures shall conform.
- g. Prohibiting uses, building or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts.
- h. Preventing such additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.
1. Protecting against fire, explosion, noxious fumes and odors, dust, smoke, glare, noise and other nuisances and hazards in the interest of the public health, safety and general welfare.
- j. Preventing the overcrowding of land and undue concentration of buildings and structures, so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
- k. Conserving the taxable value of land, buildings and structures throughout the village.
1. Providing for the completion, extension, substitution or elimination of nonconforming uses.
- m. Creating a Board of Appeals and defining the powers and duties thereof.
- n. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this ordinance.
- o. Providing for the payment of fees for building permits.
- p. Providing penalties for the violation of this ordinance.

Sec. 1.04. **VALIDITY AND SEVERABILITY.** If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not affect any other provisions of this ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling

Sec. 1.05. CONFLICT WITH OTHER LAWS.

- a. Where any condition imposed by any provision of this ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this ordinance or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- b. This ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement, that such easement, covenant or other private agreement, the provision of this ordinance shall govern.

Sec. 1.06. **PERIOD OF EFFECTIVENESS.** This ordinance shall remain in full force and effect hence forth unless repealed.

Sec. 1.07. EFFECTIVE DATE. This ordinance was adopted by the Tekonsha Village Council, Calhoun County, Michigan, at a meeting held on the 16th day of March, 1972 and ordered published in the Tekonsha Idea, a newspaper having general circulation in said village as required by Act 191 of the Public Acts of 1939, as amended.

Sec. 1.08. REPEAL AND SAVING CLAUSE. Effective on the effective date of this ordinance, the Tekonsha Village Zoning Ordinance #59, enacted December 1, 1964, is repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture, or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

Sec. 1.09. LEGAL BASIS. This Ordinance is enacted pursuant to PA 207 of 1921, as amended (being the City and Village Zoning Act, MCL 125.581 et seq.). The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning the operation of this Ordinance shall be done pursuant to PA 110 of 2006, as amended (being the Michigan Zoning Enabling Act, MCL 125.3101 et seq.) herein after referred to as the "Zoning Act."

ARTICLE 2

ADMINISTRATION AND ENFORCEMENT

Sec. 2.01. **PURPOSE.** It is the purpose of this article to provide the procedures for the administration of the ordinance, issuance of permits, inspection of proper ties, collection of fees, handling of violators and enforcement of the provisions of this ordinance and amendments thereto.

Sec. 2.02 **ADMINISTRATION.** The provisions of this ordinance shall be administered by the Village Planning Commission and the Village Council in accordance with the State of Michigan Municipal Planning Commission Act, Act 285 of the Public Acts of 1931 as amended, and the State of Michigan City and Village Zoning Act, Act 207 of the Public Acts of 1921, as amended.

The Council shall employ a Zoning Administrator to act as its officer to effect proper administration of this ordinance. The individual selected, the terms of employment, and the rate of compensation shall be established by the Council. For purposes of this ordinance, the Zoning Administrator shall have the powers of a police officer. In the absence of the Zoning Administrator, the Village Clerk or other officer as designated by the Village Council shall assume all the powers and duties of the Zoning Administrator.

Sec. 2.03. DUTIES OF THE ZONING ADMINISTRATOR

- a. Review all applications for zoning permits and approve or disapprove such applications based on compliance with the provisions of this ordinance and shall approve issuance of the permit if the use and requirements of this ordinance are met.
 - b. Receive all applications for conditional use permits; conduct field inspections, surveys and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; and notify the applicant, in writing, of any decision of the Planning Commission.
 - c. Receive all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this ordinance; conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations to the Zoning Board of Appeals for determination.
 - d. Receive all applications for amendments to this ordinance, conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; report to the Planning Commission all such applications together with recommendations.
 - e. The Zoning Administrator shall be responsible to update the Village Zoning Map and keep it current.
 - f. The Zoning Administrator shall prepare and submit to the Council and Planning Commission a written record of all zoning permits issued during each month. The record shall state the owner's name, location of property, intended use and estimated cost of construction for each permit. The Zoning Administrator shall maintain and post monthly a list in the Village Offices of all zoning permits issued.
 - g. Maintain written records of all actions taken by the Zoning Administrator
 - h. Be responsible for providing forms necessary for the various applications to the Zoning Administrator, Planning Commission, Council, or Zoning Board of Appeals as required by this ordinance, and shall be responsible for what information is necessary on such forms for the effective administration of this ordinance, subject to the general policies of the Council, Planning Commission, and Zoning Board of Appeals.
- Cross reference - floodplain management administrative duties, 20.10.

Sec. 2.04. **ZONING PERMITS.** A zoning permit will be required for the construction of any structure, fence, wall, sign, swimming pools, outdoor hot tub, dish antenna, or the alteration, enlargement, or moving of any structure, dwelling, or building. Application for a zoning permit shall be made from the office of the Zoning Administrator or his agent. The fee for zoning permits shall be established by the Village Council.

Sec. 2.05. BUILDING PERMITS.

- a. **BUILDING PERMIT REQUIREMENTS.** A building permit is required for and shall be obtained after the effective date of this ordinance from the office of the Zoning Administrator or his agent, by the owner or his agent for the following conditions:
 - i. The construction, enlargement, alteration, demolition or moving of any dwelling,

building, swimming pool/hot tub, or structure or any part thereof, being used or to be used for agricultural, residential, commercial or industrial purposes. There shall be no demolition permit required for unattached "storage sheds" valued at less than \$500, and above ground swimming pools/hot tubs. Accessory buildings valued at less than \$1,500 and portable structures necessary to an agricultural operation, shall not require a building permit as long as the placement of said building conforms to the setback and height requirements of the district in which they are located. This exemption applies only to completely unattached structures, which at no time are used for human occupancy, or any form of occupation, business or commerce, unless that business or commerce is of a seasonal, non-permanent nature.

- ii. Repairs of a minor nature or alterations which do not change the use, occupancy area, structural strength, fire hazard, fire protection, exits, light, and ventilation of a building shall not require a building permit.
- b. **APPLICATION FOR A BUILDING PERMIT.** Application for a building permit shall be made in writing upon a blank form furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, enlarged, altered, demolished or moved. There shall be submitted with all applications for building permits two copies of a site layout or plot plan showing:
 - i. The location, shape, area and dimensions of the lot, lots or acreage.
 - ii. The location of the proposed construction or demolition upon the lot, lots or acreage affected.
 - iii. The dimensions, height and bulk of the structure.
 - iv. The nature of the proposed construction, demolition, alteration or repair and the intended use.
 - v. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other uses as applicable.
 - vi. The present use of any structure affected by the construction, demolition, or alteration.
 - vii. The yard, open area and parking space dimensions, if applicable.
 - viii. The proposed design and construction standards of parking spaces, if applicable.
 - ix. The number of loading and unloading spaces provided, if applicable.
 - x. Any other information deemed necessary by the Building Inspector to determine and provide for the enforcement of this ordinance.If the information shown on the site layout is in compliance with the above requirements and the other provisions of this ordinance, the Building Inspector shall issue a building permit upon payment of the required permit fee.
- c. **VOIDING OF A PERMIT.** Any building permit granted under this section shall be null and void unless the development proposed shall have its first inspection within ninety (90) days from the date of the granting of the permit. The Building Inspector shall make every effort to notify the holder of a permit that he is liable for voiding action before voidance is actually declared. The Building Inspector may suspend or revoke a permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the Village.
- d. **FEES, CHARGES, AND EXPENSES.** The Village Council shall establish a schedule of fees, charges and expenses and a collection procedure, for building permits, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Building Inspector, and may be altered or amended only by the Village Council. No permit, certificate, conditional use or approval, or variance shall be issued until such costs, charges, fees or expenses listed in this ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, until preliminary charges and fees have been paid in full.
- e. **INSPECTIONS.** The construction or usage affected by any building permit shall be subject to the following inspections:
 - i. When footing excavations are completed.
 - ii. As instructed by the Building Inspector. It shall be the duty of the holder of every permit to notify the Building Inspector when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Building Inspector shall determine whether the footing excavations or any necessary excavations are adequate. At this time the Building Inspector shall inform the permit holder when the next inspection will be

required. Should the permit holder fail to comply with the requirements of the Building Inspector at any building site, the Building Inspector shall make a report in writing to the Council. The Building Inspector shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the ordinance requirements, and such posting shall be considered as service upon and notice to the permit holder, of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this ordinance have been met. Failure of the permit holder to make notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

Cross references--Flood hazard area permit, 20.03, supplementary application information, 20.11.

Sec. 2.06 VIOLATIONS. Any building or structure including tents, swimming pools, outdoor hot tubs, decks and mobile homes which are erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premises which is begun, maintained, or changed in violation of any provision of this ordinance, are hereby declared to be a nuisance, per-se.

Sec. 2.07 PENALTIES. Any person or the agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this ordinance, or any amendment thereof, shall be fined upon conviction, not more than one hundred (\$100) dollars, together with the cost of prosecution, or shall be punished by imprisonment in the county jail for not more than ninety (90) days for each offense, or may be both fined and imprisoned as provided herein. Each and every day during which any illegal erection, construction, reconstruction, or alteration, maintenance, or use continues shall be deemed a separate offense. The Village Council, The Village Planning Commission, The Village Zoning Administrator, The Village Building Inspector, The Village Board of Appeals, The Attorney of the Village, or any owner or owners of real estate within the district in which such building, structure or land use is situated may institute injunction, mandamus, abatement or any other appropriate action, actions or proceedings to prevent, enjoin, abate or remove any said unlawful erection, construction, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

ARTICLE 3 ZONING BOARD OF APPEALS

Sec. 3.01. **BOARD OF APPEALS ESTABLISHED.** There is hereby established a Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided by the Michigan Zoning Enabling Act as amended, in such a way that the objectives of this ordinance shall be enforced, the public health and safety secured and substantial justice done.

Sec. 3.02. **MEMBERSHIP, TERMS OF OFFICE.** The Village Council may act as Board of Appeals upon all questions arising under the Zoning Ordinance.

In the event the Village Council so desires, it may appoint a Board of Appeals consisting of not less than 5 members, each to be appointed for a term of 3 years; provided that appointments for the first year shall be for a period of one, two and three years respectively, so as nearly as may be to provide for the appointment of an equal number each year, depending on the number of members; thereafter, each member to hold office for the full three year term.

One of the regular members shall be a member of the Planning Commission. The remaining members and any alternate members shall be electors of the Village and shall be representative of the population distribution. One regular member may be a member of the Village Council, but shall not serve as chairperson. An employee or contractor of the Village shall not serve as a member. The Village may appoint not more than two alternate members for the same term as regular members. An alternate may be called in the absence of a regular member or in the place of a regular member abstaining due to conflict of interest. An alternate member has the same voting rights as a regular member.

A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Sec. 3.03. **RULES OF PROCEDURE, MAJORITY VOTE.** The Board shall adopt its own rules of procedure as may be necessary to properly conduct its meetings. The concurring vote of two-thirds of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official or to decide in favor of the applicant on any matter upon which they are required to pass under this ordinance or to effect any variation in this ordinance. The decision shall be in writing and reflect the reasons for the decision. At a minimum the record of the decision shall include:

- i. Formal determination of the facts
- ii. The conclusions derived from the facts (reasons for the decision)
- iii. The decision.
- iv. The signature of each member of the Board of Appeals

Sec. 3.04. **MEETINGS.** Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify.

Sec. 3.05. **PUBLIC MEETINGS AND MINUTES.** All meetings of the Board of Appeals shall be open to the public. Minutes shall be recorded on all proceedings which shall contain evidence and data relevant to every case considered together with vote and signature of each member and the final disposition of each case. The grounds of every determination shall be stated and such determination from which the appeal is taken. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Village Clerk and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Village Clerk may act as secretary to the Zoning Board of Appeals. The Village Attorney shall act as legal counsel for the Board and shall be present at all meetings upon the request of the Board. Other knowledgeable persons may also be utilized in an advisory capacity.

Sec. 3.06. **POWERS AND DUTIES.** The Board of Appeals shall have powers to interpret the provisions of this Ordinance, to grant variances from the strict application of any provisions of this Ordinance.

Sec. 3.07. **VARIANCE.** A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- a. A written application for a variance is submitted, demonstrating:
 - i. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - ii. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - iii. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.
 - iv. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
 - b. The Board of Appeals shall make findings that the requirements of the ordinance have been met by the applicant for a variance.
 - c. The Board of Appeals shall further make a finding that the reasons set forth in the applications justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - d. The Board of appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - e. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 5.13 of this ordinance.
 - f. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this ordinance in said district.
- Cross reference-Variance requirements in flood hazard area, 20.12.

Sec. 3.08. VOIDING OF AND REAPPLICATION FOR VARIANCE. The following provisions shall apply:

- a. Each variance granted under the provisions of this ordinance shall become null and void unless:
 - i. The construction authorized by such variance or permit has been commenced within ninety (90) days after the granting of such variance and pursued diligently to completion.
 - b. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred and sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

Sec. 3.09. PROCEDURE FOR APPEALING TO THE ZONING BOARD OF APPEALS. The following provisions shall apply:

- a. **APPEALS, HOW TAKEN.** Appeals from the ruling of the Zoning Administrator may be made to the Board of Appeals in the following manner:
 - i. The person, firm or agent thereof making the appeal shall file in writing along with supporting documentation to the Zoning Administrator a letter stating what the specific appeal is and the reasons for said appeal.
 - ii. The Zoning Administrator confirms that the written appeal is complete and the fee is paid. If the application is not complete, the administrator will return the application to the applicant with a letter that specifies the additional material required. When the application is complete, the administrator then submits the written appeal, along with all papers constituting the record from which the action was taken, to the Zoning Board of Appeals.
- b. **WHO MAY APPEAL.** Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency, or bureau of the Village, County or State.
- c. **FEE FOR APPEAL.** A fee prescribed by the Village Council shall be submitted to the Clerk at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Village General Fund.
- d. **EFFECT OF APPEAL: RESTRAINING ORDER.** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Village Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

- e. **HEARING BY THE ZBA.** When a request for appeal has been filed in proper form with the Board of Appeals, the Secretary, or Village Clerk shall immediately place the said request of appeal upon the calendar for hearing, notice of which shall follow the procedure outlined in Article 21 Public Notification.
- f. **REPRESENTATION AT HEARING.** Upon the hearing, any party or parties may appear in person or by agent or by attorney. No action will be taken by the ZBA if the applicant is not present or represented by an agent or by attorney.
- g. **DECISIONS OF THE ZBA AND APPEALS TO THE CIRCUIT COURT.** The Board of Appeals shall decide upon all appeals following the public hearing and may reverse, modify or affirm wholly or partly the ruling of the administrator to that end shall have all the powers of the Zoning Administrator from which the appeal is taken. The Board of Appeals' decision of such appeals shall be documented as outlined in Section 3.03. Within eight days of the decision the record of the decision shall be certified and a copy delivered by first class mail to the person demanding the appeal, the administrator, and other parties. Any person having an interest affected by such decision shall have a right to appeal to Circuit Court within 30 days of the certified decision of the appeals board, as provided by law.

ARTICLE 4
AMENDMENT PROCEDURE

Sec. 4.01. INITIATING AMENDMENTS AND FEES. The Council may from time to time on recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Council, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Council or the Planning Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay the fee of forty (\$40.00) dollars, no part of which shall be returnable to the petitioner.

Sec. 4.02. AMENDMENT PROCEDURE. The procedure for making amendments to this ordinance shall be as follows:

- a. Each petition for amendment initiated by one or more owners of property shall be submitted to the Council who shall refer it for recommended action to the Planning Commission.
- b. After deliberations on any proposal, the Village Planning Commission shall provide public notice and conduct at least one hearing, notice of which shall follow the procedure outlined in Article 21 Public Notification.
- c. Upon completion of the public hearings provided above, the petition shall be returned to the Council by the Planning Commission for action in accordance with Section 4, Act 207, and the Public Acts of 1921.
- d. After receiving the proposed amendment, the Council may adopt the amendment with or without changes in accordance with the provisions and procedures of Act 207 the Public Acts of 1921.
- e. All provisions of this Article shall be subject to the provisions of the Michigan Zoning Enabling Act, as the same may be from time to time amended, which Act is incorporated herein by reference.

Sec. 4.03. CONFORMANCE TO COURT DECREE. Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Council and the amendments published without referring the same to any other board or agency.

ARTICLE 5 GENERAL PROVISIONS

Sec. 5.01. ESTABLISHMENT OF DISTRICTS. The village is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this ordinance:

LOW-DENSITY RESIDENTIAL DISTRICT (LDR)
LOW-DENSITY RESIDENTIAL / OFFICE - PROFESSIONAL USE DISTRICT
MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR)
MULTIPLE FAMILY RESIDENTIAL DISTRICT (MF)
COMMERCIAL DISTRICT (C-1)
COMMERCIAL DISTRICT (C-2)
COMMERCIAL DISTRICT (C-3)
LIGHT INDUSTRIAL DISTRICT (LI)
HEAVY INDUSTRIAL DISTRICT (HI)
OPEN SPACE AND WATER BODY CONSERVATION DISTRICT (OC)

Sec. 5.02. PROVISION FOR OFFICIAL ZONING MAP. These Districts, so established, are bounded and defined as shown on the map entitled:

ZONING DISTRICT MAP OF TEKONSHA VILLAGE adopted by the Council, and which, with all notation, references, and other information appearing thereon, is hereby declared to be a part of this ordinance and of the same force and effect as if the Districts shown thereon were fully set forth by metes and bounds herein.

Sec. 5.03. CHANGES TO OFFICIAL ZONING MAP. If, in accordance with the procedures of this ordinance and of Act 207 of the Public Acts of 1921 as amended, a change is made in a zoning district boundary, such change shall be made by the Building Inspector promptly after the ordinance authorizing such change shall have been adopted and published by the Council. No change of any other nature shall be made unless authorized by the Zoning Board of Appeals.

Sec. 5.04. AUTHORITY OF OFFICIAL ZONING MAP. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Building Inspector shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Village.

Sec. 5.05. REPLACEMENT OF OFFICIAL ZONING MAP. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Council may, by ordinance, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new official zoning map shall be identified by the signature of the Village President, attested by the Village Clerk, and bearing the seal of the Village under the following words:

This is to certify that this is the Official Zoning Map referred to in the Village of Tekonsha Zoning Ordinance. This map was adopted on March 9, 2009 replacing and superseding the Official Zoning Map which was adopted on March 16, 1972.

Sec. 5.06. INTERPRETATION OF ZONING DISTRICTS. Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- a. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad or easement shall be construed as following such center-line.
- b. A boundary indicated as approximately following a recorded lot line, abounding a parcel, section line, quarter-section line, or other survey line shall be construed as following such line.
- c. A boundary indicated as approximately following the corporate boundary line of a city, village, or township shall be construed as following such line.

- d. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- e. A boundary indicated as following the center-line of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- f. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs (a) through (e) above shall be so construed.
- g. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

Sec. 5.07. APPLICATION OF REGULATIONS. The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land or building, dwellings and structures throughout each district. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this ordinance so that the intent and purposes of this ordinance shall be observed, public safety secured and substantial justice done.

ARTICLE 6
SUPPLEMENTAL REGULATIONS

Sec. 6.01. **PURPOSE.** There are certain conditions concerning land uses that warrant specific regulations and standards in addition to the requirements of the zoning districts in which they are located.

Sec. 6.02. ACCESSORY BUILDING

- a. Where an accessory building is attached to the side or front of a principal building, such accessory building shall be considered part of the principal building for purposes of determining required yard dimensions, but if such accessory building is attached to the rear of the principal building in such manner that it is completely to the rear of all portions of said building, it may be considered a detached accessory building for purposes of determining required rear yard dimensions.
- b. No detached accessory building shall be located nearer to a side lot line than the permitted distance for the principal building on the same lot, unless such accessory building shall be completely to the rear of all portions of the principal building, in which case it may be located no nearer than five (5) feet to any side lot line.
- c. No detached accessory building shall be located nearer than five (5) feet to any rear lot line, except that when such accessory building shall be a garage which is entered at right angles to an alley, it shall be located no nearer than twelve (12) feet to said rear lot line.
- d. No accessory building shall project into any front yard setback.
- e. No accessory building shall occupy more than thirty (30) percent of the area of any rear yard.
- f. Where a corner lot adjoins a side boundary of a lot in any Residential District, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot.

Sec. 6.03. **LOT-BUILDING RELATIONSHIP.** Hereafter, every building erected, altered, or moved, shall be located on a lot of record as defined herein, and except in the case of an approved multiple dwelling development, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in a Residential District.

Sec. 6.04. **ACCESSORY BUILDING AS DWELLING.** No building on the same lot as a principal building shall be used for dwelling purposes.

Sec. 6.05. **BASEMENT AS DWELLING.** No basement structure shall be used for occupancy unless a completed story is situated immediately above the basement structure and that the story is used as a dwelling.

Sec. 6.06. **REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.** In addition to the requirements established by the Calhoun County Health Department, the following site development and use requirements shall apply:

- a. No structure for human occupancy or use shall hereafter be erected, altered, or moved unless it shall be provided with a safe, sanitary, and potable water supply and a safe effective means of collection, treatment, and disposal of wastes, in addition to the requirements of the Tekonsha Village Sewer Ordinance.
- b. No drain field for a septic tank system shall be located nearer than one hundred fifty (150) feet from the normal high water line of any surface body of water nor located in an area where the ground surface is less than four (4) feet above the normal high water table level.

Sec. 6.07. **GREEN BELT BUFFER.** Prior to the commencement of construction of any structure or building in a Commercial District or Industrial District where such property abuts, adjoins, or is adjacent to a residential zone, a green belt shall be established. However, where permitted elsewhere in this ordinance, an opaque wall or fence may be built in lieu of a greenbelt. A greenbelt, minimum width of twenty (20) feet, shall be completed within six (6) months from the date of final inspection and shall thereafter be maintained with permanent plant materials.

Sec. 6.08. **ACCESS TO A STREET.** Any lot of record created prior to the effective date of this ordinance without any frontage on a public street or way shall not be occupied except where access to a public street or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width. Public access to commercial, industrial, or recreational uses shall not be designated so as to pass through the residential

neighborhoods.

Sec. 6.09. VISIBILITY AT INTERSECTIONS. No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above street grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are thirty (30) feet distant from the point of intersection of the street right-of-way lines, measured along these lines.

Sec. 6.10. STREET CLOSURES. Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which, such area is located.

Sec. 6.11. HEIGHT REGULATIONS. The height requirements established by this ordinance shall apply uniform alley in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this ordinance; spires, belfries, penthouses and domes not used for human occupancy; chimneys; ventilators; skylights; water tanks; bulkheads; utility poles; power lines; radio and television broadcasting and receiving antennae, silos; parapets; and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of the Federal Communications Commission, The Civil Aeronautics Administration, and other public authorities having jurisdiction.

Sec. 6.12. FENCES, WALLS AND SCREENS. Within the limits of a side or rear yard space of a lot within a residential district no fence, wall, other than necessary retaining wall, or other screening shall not be higher than six (6) feet, excluding posts. Fences, walls or other screening contained in a rear or side yard may be of an obscure type. No fence or wall in a residential district shall be placed closer than two (2) feet to the road right of way or inside edge of the sidewalk if one exists, in the side or front yards that abut on a street or thoroughfare. Any fence, wall or other screening structure on a street or thoroughfare side shall:

- a. Not exceed a height of four (4) feet, excluding posts.
- b. Be built of an "open-type" or "see-through" material.
- c. Not be constructed so as to obstruct the view of a vehicle entering a street or thoroughfare or stopped at a stop sign, or where a stop sign would be placed.

(Amended with Resolution 11-09, effective 12/12/11)

Sec. 6.13. SHORELINE EXCAVATION AND DREDGING. No persons shall alter, change, transform, or otherwise vary the edge, bank or shore of any lake, river or stream except in conformance with the following:

- a. As provided in the Inland Lakes and Streams Act, Act 291 of the Public Acts of 1965, as amended, and in accordance with the requirements of the Michigan Department of Natural Resources.
- b. If any edge, bank or shore of any lake, river or stream is proposed to be altered in any way by any person, such person shall submit to the Planning Commission all data, exhibits and information as required by the Department of Natural Resources.

Sec. 6.14. ESSENTIAL SERVICES. For purposes of this ordinance the following provisions shall apply:

- a. The surface of land used for pipe line rights-of-way shall be restored and maintained as near as possible to its original condition prior to the construction of the pipe line.
- b. Essential services shall be exempt from lot area requirements in the Industrial, and Open-Space Water Body Conservation districts.

Sec. 6.15. SWIMMING POOLS AND OUTDOOR HOT TUBS. All swimming pools and outdoor hot tubs shall conform to the requirements of the County Health Department. Swimming pools and outdoor hot tubs shall be enclosed by a fence, wall or other structure which shall be at least four (4) feet in height as measured from the outside (see (a) below). Any opening under the bottom of the fence shall not be more than four (4) inches in height. A fence or wall enclosure shall be of a type that impedes climbing by small children and shall be equipped with a gate that is a self-closing and latching type with the latch on the pool side of the gate. Said entranceway shall lead to

the shallow end of the pool. If the entire premise is enclosed by a fence or wall, this requirement may be waived.

- a. Above ground pools and outdoor hot tubs which have a height exceeding thirty-two (32) inches above ground level shall not require fencing if the following conditions are met; any access to the pool or hot tub, including, but not limited to, ladders, steps, or decks, shall have a gate or other device to limit direct access of children or animals from adjacent yard areas, public rights-of-ways, or dwellings. Such gate or device shall be of a nature that it automatically engages or closes. In the case of ladders or steps, the removal of same shall meet the requirements of this ordinance. "Wading pools" with a depth of less than twenty-five (25) inches shall not be subject to this ordinance.

Sec. 6.16. CONTINUED CONFORMANCE WITH REGULATIONS. The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements for a building or use specified within this ordinance shall be a continuing obligation of the owner of such building, or property on which such building or use is located.

Sec. 6.17. DISH ANTENNAS. Definition: Dish Antenna shall mean an earth-based station whose purpose is to receive communications or other signals from orbiting satellites or other extraterrestrial sources together with other equipment related to such purposes. Regulations: amateur radio antennas, dish antennas and other similar structures are permitted in any zoning district subject to the following conditions:

- a. Any structure as defined in this section shall require a zoning permit prior to erection. The application for zoning permit shall comply with all ordinance requirements as to building permits and shall include construction drawings showing the proposed method of installation, including details such as anchoring.
- b. Any structure covered in this section is prohibited from the required front yard of the zone in which it is located.
- c. A dish antenna on the roof of a structure shall not extend more than thirty-six (36) inches above the peak of the roof of the residential structure.
- d. A dish antenna installed on the ground in a residential zone shall not exceed fifteen (15) feet in height from the ground to the top of the structure, and shall be subject to the requirements of Section 5.41 of this ordinance governing visibility at intersections.

ARTICLE 7
NONCONFORMING BUILDINGS AND USES

Sec. 7.01. **NONCONFORMING USES OF LAND.** Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming use shall be enlarged or increased to occupy a larger area, nor moved in whole or in part to any other portion of the lot or parcel occupied at the effective date of adoption or amendment of this ordinance.
- b. Any nonconforming use of land abandoned for a period of more than ninety (90) days shall subsequently conform to the requirements of this ordinance.

Sec. 7.02. **NONCONFORMING USES OF BUILDINGS.** Where a lawful building exists at the effective date of this ordinance, or amendment thereto, that could not be built under this ordinance by reason of its location on the lot, lot coverage, height, yard or other characteristics, such structure may be continued, subject to the following:

- a. Any structure existing at the effective date of this ordinance, devoted to a use not permitted by this ordinance in the district in which it is located shall not be altered, enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. When a nonconforming use of a building is vacated or abandoned for six (6) consecutive months, the building shall not be used thereafter except in conformance with the regulations of the district in which it is located.

Sec. 7.03. **NONCONFORMING BUILDINGS.** Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason 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:

- a. No such structure may be enlarged or altered in a way which increases its nonconformity, ~~except that buildings and structures on lots of record at the effective date of this ordinance shall be exempt from this requirement.~~
- b. 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.
- c. Should such structure be destroyed by any means to an extent of more than fifty per cent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. Such repairs shall be initiated within ninety (90) days.
- d. The following shall not be considered as encroachments on required yard setbacks for all lots:
 - An enclosed entrance for all detached single family, two family or town house dwellings may extend into the front yard setback not more than four (4') feet
 - Terraces, steps, wheelchair ramps, uncovered porches, stoops, landings or similar features

Sec. 7.04. **ILLEGAL NONCONFORMING USES AND BUILDINGS.** Those alleged nonconforming uses of land, uses of buildings and buildings which cannot be proved conclusively to have been in existence prior to the effective date of this ordinance, or any amendment thereto, shall be declared illegal nonconforming uses of land, nonconforming uses of buildings and nonconforming buildings and shall be discontinued upon written notification from the Building Inspector.

(Sec.7.03a amended and 7.03d added 6-10-13 – Resolution 13-13)

This revision shall be effective twenty (20) days after Adoption as provided by law.

ARTICLE 8 SIGN REGULATIONS

Sec. 8.01. GENERAL SIGN REGULATIONS. No sign shall be erected at any location, where by reason of the position, size, shape, color, movement or illumination, it may interfere with, obstruct the view of, be confused with any authorized traffic sign, signal, or device so as to interfere with, mislead, or confuse traffic. Consideration of traffic visibility and injurious effects on adjacent properties is essential. All signs shall be designed, constructed, and maintained so as not to change the essential character of such area.

Sec. 8.02. PERMITTED SIGNS IN THE OPEN SPACE AND WATER BODY CONSERVATION DISTRICT. In the Open Space and Water Body Conservation District only one (1) sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following signs are permitted:

- a. A non-illuminated sign advertising the sale or rental of the building or premises not exceeding six (6) square feet in area and placed no nearer to the street line than one-half the required front yard depth.
- b. Non-illuminated trespassing, safety, directional, caution or announcement signs each not exceeding two (2) square feet in area.
- c. A non-illuminated sign announcing a home occupation, service, or produce offered on the premises, provided that such a sign shall not exceed twelve (12) square feet in area; and shall be located no closer to the street line than one-half (1/2) the required frontage yard.
- d. A sign or bulletin board identifying a church, school, park or other authorized use not to exceed twelve (12) square feet in area and placed no nearer than fifteen (15) feet to any property line. Such sign may be illuminated by a non-flashing reflective light and the source of illumination shall not be visible.

Sec. 8.03. PERMITTED SIGNS IN RESIDENTIAL DISTRICTS. In any residential district only one (1) sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following signs are permitted:

- a. A non-illuminated sign advertising the sale or rental of the building or property not exceeding six (6) square feet in area and placed no nearer to the street line than one-half of the required front yard depth.
- b. A non-illuminated sign announcing a home occupation or service that is offered on the premises provided that such sign shall not exceed two (2) square feet in area and shall be attached flat against a building wall.
- c. One sign advertising a recorded subdivision or development not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way than one-third (1/3) the minimum authorized front yard depth, such sign shall be removed within one year after the sale of ninety (90) per cent of all lots or units within said subdivision or development.
- d. One sign identifying a multiple-family building, subdivision or development, not having commercial connotations, not to exceed eighteen (18) square feet in area, and placed no closer to any street right-of-way line than one-third (1/3) the minimum authorized front yard depth.
- e. A sign or bulletin board identifying a church, school, or other authorized use, not to exceed twelve (12) square feet in area and placed no nearer than fifteen (15) feet to any property line. Such sign may be illuminated by a non-flashing reflected light and the source of illumination shall not be visible.
- f. Uses permitted as conditional uses in Section 11.03 (Low Density Residential / Office - Professional Use District) may have one sign not to exceed twelve (12) square feet in area and placed no nearer than fifteen (15) feet to any property line. Such sign may be illuminated by a non-flashing reflected light and the source of illumination shall not be visible.

Sec. 8.04. PERMITTED SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS. A sign in any Commercial or Industrial District is permitted only where it advertises a business occupying the same lot of land upon which the sign is erected. Signs shall conform to the building set-back and height requirements, except for, and in addition to, the requirements provided below:

- a. In any Commercial or Industrial District a sign may be affixed flat against the wall of the building, or may project there from not more than forty-eight (48) inches, provided that such signs do not project over a sidewalk or public right-of-way. Projecting signs shall be at least twelve (12) feet above finished grade. The total sign area shall not exceed one (1) square foot for each foot in length or height of the wall, whichever is greater, to which it is affixed. No such sign shall extend more than four (4) feet in height above the building to which it is affixed.

- b. One free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area for said sign shall be based on one (1) square foot for each foot of building frontage; however, it shall not exceed two hundred (200) square feet in area, not be closer to the front, side or rear property line than one-third (1/3) the distance of the required building setback.
- c. One free-standing identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed eighty (80) square feet in area, except in the Commercial Districts (C). Such sign shall not exceed thirty-six (36) square feet in area, nor be closer to the front, side or rear property line, than one-third (1/3) the distance of the required building setback.
- d. All signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be placed as to cause confusion or hazard to traffic or conflict with traffic control signs or light. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- e. Directional signs for businesses in the commercial district not directly visible from the main flow of traffic may be positioned on a parcel that is in the main traffic flow. One directional sign per parcel is allowed. Such signs will be the responsibility of the property owner on which they stand and must meet one of the following criteria:
 - i. Permanent signs affixed to a building must comply with Section 8.04a in regards to size and placement and Section 8.04d regarding illumination. A zoning permit application is required.
 - ii. Moveable signs of the tent style are permitted on the sidewalk. Such signs must be no more than 30" in width and 42" in height and must be positioned so as not to obstruct pedestrian traffic. Tent signs must be removed at the close of business daily.

Sec. 8.05. **OUTDOOR ADVERTISING SIGNS.** Outdoor advertising signs (billboards) shall be permitted under the following conditions:

- a. Outdoor advertising signs (billboards) are permitted only in the Commercial and Industrial Districts.
- b. Outdoor advertising signs are required to have the same setback as other principal structures or buildings in the zone in which they are situated.
- c. Where two (2) or more outdoor advertising signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face, (back to back) or a V-type structure shall be considered a single sign.
- d. The total surface area, facing in the same direction of any outdoor advertising sign shall not exceed two hundred (200) square feet.
- e. No outdoor advertising sign shall be erected on the roof of any building, nor have one sign above another sign.
- f. Outdoor advertising signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- g. Outdoor advertising signs shall be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that a use will not change the essential character of the same area.
- h. Outdoor name or identification signs are exempt from the provisions of this section provided that all such signs shall be flush with the building wall or roof.

Sec. 8.06. **SIGNS FOR GASOLINE AND SERVICE STATIONS.** Notwithstanding other provisions of this ordinance, one (1) permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way to a height of sixteen (16) feet other than necessary supports, and not exceeding twenty-five (25) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

Sec. 8.07. **ELIMINATION OF NONCONFORMING SIGNS.** All signs and billboards erected after the effective date of this ordinance shall conform to the regulations as set forth in this ordinance and its amendments. Any existing sign or billboard not conforming shall be deemed a nonconforming use, and shall either be made to conform or shall be removed by the owner within three (3) years from the effective date of this ordinance. If the owner of said sign fails to remove such nonconforming sign or billboard it shall be deemed a violation and the property owner shall be charged with a violation and subject to the provisions of the Zoning Ordinance.

ARTICLE 9
PARKING AND LOADING REQUIREMENTS

Sec. 9.01. OFF –STREET PARKING. In all districts, in connection with industrial, business, institutional, recreational, residential, or other use there shall be provided at the time any building is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automobiles with the requirements herein specified.

- a. Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, for the above uses, shall be submitted to the Zoning Administrator for review at the time of application for a building permit.
- b. No parking area or parking space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance.
- c. Parking of motor vehicles in residential zones shall be limited to automobiles, pick-up trucks, and recreational vehicles. The parking of straight trucks or semi vehicles not to exceed three (3) axles and not to exceed one (1) per homeowner will be allowed as long as each homeowner has sufficient off-street parking available, and the parking of such vehicles does not obstruct the view of any surrounding property owner or resident. The parking of semi trailers is strictly prohibited in residential zones.
 - i. Off-Street Parking Definition: Improved space (asphalt, concrete, gravel, brick) on public or private property (not a plotted or designated public thoroughfare) intended for temporary or periodic motor vehicle storage (i.e. residential drive ways, parking lots, parking ramps, trailer pads, carports)
 - ii. Sufficient Off-Street Parking Definition: For single family dwellings, sufficient off-street parking is defined as parking space such that all motor vehicles possessed or in use by the property owner or resident can be stored behind the front setback line of the house not less than five (5) feet from the front property line where no parking is provided behind the required setback line of the dwelling.
 - iii. The parking of any other type of vehicle, trailer, or bus, except for those parked on school or church property is prohibited in any residential zone. Parking spaces for all types of permitted uses may be provided either in garages or off-street parking areas conforming to the provisions of this ordinance.
 - iv. In any residential zone, no parked, stopped or standing vehicle shall have its engine running for more than thirty (30) minutes continuously during any eight (8) hour period.
 - v. Continuous Parking of Vehicles: No commercial vehicle designed or operated for the transportation of goods shall be parked or let stand while the engine is running for a period in excess of thirty (30) minutes between the hours of 10:00 pm and 6:00 am.
 - a. Definition: Park or parking shall mean the standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actually engaged in receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs or signals, or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.
- d. In industrial and commercial zones, each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking Aisles:
 - i. For ninety (90) degree or perpendicular parking the aisle shall not be less than twenty two (22) feet in width.
 - ii. For sixty (60) degree parking the aisle shall not be less than eighteen (18) feet.
 - iii. For forty-five (45) degree parking the aisle shall not be less than thirteen (13) feet in width.
 - iv. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- e. Off-street parking facilities, required for churches may be reduced by fifty (50) per cent where churches are located in non-residential districts and within three hundred (300) feet of usable public or private off-street parking area. Off-street parking facilities for trucks at restaurants, service stations, and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and fifty-five (55) feet in length.
- f. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:
 - i. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.
 - ii. All off-street parking areas shall be drained so as to prevent drainage to abutting properties.

- iii. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining premises and streets.
- iv. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- v. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas for one and two family dwellings.
- vi. Combined parking facilities are allowed when two or more uses occur on one property or when a building(s) on one property contain two or more uses provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for the various uses and computed in accordance with this ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- g. Any sign intended to advertise parking or loading facilities shall be constructed in accordance with the regulations specified in Article 8.
- h. A business involving the repair, service, sale or display of vehicles is prohibited in areas used for parking or loading.
- i. For the purposes of determining off-street parking requirements the following units of measurement shall apply:
 - i. Floor area: In the case of uses where the floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for incidental service storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.
 - ii. Places of assembly: In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be completed separately for each type and added together.
 - iii. Fractions: When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall require one (1) parking space.
 - iv. The minimum required off-street parking spaces shall be set forth as follows: see chart "Use Parking Space Requirements" (next page)
 - v. Where a use is not specifically mentioned the parking requirements of a similar or related use shall apply.

Sec. 9.02. LOADING AND UNLOADING REQUIREMENTS. In connection with every building or part thereof hereafter erected, except single- and two-family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.

- a. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Building Inspector for review at the time of application for a building permit for the erection or enlargement of a use or a building or structure.
- b. Each off-street loading-unloading space shall not be less than the following:
 - i. In a Residential District a loading-unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length-and, if a roofed space, not less than fourteen (14) feet in height.
 - ii. In any Commercial or Industrial District a loading-unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length, and if a roofed space, not less than fifteen (15) feet in height.
- c. Subject to the limitations of the next paragraph, a loading-unloading space may occupy all or any part of any required side or rear yard; except the side yard along a side street in the case of corner lot. In no event shall any part of a required front yard be occupied by such loading space.
- d. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.

- e. In the case of mixed uses, on one lot or parcel the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- f. Off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- g. Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed and any light used for illumination shall be so arranged as to reflect the light away from the adjoining premises and streets.
- h. Off-street loading-unloading requirements for residents for residential (excluding single-family dwellings), hotels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by vehicles, the uses having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space or fraction thereof, one (1) additional loading unloading space, the size of such loading-unloading space subject to the provisions of this ordinance.
- i. Where a use is not specifically mentioned, the requirements of a similar or related use shall apply.

ARTICLE 10 CONDITIONAL USES

Sec. 10.01. **PURPOSES.** The formulation and enactment of this zoning ordinance is based upon the division of the village into districts, each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts but which on account of their actual or potential impact on neighboring uses or public facilities need to be carefully regulated with respect to their location for the protection of the village. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

Sec. 10.02. **AUTHORITY TO GRANT PERMITS.** The Village Council with recommendations from the Planning Commission shall have the authority to grant conditional use permits and it may authorize the Building Inspector to grant such permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all conditional uses specified in the various district provisions of this ordinance.

Sec. 10.03. **APPLICATION AND FEE.** Application for any conditional use permit permissible under the provisions of this ordinance shall be made to the Council by filling in the official conditional use permit application form, submitting required data, exhibits and information; and depositing twenty-five (\$25.00) dollars, except as stated herein, with the Village Clerk. No fee shall be required of any governmental body or agency. Five dollars (\$5.00) of this amount shall be a filing fee, and is not returnable. The remaining twenty dollars (\$20.00) shall be applied to the actual cost of conducting investigations, preparing materials and processing the application. The unused portion may be returned to the applicant; the balance shall be placed in the general fund.

Sec. 10.04. **DATA, EXHIBITS AND INFORMATION REQUIRED IN APPLICATIONS.** An application for a conditional use permit shall contain the applicant's name and address in full, a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, an accurate survey drawing of said property, showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses and a statement and supporting data, exhibits, information, and evidence regarding the required findings set forth in this ordinance.

Section 10.05 **PUBLIC NOTIFICATION.** The Village Planning Commission shall provide public notice and hold a public hearing, or hearings, upon any application for a conditional use permit, notice of which shall follow the procedure outlined in Article 21 Public Notification.

Section 10.06 **REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS AND ESTABLISHING CONDITIONS.** The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a use on the proposed site, lot or parcel:

- a. Will be harmonious with and in accordance with the general objectives, intent and purposes of this ordinance.
- b. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- c. Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- d. Will not be hazardous or disturbing to existing or future neighboring uses.
- e. Will not create excessive additional requirements at public cost for public facilities and services.

Any conditions imposed with the granting of a conditional use shall be recorded with the approval action and shall remain unchanged unless the activity or land use approved ceases to operate as such for one year, at which time conditional use approval shall expire.

Sec. 10.07. **MOBILE HOME PARK.**

- a. A mobile home park and buildings, structures, or parts thereof may be erected or so used in any district except commercial, industrial or OC district.

b. No mobile home park shall be developed and constructed unless a public hearing is held prior to approval of a specified site and overall site plan. The preliminary site and development plans of new mobile home parks or additions to existing parks shall be submitted to the village Planning Commission. The following information shall be shown on the development plan or submitted in writing with it:

1. The name of the proposed mobile home park.
2. Names, addresses, and telephone number of the developer or his representative.
3. Location of the mobile home park, giving the numbers of section, township and range, and the name of the village and county.
4. A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding intended for subsequent development.
5. Allocation map showing the relationship of the proposed development and the adjacent tracts.
6. The present land use and existing zoning of the proposed development and the adjacent tracts.
7. Interior streets, street names, right-of-way and roadway widths.
8. All lot lines and open spaces with dimensions shown.
9. Topographic contours shall be shown on the plan at 5 foot intervals where slope is greater than 10% and 2 foot intervals where slope is 10% or less.
10. Delineation of all improvements required in this section.

c. **PERMITTED ACCESSORY USES AND REQUIREMENTS THEREOF.**

1. Accessory buildings or structures under park management supervision shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park resident use only. No accessory building or structure shall exceed twenty-five (25) feet in height, nor two (2) stories; and shall meet the requirements of other applicable codes and ordinances.
2. A mobile home may be displayed and offered for sale provided that the mobile home is situated on a permanent pad within the mobile home park.
3. One (1) identification sign, approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than sixty (60) square feet in surface area nor have any moving parts, not stand higher than ten (10) feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than thirty (30) feet.
4. No more than one (1) entry and one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two (2) square feet in surface area, or have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign.
5. Not more than one (1) local street sign at a local intersection of such park which identifies the local street by name, the sign approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than one (1) square foot in surface area per local street name, nor stand higher than seven (7) feet from the ground to the top of the sign.

d. **PERIODIC INSPECTION.** The Village Building Inspector or other agents authorized by the Council are granted the power and authority to enter upon the premises of any such park at any time for the purpose of determining and/or enforcing any provision or provisions of this or any other village ordinance applicable to the conduct and operation of mobile home parks.

e. **REQUIRED DEVELOPMENT STANDARDS.**

1. The land area of a mobile home park shall not be less than fifteen (15) acres.
2. Mobile home sites shall be at least five thousand (5,000) square feet in area.
3. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems.
4. Each mobile home site shall have side yards with each yard having a width of not less than fifteen (15) feet and the aggregate width of both side yards not less than forty (40) feet.
5. Each mobile home site shall have front and rear yards with each such yard not less than ten (10) feet in width and the aggregate width of both said yards not less than thirty (30) feet.
6. For the purpose of this section, yard width shall be determined by measurement from the mobile home site boundary which, every point shall not be less than the minimum width herein provided. Open patios, carports and individual storage facilities shall be disregarded in determining yard widths. Enclosed all-weather patios shall be included in determining yard widths. The front yard is that yard which runs from hitch end of the mobile home to the nearest site line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the front and rear ends.

7. From all pads, the following minimum distances shall be maintained:
 - Fifty (50) feet to the boundary of such park which is not a public street;
 - One hundred (100) feet to the right-of-way of any public street or highway;
 - Fifteen (15) feet to any collector street of such park (parking bay, local drive, or central parking drive is not a collector street). A park collector street is that roadway which carries traffic from local park streets, drives and parking areas to public street(s) outside the park;
 - Eight (8) feet to any common walkway or local drive of such park;
 - Fifty (50) feet to any parking area signed for general parking in such park (general parking defines parking bays for other than park residents);
 - Fifty (50) feet to any service building in such park.
8. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy the space required by yard setback dimensions.
9. Each mobile home site shall be provided with a stand consisting of a solid concrete pad not less than four (4) inches thick, and not less than the length and width of the mobile home that will use this site. This pad will be so constructed, graded, and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.
10. Each mobile home shall be supported on uniform jacks or blocks. In addition, each mobile home shall have tie-downs or anchors securing both ends and sides.
11. Alternative pad and support mechanisms (in lieu of items 9 and 10 may be approved by the Planning Commission upon request if accompanied by sketches or other documentation.)
12. An all weather hard surfaced outdoor patio area of not less than one hundred and eighty (180) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior space of a mobile home.
13. Storage of goods and articles underneath any mobile home or out of doors at any mobile home site shall be prohibited.
14. Uniform skirting of each mobile home base shall be required, within thirty (30) days after initial placement, such skirting shall be of twenty-six (26) gauge solid sheet metal, aluminum or other non-corrosive metal or material of equal strength and so constructed and attached to this mobile home so as to deter and prevent entry of rodents, insects.
15. Canopies and awnings may be attached to any mobile home and may be enclosed and used for recreation or sun room purposes. When enclosed for living purposes, such shall be considered as part of the mobile home and a permit required, issued by the Village Building Inspector, before such enclosure can be used for living purposes.
16. On-site outdoor laundry space of adequate area and suitable location, shall be provided if park is not furnished with indoor dryers. Where outdoor drying space is required or desired, individual clothes drying facilities on each site of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete-imbedded socket at side.
17. All mobile homes within such parks shall be suitably connected to common sewer and water services provided at each mobile home site.
 - All sanitary sewage facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard. Sewage facilities shall be of such capacity to adequately serve all users of park at peak periods. Running water from a state tested and approved supply, designed for a minimum flow of two hundred (200) gallons per day per mobile home site shall be piped to each mobile home.
 - Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.
18. Disposal of garbage and trash.
 - All garbage and trash containers shall be placed in a conveniently located similarly designed enclosed structure(s). The removal of trash shall take place not less than once a week. Individual incinerators shall be prohibited.
 - The method used for such removal shall be approved by the State and inspected periodically by the

Calhoun Health Department.

19. Every mobile home shall be equipped at all times with fire extinguishing equipment in good working order of such type and size so as to satisfy regulations of the State Fire Marshal and the Township, City, and/or Village Fire departments.
20. All electric, telephone, and other lines from supply poles outside the park or other sources to each mobile home site shall be underground.
21. Any common fuel oil and/or gas storage shall be centrally located in underground tanks, at a distance away from any mobile home site as it is found to be safe. All fuel lines leading to park and to mobile home sites shall be underground and so designed as to conform to the Village Building Code and any State Code that is found to be applicable in a uniform manner. The use of individual fuel oil or propane gas storage tanks to supply each mobile home separately is prohibited.
22. A buffer of trees and shrubs not less than twenty (20) feet in depth shall be located and maintained along all boundaries of such park excepting at established entrances and exits serving such park. When necessary for health, safety and welfare, a fence shall be required, to separate park from an adjacent property.
23. Any and all plantings in the park shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant material shall be replaced within a reasonable period of time but not longer than one growing season.
24. A recreation space of at least three hundred (300) square feet of land per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any mobile home site served. Streets, sidewalks, parking areas and accessory buildings are not to be included as recreation space in computing the necessary area.
25. All roads, driveways, motor vehicle parking spaces shall be paved and constructed as to handle all anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles. All roads and driveways shall have curbs and gutters.
26. Two automobile parking spaces shall be provided within one hundred and fifty (150) feet of each mobile home site. In such park there shall be provided additional automobile parking spaces in number not less than the number of mobile home sites within such park. Central storage of all non-passenger type vehicles including trucks rated over 3/4 ton capacity and trailers shall be properly screened as not to be a nuisance and such park central storage shall not be closer than fifty (50) feet to any mobile home when such storage is allowed in the mobile home park. Each parking space shall have a minimum width often (10) feet and twenty (20) feet in length.
27. Minimum widths of roadways (curb face to curb face) shall be as follows:

(1) Motor Vehicle Parking	(2) Traffic Use	(3) Minimum Pavement Width (curb face to curb face)
Parking prohibited	2-way road	22 feet
Parallel parking		
1 side only	I-way road	22 feet
Parking prohibited	I-way road	22 feet
Parallel parking		
2 sides	I-way road	29 feet
Parallel parking		
2 sides	2-way road	40 feet

28. When a cul-de-sac drive is provided, the radius of such roadway loop should be a minimum of fifty (50) feet, curb face to curb face with the drive length a maximum of three hundred (300) feet.
29. Walkways shall not be less than four (4) feet in width excepting that walkways designed for common use of not more than three mobile home sites shall be not less than three (3) feet in width.
30. When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so place as not to be a nuisance to park residents or surrounding areas.
31. Park owners and management are required to maintain the physical and natural facilities and features of

the park in neat, orderly, safe manner.

f. **UNIQUE CHARACTER DESIGNS.**

1. Purpose and interest. In the event an applicant of a site plan approval desires unique flexibility in a mobile home park design that can be obtained from a unique character of development' and still conform to the purpose and intent of this ordinance even though the proposal does not comply with all provisions, one may apply for such by stating so on the site plan application. Qualification for such unique character design shall be determined by the Village Planning Commission upon review of the preliminary sketch plan.
2. Park standards shall be in accordance with the provisions under "Required Development Standards," except for the following:
 - An added degree of flexibility may be granted in the placement and inter-relationship of mobile home sites within the mobile home park. A gross density of not more than eight (8) mobile home sites per any single acre, within park shall be maintained. No site shall be less than five thousand (5,000) square feet, with the five thousand (5,000) square feet general standard being used for recreation purposes.
3. An added degree of flexibility may be granted in the yard dimensions of a mobile home site in the following manner:
 - There shall be unobstructed open spaces of at least fifteen (15) feet between the sides or end and sides of adjacent mobile homes for the full length of the mobile home, and at least ten (10) feet of unobstructed open space between the ends of the mobile homes.
 - No window of any mobile home shall open onto any other mobile home face unless such dimension between mobile homes is at least fifteen (15) feet.
 - No main doorway of any mobile home shall open onto another mobile home main doorway unless such dimension between mobile homes is at least thirty (30) feet.

g. **PERMITS.** The application for the installation or construction of a mobile home park shall be accompanied by a deposit of five hundred (\$500) dollars to defray the expense of hearings, publications, and reports by engineers and other experts in assistance to the Village in its consideration of said application. The issuance of a permit shall entitle a proprietor to continue to operate a mobile home park so long as he remains in compliance with the regulatory ordinances of the Village and the State of Michigan. The permittee under the terms of this ordinance does by application for such a permit expressly grant to the Council for enforcement of this ordinance, power and authority to enter upon the premises of such mobile home park at any time for the purpose of inspection and enforcement of this or any other Village Ordinance applicable to the conduct and operation of mobile home parks. The applicant will be refunded the unexpended portion of the deposit within ninety (90) days of the final decision of the Council.

h. **REVOCATION OF PERMITS.** In the event a mobile home park shall violate any of the regulations of the ordinance or any other ordinances applicable to the conduct and operation of a mobile home park, he shall be ordered to show cause before the Village Council at an open public meeting why his permit shall not be revoked, and if it shall appear that the proprietor has violated any of the provisions of the Village applicable to the conduct and operation of a mobile home park, his permit shall be revoked and he shall cease to operate, or a civil penalty of not to exceed one hundred (\$100.00) dollars per day for each day of violation will be imposed. When violation has been corrected in conformance with provisions of this ordinance, a new permit must be issued.

Sec. 10.08. DRIVE-IN THEATRES AND TEMPORARY TRANSIENT AMUSEMENT ENTERPRISES. In addition to as an integral part of development, the following provisions shall apply:

- a. Drive-in theaters shall be enclosed for their full periphery with an opaque fence at least seven (7) feet in height. Fences shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
- b. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line. In addition, the Planning Commission may require a greenbelt in accordance with the provisions of Article 6.
- c. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfares. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

Sec. 10.09. GASOLINE AND SERVICE STATIONS. Any gasoline service station or filling station in any district

shall conform at least to the following regulations. Where the intensity regulations for any district in which a gasoline service station is located are more restrictive than the regulations contained hereinafter, all gasoline service stations or filling stations shall conform to the more restrictive dimensional requirements.

- a. **FRONTAGE AND AREAS.** Every gasoline service station shall have a minimum frontage of one hundred and twenty (120) feet and a minimum area of twelve thousand (12,000) square feet.
- b. **SETBACKS.** Every structure erected for use as a gasoline service station shall have a minimum setback from the street right-of-way of thirty-five (35) feet and a minimum setback from all property lines of twenty-five (25) feet.
- c. **CONSTRUCTION STANDARDS.** All vehicles service areas shall be constructed to conform to the following standards:
 1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands. Where the portion of the property used for vehicular traffic abuts a street, said portion shall be separated from the street line by a curb at least six (6) inches high.
 2. The entire area used for vehicle service shall be paved, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
 3. Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting may be carried out within the premises.
 4. The maximum widths of all driveways at the sidewalk shall be no more than thirty (30) feet.
 5. Minimum angle of driveway intersection with the street from the curb line to lot line shall be no less than sixty (60) degrees.
 6. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.
 7. The minimum distance between curb cuts shall be no less than forty (40) feet.
- d. **LIGHTING.** All lighting shall be accomplished in a manner such that no illumination source causes nuisance to adjacent properties.

Sec. 10.10. CAMPS AND LODGES. Including private and semi-private camps, and lodges for active and passive recreation uses, provided that such activity shall be permitted as a conditional use only in the LDR-Low Density Residential District and the OC-Open Space and Water-Body Conservation District and shall comply with the following provisions:

- a. No commercial activity shall be conducted on the premises, except as an accessory use.
- b. Such use shall be located on a site of not less than one (1) acre in size.
- c. Building shall not exceed thirty (30) feet in height, and shall be located no nearer to any property line than forty (40) feet. Yards may be utilized for parking provided that such parking shall not be closer than ten (10) feet to any side or rear property line, nor twenty (20) feet to any street or highway right-of-way line.
- d. Parking areas located adjacent to any residential or institutional use shall be screened from such use by an approved fence, or masonry wall of not less than four (4) feet or greater than eight (8) feet in height. In lieu of a separate fence or masonry wall, an evergreen hedge that effectively screens the parking area from adjacent properties may be planted and maintained at a height of not less than four (4) feet.

Sec. 10.11. PLANNED UNIT RESIDENTIAL DEVELOPMENTS (PURD). The owner or owners of any tract of land in the LDR or MDR districts comprising an area of not less than five (5) acres may submit to the Village Planning Commission a site plan for the use and development of the tract of land as Planned Unit Residential Development (PURD).

- a. **REQUIRED STANDARDS FOR APPROVAL.**
 1. The maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the underlying district or districts in which the PURD site is located. Net development area is determined by subtracting water, muck and peat areas, and areas set aside for churches, schools and similar facilities and the area proposed for streets from the gross development area. The area of land set aside for common land, open space, or recreation, except as above indicated, shall be included as a part of the net development area.
 2. The proposed development will be served adequately by essential public facilities and service, such as: highways, streets, police and fire protection, drainage structures, refuse disposal; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately, any

such service. Public sewer systems shall service the development.

3. The proposed unit is of such size, composition, and arrangement that its construction and marketing operation is a complete unit, without dependence on any subsequent unit of development.
 4. The common open-space, any other common properties, individual properties, and all other elements of the Planned Unit Residential Development are so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably relocated to each other, the site, and surrounding land.
 5. In view of the "conditional use" nature of the PURD amendment procedure, deed restrictions and covenants entered into, or proposed to be contracted for, by the developer become an appropriate consideration of the Village Planning Commission. The Planning Commission shall consider the manner in which the lawful zoning techniques in attaining the objectives of the PURD amendment and may make its recommendations conditional upon these contractual relations between private parties, or may recommend procedures whereby the Village becomes a party to such contractual relations.
- b. **REQUIRED PROVISION IN SITE PLAN.** . The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of residential units, accessory uses, thereto, and public facilities as may be necessary for the welfare of the Planned Unit Residential Development and not inconsistent with the best interests of the entire Village. The applicant may be required to dedicate land for street or park purposes and, by appropriate covenants, to restrict areas perpetually (or for the duration of the Planned Development) as open space for common use. The development as authorized shall be subject to all conditions of this ordinance only to the extent specified in the authorization.
- c. **TENTATIVE COUNCIL APPROVAL.** The Council, upon receipt of the proposed plan, may then give tentative approval to such plans, incorporating with the approval such conditions as the Council deems appropriate and in harmony with the general spirit of this ordinance to promote the public health, safety, morals, convenience and general welfare. The applicant shall then review his application and plan in final approved form and sign a statement that the Planned Unit Residential Development Plan in its final form shall be binding on the applicant, his heirs, successors, and assigns.
- When the Council gives final approval, conditional use permit shall be issued for the Planned Unit Residential Development even though the size of lots, the depth of yards and the required distance between grouped buildings and the building height, may not conform in all respects to the regulations of the district in which the project is to be located.

Sec. 10.12. PLANNED NEIGHBORHOOD SHOPPING CENTERS. Such centers shall be permitted as a conditional use in the commercial districts and shall comply with the following provisions:

- a. **USES PERMITTED.** Any use permitted in the commercial district.
- b. **SITE DEVELOPMENT.**
 1. Such development shall occupy a site of not less than three (3) acres with not less than three hundred (300) feet of street frontage.
 2. No building shall be located nearer to any noncommercial property line of the neighborhood center than a distance equal to twice the height of said building.
 3. No building shall exceed the height limitation specified in the zoning district in which it is located.
- c. **SCREENING.** When such development is located in or adjacent to a Residential District, or when located adjacent to a school, hospital, church, or other public institution or open space, an approved fence or masonry wall of not less than four (4) feet nor greater than six (6) feet in height shall be erected and maintained along all property lines abutting such District or use. In lieu of a separate fence or masonry wall, an evergreen hedge that effectively screens the parking area from adjacent properties may be planted and maintained at a height of not less than four (4) feet.
- d. **LIGHTING.** All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- e. **VEHICULAR APPROACH.** Driveways and approaches to the property shall be so designed and located as to create minimum interference with traffic on the surrounding public streets. No more than two (2) driveways each, not to exceed thirty (30) feet in width at the property line shall be permitted on each street frontage of the property. Such driveways shall be located as far from street intersections as practicable, but in no case less than fifty (50) feet.
- f. **PARKING AND CIRCULATION.** There shall be provided no less than four (4) square feet of parking and

circulation space for everyone (1) square foot of leasable floor area within the center. On site circulation facilities shall be designed so that there shall be no backing up of traffic into public streets. All areas accessible to traffic shall be paved and maintained so as to provide a smooth, dustless, and well drained surface. Such areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

Sec. 10.13. PLANNED COMMUNITY AND REGIONAL SHOPPING CENTERS. Such centers shall be permitted as a conditional use in the C-3 district only and shall comply with the following provisions:

- a. **USES PERMITTED.** Any use permitted in the commercial districts, with the addition of the following:
 1. Temporary exhibitions and special civic events, provided that they shall be conducted in spaces designed for such purposes, and that they shall not be operated for profit.
 2. Recreational facilities incidental to the principal operation of the center and of a nature normally out-of-doors, provided that there shall be no admission charge for such activities.
- b. **SITE DEVELOPMENT.**
 1. Such development shall occupy a site of not less than ten (10) acres with a minimum street frontage of one thousand (1,000) feet.
 2. No building shall be located nearer to any property line of the center than a distance equal to twice the height of said building, provided that no building shall be located nearer to any street or highway right-of-way line than fifty (50) feet.
- c. **SCREENING AND TRANSITION.** When such development is located in or adjacent to a Residential District, or when located adjacent to a school, hospital, church, or other public institution, or open space, a landscaped strip of land not less than two hundred (200) feet in width shall be provided and maintained on all sides of the site. This strip shall serve as a transition between the shopping center and adjacent properties, and no part of which shall be utilized for any functions of the shopping center, except that no more than one hundred (100) feet of said strip width on the interior side of the shopping center property may be used for parking. Such strip shall be occupied by plant materials and/or approved fences or masonry walls not exceeding six (6) feet in height. The plans and specifications for the development shall include the proposed design of said transition strip.
- d. **LIGHTING.** All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- e. **SIGNS.** All signs shall conform to the provisions of Article 8 with the addition of one (1) sign located on each street frontage and not exceeding one hundred (100) square feet in area identifying the shopping center. Such sign may be illuminated but not be an intermittent source.
- f. **VEHICULAR APPROACH.** Driveways and approaches shall be so designed and located as to create minimum interference with traffic on the surrounding public streets. No more than two (2) driveways, each not to exceed thirty (30) feet in width at the property line shall be permitted on each street frontage of the property. Such access shall be provided from major streets and highways which are fully capable of accommodating the maximum traffic anticipated to be generated by the center without undue interference with through traffic on such streets or highways. Driveways shall be located as far from street intersections as practicable, but in no case less than one hundred (100) feet.
- g. **PARKING AND CIRCULATION.**
 1. There shall be provided no less than four (4) square feet of parking and circulation space for everyone (1) square foot of leasable floor area within the center.
 2. Any individual parking space in the center shall be accessible by clearly demarcated pedestrian walks from the shopping area, which shall not intersect a vehicular way more than once.
 3. Automobile and truck service traffic shall be separated from one another to the fullest possible extent.
 4. On-site circulation facilities shall be designed so that there shall be no backing up of traffic into public streets.
 5. All areas accessible to vehicles shall be paved and maintained so as to provide a smooth, dustless, and well-drained surface.
 6. Parking areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

Sec. 10.14. ESSENTIAL SERVICE BUILDINGS. In every zoning district, except industrial, the following essential service buildings shall be required to have a conditional use permit prior to their construction; transformer sub-stations, pumping stations, communications relay stations, gas and steam regulating valves and stations and

buildings of similar function.

- No building shall be used for human occupancy.
- An opaque fence or screening material may be required by the village when deemed necessary.

ARTICLE 11

LDR – LOW DENSITY RESIDENTIAL DISTRICT

Sec. 11.01. **PURPOSE.** The purpose of this district is to promote and encourage suitable environments for low density family life until such time as it may be in the public interest to promote development of greater intensity requiring higher levels of public services and utilities.

Sec. 11.02. **PERMITTED USES.** The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district:

- a. Single-family dwelling and any use, building or structure accessory thereto.
- b. A sign in accordance with the requirements specified in Article 8.
- c. Essential service structures except as provided in Section 10.14.

Sec. 11.03. **CONDITIONAL USES.** The following buildings and structures and uses of parcel, lots and structures are permitted in this district subject to obtaining a conditional use permit as provided in Article 10.

- a. Golf course, which may include a golf driving range; country club, public swimming pool, swimming and recreation club, public and private park and playground.
- b. Churches and public buildings.
- c. Public and Private nursery; primary and secondary.
- d. Home Occupations. Customary home occupations such as hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one (1) physician, surgeon, dentist, attorney, architect, engineer or similar professional practitioner provided that such home occupation shall satisfy the following conditions:
 1. The non-residential use shall be only incidental to the primary residential use of the property.
 2. The home occupation shall be limited to the principal structure only and utilize no more than thirty (30) percent of the total floor area of any one story of the structure so used.
 3. The home occupation shall involve not more than one (1) employee other than members of the immediate family residing on the premises.
 4. All activities shall be conducted indoors.
 5. Limited structural alterations or additions, either interior or exterior, may be permitted in order to accommodate a home occupation.
 6. There shall be no external evidence of such occupation except a small announcement sign as specified herein.
 7. No home occupation shall be permitted which is injurious to the general character of the residential district and which creates hazardous or unhealthy conditions.
 8. For the purposes of this provision, principal and accessory farm operations shall not be considered home occupations.
- e. Temporary buildings or trailer offices.
- f. Mobile Home Park as described in Article 10.
- g. Planned unit residential development.

(LOW DENSITY RESIDENTIAL / OFFICE - PROFESSIONAL USE DISTRICT)

- h. Offices, funeral homes, real estate and insurance sales, professional and personal services (not including sale of goods or merchandise). These uses must satisfy all ordinance provisions and the following conditions:
 1. Property frontage must be on a roadway of at least four lanes (not including lanes designated for parking).
 2. No sales of goods or merchandise shall be permitted.
 3. Sign regulations as required in Article 8 shall be complied with.
 4. Off-street parking and loading as required in Article 9 shall be provided.

Sec. 11.04. **REGULATIONS.** The following regulations shall apply in all LDR – Low Density Residential Districts.

- a. No single-family dwelling or accessory uses thereto shall be established in the district on any lot less than twelve thousand (12,000) square feet. All other uses shall have a lot not less than one (1) acre.
- b. The minimum lot width shall be ninety (90) feet.
- c. The maximum lot coverage shall not exceed twentyfive (25) percent.
- d. Yard, requirements.

1. Front yard: Not less than thirty (30) feet.
 2. Side yards: The least width of either side yard shall be twenty (20) feet, except in the case of a corner lot where the side yard on the road or street shall conform to the average front yard of dwellings on such road or street.
 3. Rear yards: Not less than ten (10) feet.
 4. The above building requirements shall apply to every lot, building or structure.
- e. Height.
1. For buildings and structures: No building and no structure shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet.
 2. For detached accessory buildings: No detached accessory building shall exceed a height of twenty-five (25) feet.
- f. A mobile home shall be considered a dwelling unit, containing not less than seven hundred and twenty (720) square feet of floor area.
1. Each mobile home site shall be provided with a stand consisting of a solid concrete pad, at least four (4) inches in thickness, and not less than the length and width of the mobile home that will occupy this site. This pad will be so constructed, graded and placed to be durable and adequate for the support of the maximum anticipated load during all seasons. Each home shall be supported on uniform jacks and blocks.
 2. Each mobile home shall be equipped with tie-downs meeting the following specifications: concrete shall be poured to form blocks, eight (8) inches in diameter and forty-eight (48) inches in depth, at or below ground level; dead-man anchors, six (6) inches in depth, shall be imbedded in each block; anchor rods shall be five-eighths (5/8) inches in diameter, with surface end welded to form an eye; ties shall extend from anchor eyes on one side to corresponding eye on the opposite side; ties shall be of galvanized steel straps one and one-quarter (1 1/4) inches by thirty-five thousandths (.035) of an inch, or galvanized or stainless (3/8) inches diameter, or galvanized steel aircraft cable one-fourth (1/4) inch in diameter, or larger. There shall be at least four (4) tie-downs for each side, with the end ties as close to end of home as possible and practical. Block and stand-off brackets, with strap or cable retainers, shall be used at studs and rafters.
 3. Uniform skirting shall be required within thirty (30) days after initial placement of the structure. This must be of twenty-six (26) gauge solid sheet metal, aluminum or other noncorrosive metal or material of equal strength, and so constructed and attached as to deter and prevent entry of rodents, insects and/or other undesirable intruders.
 4. All site and use preparations must be complete, and approved by building inspector, before a mobile home may be moved onto the lot.
- g. Off-Street parking: As required in Article 9.

Cross reference-Mobile home standards in flood hazard area, 20.06.

ARTICLE 12

MDR – MEDIUM DENSITY RESIDENTIAL DISTRICT

Sec. 12.01. **PURPOSE.** The purpose of this district is to provide a stable environment for medium to high density residential areas with suitable open space. This district shall generally be located on the fringe of urban-type development. The district allows flexibility of lot size dependent upon the availability of public sewer and water services.

Sec. 12.02. **PERMITTED USES.** The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- a. Single-family dwelling and any use, building or structure accessory thereto.
- b. Two-family dwelling and any use, building or structure accessory thereto.
- c. Mobile home.
- d. A sign, only in accordance with the regulations specified in Article 8.
- e. Essential service structures, except as provided in Section 10.14.

Sec. 12.03. **CONDITIONAL USES.** The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in Article 10.

- a. Golf course.
- b. Country club, public swimming pool, and recreation club, private and public park and playground.
- c. Churches and public buildings
- d. Public and private nursery; primary and secondary school.
- e. Mobile Home Park.
- f. Home occupation as prescribed in section 11.03d.
- g. Planned unit residential development.
- h. Home retail business. Businesses for the sale of retail items, including, but not limited to; crafts, antiques and collectibles or fishing bait and tackle, provided that such business satisfy the following conditions:
 1. The business is operated entirely within the dwelling unit or a garage or shed belonging to that dwelling unit.
 2. No separate entrance to the dwelling unit shall be constructed for said business.
 3. The business shall not utilize more than twenty (20) per cent of the gross floor area, but not exceed three hundred (300) square feet in the dwelling unit, and/or shall be contained totally within the interior of the garage or shed.
 4. No structural alteration shall be made to accommodate the business which substantially reduces the marketability of the property as a residential dwelling.
 5. The business shall conform to all relevant laws, ordinances, regulations, and codes, especially those concerning health and safety.
 6. The business shall not display or create outside the building any externally visible evidence of the operation of a home occupation, except the placement of one sign in accordance with the regulations specified in Article 8, Section 8.03f.
 7. No person or persons may own or operate said business unless they physically reside within the premises containing the business.
 8. The business may not generate more vehicular traffic than can be parked simultaneously along the premises street frontage and the premises driveway.
 9. Upon documented proof by adjacent property owners or residents that the business is causing undue disturbance or interruptions in their reasonable and normal enjoyment of their premises, the owner may be required by the Village to erect a fence, wall or greenbelt buffer to alleviate the condition.

Sec. 12.04. **REGULATIONS.** The following regulations shall apply in all MDR - Medium Density Residential Districts:

- a. Lot area. There shall be provided a minimum of eight thousand (8,000) square feet of lot area for each single-family dwelling unit and fifteen thousand (15,000) square feet of lot area for each two-family dwelling unit. The minimum lot area for all other buildings and structures shall be one (1) acre.
- b. Lot width. The minimum lot width shall be sixty-six (66) feet.
- c. Lot coverage. The maximum lot coverage shall not exceed thirty-five (35) per cent.
- d. Yard requirements.

1. Front Yard: Not less than twenty-five (25) feet.
 2. Side Yard: Least width of either yard shall not be less than eight (8) feet, but the sum of the two side yards shall not be less than twenty (20) feet; except in the case where the side yard on the road or street side shall not be less than twenty-five (25) feet.
 3. Rear yard: Not less than ten (10) feet.
 4. The above requirements shall apply to every lot, building or structure.
- e. Height. The following height requirements shall apply in this district:
1. For buildings and structures: No building and no structure shall exceed a height of two and one-half (2 1/2) stories, but not exceeding thirty-five (35) feet.
 2. For Detached Accessory Buildings: No detached accessory building shall exceed a height of twenty-five (25) feet.
 3. The height requirements established by the Ordinance shall apply uniformly to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance; spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio and television receiving antennae, communication towers and antennae.*
- * In districts where allowed as primary or conditional use.
- f. A mobile home shall be considered a dwelling unit, containing not less than seven hundred and twenty (720) square feet of floor area.
1. Each mobile home site shall be provided with a stand consisting of a solid concrete pad, at least four (4) inches in thickness, and not less than the length and width of the mobile home that will occupy this site. This pad will be so constructed, graded and placed to be durable and adequate for the support of the maximum anticipated load during all seasons. Each home shall be supported on uniform jacks and blocks.
 2. Each mobile home shall be equipped with tie-downs meeting the following specifications: concrete shall be poured to form blocks, eight (8) inches in diameter and forty-eight (48) inches in depth, at or below ground level; dead-man anchors, six (6) inches in depth, shall be imbedded in each block; anchor rods shall be five-eighths (5/8) inches in diameter, with surface end welded to form an-eye; ties shall extend from anchor eyes on one to corresponding eye on the opposite side; ties shall be of galvanized steel straps one and one-quarter (1 1/4) inches by thirty-five thousandths (.035) of an inch, or galvanized or stainless steel woven wire cable at least three-eighths (3/8) inches diameter, or galvanized steel aircraft cable one-fourth (1/4) inch in diameter, or larger. There shall be at least four (4) tie-downs for each side, with the end ties as close to end of home as possible and practical. Block and stand-off brackets, with strap or cable retainers, shall be used at studs and rafters.
 3. Uniform skirting shall be required within thirty (30) days after initial placement of the structure. This must be of twenty-six (26) gauge solid sheet metal, aluminum or other non-corrosive metal or material of equal strength, and so constructed and attached as to deter and prevent entry of rodents, insects, and/or other undesirable intruders.
 4. All site and use preparations must be complete, and approved by building inspector, before a mobile home may be moved onto the lot.
- g. Required Off-Street Parking - as required in Article 9.

Cross reference-Mobile home standards in flood hazard area, 20.06.

ARTICLE 13
MF - MULTIPLE FAMILY RESIDENTIAL DISTRICT

Sec. 13.01. PURPOSE. The purpose of this district is to provide for various types of multiple-family residential dwellings and group developments at a high density, but under specific density controls. The requirements of this district are intended to recognize that various forms of site development are desirable in order to provide a wide range of choices of living environments in order to prevent congestion of the public streets, reduce hazards to life and property, provide desirable light and air and to provide for adequate open spaces and basic amenities. These districts will generally be located in areas of concentrated urban development on or near major streets and will be served by urban facilities and services, particularly fire protection systems. There is no intent to promote these regulations, a district of lower quality or desirability than any other residential district; although a higher density of population and a greater variety of dwelling types are permitted herein.

Sec. 13.02. PERMITTED USES. The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district:

- a. Multiple dwellings.
- b. Group housing and garden apartment developments: two or more multiple dwelling structures may be constructed upon a single lot when a final site plan thereof is submitted to and approved by the Tekonsha Planning Commission, subject to the following conditions:
 1. Buildings shall be for residential purposes and customary accessory use only.
 2. Only public sewerage systems shall be utilized.
 3. Any site developed for group housing shall be no less than five (5) acres in gross area; shall be developed and maintained as one unified design; and shall remain under the ownership of an individual, association or corporation.
 4. All requirements for this district shall be complied with.
- c. Two-family dwellings.
- d. A sign in accordance with the requirements specified in Article 8.
- e. Essential service structures except as provided in Section 10.14.

Sec. 13.03. CONDITIONAL USES. The following building and structures and uses of parcels, lots, and structures are permitted subject to obtaining a conditional use permit as provided in Article 10.

- a. Golf course.
- b. Country club, public swimming pool and recreation club, private and public parks or playgrounds.
- c. Churches and public buildings.
- d. Public and private nursery, primary and secondary schools.
- e. Mobile Home Park.
- f. Planned unit residential development. .

Sec. 13.04. REGULATIONS.

- a. Lot area. In the MF -Multiple-Family Residential District, every multiple dwelling or group of buildings within a group housing development hereafter constructed or structurally altered shall be located on lots of no less area than specified in the following table, unless otherwise provided herein.
 1. Twenty thousand (20,000) square feet for the first dwelling unit of each multiple dwelling structure.
 2. Two thousand (2,000) square feet for each additional dwelling unit containing two (2) or more bedrooms.
 3. One thousand five hundred (1,500) square feet for each additional dwelling unit containing less than two (2) bedrooms.
- b. Lot width. All interior lots shall have a minimum width of two hundred (200) feet along the street upon which such lot principally fronts, except in the case where a curvilinear street pattern results in irregular shaped lots with non-parallel side lot lines, a lesser frontage width at the street line may be permitted, provided that in no case shall the frontage width be less than one hundred seventy-five (175) feet nor shall the lot width at the building line be less than two hundred (200) feet.
- c. Lot coverage. All buildings, including accessory buildings shall not cover more than thirty-five (35) per cent of the net area of land. In determining net area, the area used for private drives shall not be included, but parking areas shall be.
- d. Yard requirements.

1. Front yard: There shall be a front yard having a depth of no less than thirty-five (35) feet, provided that where established buildings shall be constructed with a front yard' of no less depth than the average front yard. For those buildings located on each side of, the proposed building; provided further that. This provision shall not be interpreted to require a front yard of more than forty (40) feet not less than twenty-five (25) feet.
2. Side yard: There shall be a minimum side yard of twenty (20) feet, provided that no building shall be located less than forty (40) feet from the boundary of any Single-Family Residential District, except in the case of a corner lot where the street side yard shall be no less than the minimum residential front yard requirement along such street.
3. Rear yard: There shall be a rear yard of no less than thirty-five (35) feet.
- e. Other yard and open space requirements. The following requirements shall apply to group housing projects when two or more garden apartment buildings, or mixture of housing types are located on the same lot.
 1. The minimum horizontal distance between buildings (that is, front to front, rear to rear, or front to rear, as the case may be) shall be fifty (50) feet for buildings one (1) story in height. The minimum distance between buildings may be decreased by as much as ten (10) feet toward one end if it is increased by an equal distance at the other or if the buildings are staggered in location so as to allow ample sunlight at ground level.
 2. The horizontal distance between ends of buildings shall be no less than twenty-five (25) feet. Where the end of one building is opposite the face or rear of another building the minimum horizontal distance between them shall be increased by no less than five (5) feet for each additional story in height of each building.
 3. The horizontal distance between corners of adjacent buildings that do not face one another or overlap in any way shall be no less than thirty (30) feet.
 4. Courts completely enclosed by building walls shall not be permitted, provided that screens or fences not exceeding eight (8) feet in height shall not be deemed enclosing features.
 5. Distance between wings of a building forming an open court shall not be less than the projection of such wings or less than the height of the highest wall of such wings, whichever is the greater. The depth of an open court formed by walls on three sides shall be not greater than one and one half (1 1/2) times the width of such court.
 6. No building shall be closer than twenty-five (25) feet to any street or private access drive neither shall any main entrance to a dwelling unit be closer than fifteen (15) feet to any street, private access road or parking area.
 7. Private access drives shall meet the following minimum requirements for safety and convenience:
 - a) All private drives and parking areas shall be paved. Minimum paved width of such streets shall be twenty-two (22) feet. Paved area for each parking space shall not be less than eight and one-half (8 1/2) feet in width, driveway or parking area. There shall be two (2) spaces provided for each dwelling unit.
 - b) No cul-de-sac shall be more than three hundred (300) feet in length. Minimum paved turning diameter of seventy-five (75) feet shall be provided at the terminus of each cul-de-sac.
 - c) No dwelling unit in a development shall be located farther than one hundred twenty-five (125) feet from a street or private access drive.
 8. Consistent modifications of the foregoing requirements may be made by the Tekonsha Village Planning Commission in order to accommodate site plans which are not conventional in design and to which these provisions do not apply; provided that such modifications shall not be less restrictive than those specified herein.

The requirements of Items 6, 7, and 8 above shall also apply to multiple dwelling site development.
- f. Maximum building height. No building or structure shall exceed thirty-five (35) feet in height. Accessory buildings shall not exceed fifteen (15) feet in height. The height requirements established by the Ordinance shall apply uniformly to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance; spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio and television receiving antennae, communication towers and antennae.*

* In districts where allowed as primary or conditional use.
- g. Minimum interior living space. The minimum space footage of interior living space, exclusive of any area contained within attached garages, porches, balconies, or common hallways, required for each family shall be as specified in the following schedule:
 1. Two-family dwellings: Five hundred fifty (550) square feet of floor area at ground level per family for single story dwellings, and three hundred sixty (360) square feet of floor area at ground level per family for

dwellings over one story in height provided that the total area shall not be less than five hundred fifty (550) square feet per family.

2. Multiple family dwellings of three or more dwelling units: The minimum square feet of living space shall include the following, in addition to a bath, utility room, storage space, and other general space requirements, and exclusive of closets, halls or offset entrances:

Number of Bedrooms	Living Room	Dining	Space Kitchen
1	150	40	55
2	160	50	60
3	180	60	65
4	200	80	75

First Bedroom	Second Bedroom	Third Bedroom	Fourth Bedroom
120			
120	110		
120	110	90	
120	110	90	90

ARTICLE 14
C-1 AND C-2 COMMERCIAL DISTRICTS

Sec. 14.01. **PURPOSE.** It is the purpose of these districts is to provide for convenient retail and personal service establishments catering to the day-to-day needs of residents in the community.

Sec. 14.02. **PERMITTED USES.** The following buildings and structures, and uses of lots, buildings and structures are permitted in these districts:

- a. Clothing and apparel services, including laundry pickup, automatic laundry, dressmaking, millinery, tailor shop, shoe repair shop;
- b. Food services, including grocery, meat market, bakery, restaurant, fruit market, self-service units but excluding drive-in amusement establishments;
- c. Personal services including barber shop, beauty salon, medical and dental offices, music studios, banks, and savings and loan associations;
- d. Retail services, including pharmacy, hardware, gift shop, dry goods and notions;
- e. Planned neighborhood shopping centers;
- f. Signs in accordance with regulations in Article 8;
- g. Accessory uses, buildings and/or structures;
- h. Essential service structures as required in Section 10.14.

Sec. 14.03. **CONDITIONAL USES.** The following buildings and structures, and uses of lots, buildings, and structures are permitted, subject to obtaining a conditional use permit as provided in Article 10:

- a. Animal hospital or clinic;
- b. Gasoline service stations;
- c. Temporary buildings or trailer offices;
- d. Sporting goods sales and services.

Sec. 14.04. **C-1 COMMERCIAL DISTRICT REGULATIONS.** The following regulations shall apply in C-1:

- a. Lot area. No building or structure shall be established on a lot less than 1,500 square feet in area.
- b. Lot width. The minimum lot width shall be twelve (12) feet.
- c. Lot coverage. The maximum lot coverage may be up to 100%.
- d. Yard and set-back. There shall be no requirements as to width or set-back space.
- e. Height. No building shall exceed forty-five (45) feet in height. The height requirements established by the Ordinance shall apply uniformly to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance; spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio and television receiving antennae, communication towers and antennae.*
* In districts where allowed as primary or conditional use.
- f. Parking requirements as specified in other districts shall not apply in C-1 district.

Sec. 14.05. **C-2 COMMERCIAL DISTRICT REGULATIONS.** Because the area comprising C-2 varies in certain respects from those found in C-1, regulations pertaining to lot size, width and coverage are different.

- a. Lot area. No building or structure shall be established on a lot of less than 4,000 square feet in area;
- b. Lot width. The minimum lot width shall be sixty-six (66) feet;
- c. Set-back. Front yard: not less than ten (10) feet; Side yard: least width of either side yard shall be five (5) feet, with the sum of both side yards not less than ten (10) feet; Rear yard: not less than five (5) feet; Corner yard: not less than ten (10) feet.
- d. Lot coverage. That area remaining after setback regulations have been met.

Permitted uses, purposes, requirements for conditional use permits and signs as in Article 8 apply in both C-1 and C-2 Commercial Districts.

ARTICLE 15
C-3 COMMERCIAL DISTRICT

Sec. 15.01. **PURPOSE.** It is the purpose of this district to provide for convenient retail and personal service establishments catering to the day-to-day needs of local residents and/or traveling public; and to encourage the future development of commercial enterprises within planned centers, rather than in scattered locations in residential areas.

Sec. 15.02. **PERMITTED USES.** All uses permitted in the C-1 and C-2 districts shall be permitted in the C-3 district. In addition, the following will be permitted:

- a. Gasoline service stations, including minor repair service;
- b. Hotel, motel;
- c. Drive-in retail and service establishments, excluding drive in amusement establishments;
- d. Sporting goods sales and service.

Sec. 15.03. **CONDITIONAL USES.** The following buildings and structures, and uses of lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in Article 10:

- a. New and used automobile sales and service;
- b. Places of entertainment, amusement and recreation such as dance hall, bowling alley, public swimming pool, drive-in theater, and establishments serving alcoholic beverages;
- c. Animal hospital or clinic;
- d. Temporary building or trailer office

Sec. 15.04. **REGULATIONS.** The following regulations shall apply in C-3 Districts:

- a. Lot area. No building or structure may be established on any lot less than 10,000 square feet in area.
- b. Lot width. The minimum lot width shall be 80 feet.
- c. Yard and set-back.
 - 1) Front: not less than twenty-five (25) feet; Side yard: least width of either side yard shall be not less than eight (8) feet, with sum of both side yards not less than twenty (20) feet; Rear: not less than twenty-five (25) feet; Corner: not less than twenty-five (25) feet;
 - 2) Lot coverage: That area remaining after setback and parking regulations have been met
 - 3) No building or structure shall exceed forty-five (45) feet in height. The height requirements established by the Ordinance shall apply uniformly to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance; spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio and television receiving antennae, communication towers and antennae.*

* In districts where allowed as primary or conditional use.

ARTICLE 16
LI – LIGHT INDUSTRIAL DISTRICT

Sec. 16.01. **PURPOSE.** This district is composed of those areas of the village whose principal use is or ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, and other harmful or obnoxious matter. This district has been located within the village to permit the development of these industrial uses, to protect adjacent agricultural, residential and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways.

To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district, have been excluded.

Sec. 16.02. **PERMITTED USES.** The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- a. Research oriented and light industrial park uses.
- b. The manufacturing, compounding process, or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical toiletries, and frozen food lockers.
- c. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.
- d. Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper; rags, cloth or other similar materials.
- e. Printing, lithographic, blueprinting and similar uses.
- f. Wholesale warehousing and material distribution centers, provided all products and materials are enclosed within a building.
- g. Light manufacturing industrial use which by nature of the materials, equipment and process utilized are to a considerable extent clean, quiet and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials: drugs; jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; advertising displays; tents and awnings; brushes and brooms; cameras and photographic equipment and supplies; wearing apparel: leather products and luggage but not including tanning products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell, or yarn.
- h. Research and testing facilities.
- i. An accessory use, building or structure.
- j. A sign, only in accordance with the regulations in Article 8.

Sec. 16.03. **CONDITIONAL USES.** The following buildings and structures and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in Article 10.

- a. Restaurants and cafeteria facilities for employees.
- b. Bus, truck, taxi and rail terminals.
- c. Open air display areas for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, small tools, pneumatic tired two- and four-wheeled utility trailers, such as household equipments, pneumatic-transit cement mixers, wheelbarrows, rollers and similar products or equipment.
- d. Airport.
- e. Gasoline service station.
- f. Banks.
- g. Temporary building or trailer office.
- h. Retail Sales Business
- i. Communications Tower (Communications Towers are permitted on any municipal owned property)
- j. **ADMDENED:** 5-16-12 Resolution 12-06Taxidermy was added as a conditional use. Must comply with all other building and business zoning ordinances.

Sec. 16.04. **REGULATIONS.** The following regulations shall apply in all LI - Light Industrial Districts.

- a. Lot Area. No building or structure shall be established on any lot less than one (1) acre in area, except where a lot is served with a central water supply system and a central sanitary sewerage system, in which case there

- shall be provided a minimum lot area of twenty thousand (20,000) square feet.
- b. Lot Width. The minimum lot width for lots served with a public water supply system and a public sanitary sewerage system shall be eighty (80) feet. Where a lot is not so served, the minimum lot width shall be one hundred and fifty (150) feet.
 - c. Lot Coverage. The maximum lot coverage shall not exceed twenty-five (25) percent.
 - d. Yard Requirements.
 - 1. Front Yard: Not less than eighty-five (85) feet.
 - 2. Side Yards: Least width of either yard shall not be less than twenty (20) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than thirty-five (35) feet.
 - 3. Rear Yard: Not less than thirty-five (35) feet.
 - 4. The above requirements shall apply to every lot, building or structure.
 - e. Height. Except as is otherwise provided in this ordinance, no building or structure should exceed a height of thirty-five (35) feet. The height requirements established by the Ordinance shall apply uniformly to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance; spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio and television receiving antennae, communication towers and antennae.*
* In districts where allowed as primary or conditional use.
 - f. Required Off-Street Parking. As required in Article 9.

ARTICLE 17
HI – HEAVY INDUSTRIAL DISTRICT

Sec. 17.01. **PURPOSE.** This is designed to provide the location and space for all manner of industrial uses, wholesale commercial and industrial storage facilities. It is the purpose of these regulations to permit the development of certain functions; to protect the abutting residential and commercial properties from incompatible industrial activities; to restrict the intrusion of nonrelated uses such as residential, retail business and commercial, and to encourage the discontinuance of uses presently existing in the district, which are non-conforming by virtue of the type of use. To these ends, certain uses are excluded which would interfere with the operation of the uses permitted in this district.

Sec. 17.02. **PERMITTED USES.** The following buildings, structures, and uses of parcels, lots, buildings and structures are permitted in this district.

- a. All permitted uses allowed in LI-Light Industrial Districts as provided in Section 16.02 of this ordinance.
- b. Contractor's establishment.
- c. Manufacturing.
- d. Trucking and cartage facilities, truck and industrial equipment storage yards, repairing and washing equipment and yards.
- e. Manufacturing product warehousing, exchange and storage centers and yards.
- f. Open industrial uses or industrial product or materials storage, provided that any activity in which products or materials being processed or stored are located, transported, or treated outside of a building and are not within enclosed apparatus vessels, or conduits, such use shall be provided with an opaque permanently maintained wall or fence, no lower than the subject use of storage, and constructed to provide firm anchoring of fence posts to concrete set below the frost line; if a wall is provided, its foundations likewise shall extend below the frost line.
- g. Wholesale businesses, including warehouse and storage, commercial laundries, dry cleaning establishments, ice and cold storage plants, lumber, fuel and feed yards, automobile repair garages, construction and farm equipment sales and contractor's equipment yards.
- h. An accessory use, building or structure.
1. A sign, only in accordance with the regulations specified in Article 8 of this ordinance.

Sec. 17.03. **CONDITIONAL USES.** Any industrial use not specified in Section 17.02 shall be considered a conditional use and subject to obtaining a conditional use permit as provided in Article 10.

- a. Communications Tower (Communications Towers are permitted on any municipal property)

Sec. 17.04. **REGULATIONS.** The following regulations shall apply in all HI - Heavy Industrial Districts.

- a. Lot Area. No building or structure shall be established on any lot less than five (5) acres in area.
- b. Lot Width. The minimum lot width shall be two hundred (200) feet.
- c. Lot Coverage. The maximum lot coverage shall not exceed twenty-five (25) percent.
- d. Yard Requirements.
 1. Front Yard: Not less than eighty-five (85) feet.
 2. Side Yard: Least width of either yard shall not be less than fifty (50) feet, except in the case of a corner lot, where the side yard on the road or street shall not be less than sixty (60) feet.
 3. Rear Yard: Not less than fifty (50) feet.
- g. Height. No building or structure shall exceed a height of fifty (50) feet. The height requirements established by the Ordinance shall apply uniformly to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance; spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio and television receiving antennae, communication towers and antennae.*
* In districts where allowed as primary or conditional use.
- h. Required Off-Street Parking. As required in Article 9.

ARTICLE 18
OC - OPEN SPACE AND WATERBODY CONSERVATION DISTRICT

Sec. 18.01. **PURPOSE.** It is recognized by this ordinance that the principal use of certain open areas within the village is and ought to be the development, management and utilization of the natural resource base possessed by these areas. In order that this value may be maintained and this use encouraged, this ordinance has established, based upon a well-considered plan, a zoning district design to regulate the location of buildings and structures and the use of parcels and lots in order to protect the natural resources; natural habitats of wildlife, waterways, and water bodies, agricultural, capabilities, public and private recreation areas, and the public health, safety and welfare by reducing the hardships and burdens imposed upon the people of the village by the wanton destruction of resources, the improper and wasteful use of open land, wooded areas and the periodic flooding and overflow of creeks and streams. In addition, this district will help protect human life, prevent or minimize material losses, and reduce the cost to the public of rescue and relief efforts occasioned by unwise occupancy or construction of buildings in areas subject to periodic inundation, such areas being shown as flood plain by soil types as compiled by the U. S. Soil Conservation Service.

Sec. 18.02. **PERMITTED USES.** The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district:

- a. Public and private conservation areas for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- b. A lot may be used for general and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs, and provided that any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or water.
- c. A lot may be used for the raising or growing of plants, trees, shrubs and nursery stock.
- d. Drives and parking areas.
- e. A sign, only in accordance with the regulations specified in Article 8.
- f. Essential service structures except as provided in Section 10.14.

Sec. 18.03. **CONDITIONAL USES.** The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in Article 10.

- a. Public or private forest preserve, game refuge, golf course, park, camping ground, playground or other recreation purpose.
- b. The growing, stripping and removal of sod, provided that said lot or portion thereof shall be seeded after stripping by fall of the same year in which it was stripped as to reduce the actual or potential erosion of soil by water or wind.
- c. The removal of soil, sand, gravel and other materials.
- d. Country clubhouse, swimming pool, bath house and the sale of food, beverages and recreation equipment which is incidental and accessory to a recreation use.
- f. All buildings and structures accessory and incidental to permitted uses in this district.
- g. Communications Tower (Communications Towers are permitted on any municipal property)

Sec. 18.04. **REGULATIONS.** The following regulations shall apply in all OC - Open Space and Water-Body Conservation Districts.

- a. Lot area. No building or structure shall be established on any lot less than five (5) acres in area.
- b. Lot width. The minimum lot width shall be three hundred (300) feet.
- c. Lot coverage. The maximum lot coverage shall not exceed ten (10) per cent.
- d. Yard and setback requirements.
 1. Front yard: Not less than sixty (60) feet from the right-of-way line.
 2. Side yards: Least width of either yard shall not be less than thirty (30) feet; except in the case of a corner lot where the side yard on the road or street side shall not be less than sixty (60) feet.
 3. Rear yard: Not less than fifty (50) feet.
 4. The above requirements shall apply to every lot, building or structure.
- e. Height. The following height requirements shall apply in this district:
 1. For all Buildings and Structures: No building or structure shall exceed three (3) stories or forty (40) feet.
 2. The height requirements established by the Ordinance shall apply uniformly to every building and

structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance; spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio and television receiving antennae, communication towers and antennae.*

* In districts where allowed as primary or conditional use.

- f. Required off-street parking. As required in Article 9.
- g. Preservation of Environmental Quality. As required in Article 6, and in a flood plain as indicated by soil types, the construction or location of bridges, outdoor equipment, bleachers, and similar outdoor equipment or appurtenances, storage of materials and equipment is prohibited unless such elements would not cause any significant obstruction to the flow, or reduction in the impoundment capacity of the flood plain.

ARTICLE 19
CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Sec. 19.01. RULES APPLYING TO TEXT. The following rules of construction apply to the text of this ordinance.

1. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
2. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
3. The word "building" includes the word "structure".
4. A "building" or "structure" includes any part thereof.
5. The word "person" includes a corporation as well as an individual.
6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
7. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

Sec. 19.02. DEFINITIONS. For the purposes of this ordinance the following terms and words are defined as follows:

1. Accessory building: A subordinate building, the use of which is clearly incidental to that of the principal building or to the use of the land and which is attached securely to a permanent masonry foundation or similar permanent footings.
2. Accessory use: A use subordinate to the principal use on a lot and used for purposes clearly incidental to those of the main use.
3. Agricultural: Includes purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry.
4. Alley: A public or legally-established private thoroughfare, other than a street, which affords a secondary means of access to abutting property, and not more than twenty (20) feet wide.
5. Alterations: Any change, addition or modification in construction, any change 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" .
6. Animated signs: Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.
7. Apartment: (See Dwelling, Multiple Family.)
8. Area, net site: The total area within the property lines of a project excluding external streets.
9. Automobile or trailer sales area: Any space used for display, sale or rental of motor vehicles or trailers, in new or used and operable condition.
10. Automobile repair: General repair, engine rebuilding or reconditioning of motor vehicles, collision service; such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.
12. Basement: That portion of a building which is below the first story, the ceiling of which is less than five (5) feet above the surrounding ground elevation at all points. Billboard: Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. This definition does not include any bulletin boards used to display official court or public office notices.
13. Building: Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents and awnings.
14. Building coverage: That percentage of the plot or lot area covered by the building area.
15. Building height: The vertical distance measured from the established sidewalk 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 set back from the street line the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided such average elevation shall not exceed the established sidewalk grade at the center of the front of the building by more than one (1) inch for each front foot that the building sets back from the front line.
16. Building permit: A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.
17. Church: A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and

uses customarily associated with such principal purpose.

18. Club or lodge, private: A non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee or similar body chosen by the members at a meeting. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of the alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.
19. Conditional use: A use which is subject to conditional approval by the Planning Commission. A conditional use may be granted when specified by this ordinance and for those uses not specifically mentioned. A permitted conditional use is not considered to be a nonconforming use.
20. Court: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.
21. Court, outer: A court enclosed on not more than three sides by exterior walls of a building, or by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.
22. District: A portion of the incorporated part of the Village within which certain regulations and requirements or various combinations thereof apply under the provision of this ordinance.
23. Drive-in: An establishment of the "drive-in" type is one which accommodates the patrons' automobiles in the off-street parking area accessory to the business from which the occupants may receive a service or obtain a product which may be used or consumed, in the vehicle, on the same premises.
24. Dwelling unit: A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities. Said dwelling unit shall be attached to and located upon a permanent masonry foundation.
25. Dwelling, one-family: A building designed exclusively for one dwelling unit.
26. Dwelling, two-family: A building designed exclusively for two dwelling units.
27. Dwelling, multiple-family: A building or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.
28. Essential services: The phrase "essential services" means the erection, construction, alteration, or maintenance of public utilities or municipal department or commissions of underground or overhead gas, electrical, steam, or water, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment, and accessories in connection therewith, but not including buildings, 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.
29. Family: One person, or group of two or more persons living together who may; or may not be interrelated by bonds of consanguinity, marriage, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common and a single set of culinary facilities. The persons thus constituting a family may also include foster children, gratuitous guests, and domestic servants. This definition does not include the occupants of a rooming or boarding house as a family unit.
30. Farm: All of the contiguous neighboring or associated land operated as a single unit on which bonafide agriculture is carried on directly by the owner-operator, manager, or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land be considered a farm hereunder shall include a continuous parcel of ten (10) acres or more in area.
- 30a. Flood Hazard
 1. "Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
 2. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.
 3. "Development" means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
 4. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1) the overflow of inland or tidal waters

- 2) the unusual and rapid accumulation of runoff of surface waters from any source
5. "Flood Hazard Boundary Map" (FHBM) means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.
6. "Harmful increase" means an unnaturally high stage on a river, stream, or lake, which causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.
7. "Flood plain" means any land area susceptible to being inundated by water from any source (see definition of flood).
8. "Mobile home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.
9. "New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.
10. "Structure" means a walled and roofed building that is principally above ground, gas, or liquid storage facility, as well as a mobile home.
11. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications, or (2) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.
31. Flood plain: That portion of land adjacent to a water body or water course which is subject to periodic inundation.
32. Floor area: The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building shall include the area of any floor when more than one-half (1/2) of the room height is above the established curb level, or above the finished lot grade level where curb levels have not been established. "Floor area" shall include elevator shafts, and stairwells at each floor, floor space used for mechanical equipment (except on the roof, penthouses, attic space having headroom of seven (7) feet, six (6) inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area".
33. Frontage: All the property fronting one (1) side of the street between intersecting or intercepting streets, or between a street intersecting and intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.
34. Garage, commercial: Any garage other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.
35. Garage, private: An accessory building not over one (1) story or fifteen (15) feet in height used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.
36. Gasoline service station: Any building, or premises used for the dispensation, sale or offering for sale at retail of any motor fuels, oils or lubricants. When the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.
37. Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
38. Group housing: Two or more multiple dwellings on a parcel of land under single ownership.
39. Highway: (See "Street Major")
40. Home occupation: An occupation that is traditionally or customarily carried on in the home, provided:
 - a. That such occupation is incidental to the residential use in the extent that not more than thirty (30) per cent of usable floor area of the principal building, or fifty (50) per cent of an accessory building shall be occupied by such occupation.

- b. That no article or service be sold or offered for sale on the premises except as is produced by such occupations.
 - c. That such occupation shall not require internal or external alterations or construction features or equipment or machinery not customarily located in residential areas. That there is no more than one (1) employee other than members of the resident family.
41. Hospital: An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities, and staff offices_
 42. Hotel; motel- A building containing primarily rooming units with the number of dwelling units being not greater than ten per cent (10%) of the total number of rooming units, and with the exception of the unit occupied by the management staff, used only for the accommodation of transients.
 43. Industrial park: A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.
 44. Junk yard: Any land or buildings where waste, used or second hand materials are bought and sold, exchanged, stored, baled, parked, disassembled, or handled including, but not limited to scrap iron and other metals, paper, rags, rubber tires; and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than fifty (50) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed building.
 45. Living space: That area within a structure intended, designed, erected or used for human occupancy; that is, the sum of the gross horizontal area of the floor in question of the building used for such occupancy, measured from the exterior faces of the exterior walls, from the center line of walls separating two buildings, from the center lines of interior walls, and excluding porches, garages, breezeways not usable the year around.
 46. Loading space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
 47. Lot: A parcel of land occupied or intended for occupancy by a use permitted in this ordinance including one (1) principal building together with its accessory buildings, and providing the open spaces, parking spaces and loading spaces required by this ordinance. Said parcel of land may consist of one or more lots of record according to any recorded plat, but for the purpose of this ordinance shall be deemed one parcel of it.
 48. Lot area. The total horizontal area within the lot lines of a lot.
 49. Lot, corner: A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purposes of this ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended from an interior angle of less than one hundred thirty-five (135) degrees.
 50. Lot, interior: Any lot other than the corner lot.
 51. Lot lines: The lines bounding lot as defined herein.
 Front lot line: In the case of interior lot, the line separating said lot from the street; in the case of a corner or double frontage lot, the line separating said lot from that street which is designated as the front street in the plot. In the case of lots bordering on a lake, river, or canal; the established water or shore line may be designated as the front of such lots.
 Rear lot line: The lot line opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. Side lot line: Any lot lines other than the front lot lines or rear lot lines.
 52. Lot coverage: That part or percent of the lot occupied by buildings or structures including accessory buildings or structures.
 53. Lot depth: The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.
 54. Lot width: The horizontal distance between the side lot lines, measured at the two points where the building line or setback intersects the side lot line.
 55. Master plan: The statement of policy by the Village Planning Commission relative to the agreed upon desirable physical pattern of future community development. Consists of a series of maps, charts, and written material representing in summary form the soundest conception to the community as to how it should grow in order to bring about the very best community living conditions.
 56. Mobile home: A dwelling unit which is a portable structure built on a chassis, and containing not less than seven hundred twenty (720) square feet of floor area.

57. Mobile home park: Any subdivision however designated, that is occupied or designated for occupancy by more than one mobile home and which conforms to the provisions of Act 243 of 1959.
58. Modular housing unit: A unit constructed solely within the factory in various sized modules which are then transported by flatbed, or other means, to the site where they are assembled on permanent foundations, to form single family dwellings which are either attached (in rows or clusters), stacked or detached.
59. Nonconforming building: A building or portion thereof, existing at the effective date of this ordinance, or amendments thereto, and which does not conform to the provisions of the ordinance or to the use regulations of the district in which it is located.
60. Nonconforming use: A use which lawfully occupied a building or land at the time this ordinance or amendments thereto became effective, and which does not conform to the use regulations of the district in which it is located.
61. Nursing or convalescent home: A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.
62. Off-street parking lot: 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 two automobiles.
63. Open space: Any space suitable for recreation, gardens, or household service activities such as clothes drying. Such space must be at least seventy-five (75) per cent open to the sky, free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is required.
64. Parking space: A land area of not less than ten (10) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be useable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley.
65. Planned Unit Development: This is a tract of land which includes two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas, and where the specific requirements of a given district may be modified, and where the minimum area is fixed. Such development shall be based on a plan which allows for flexibility of design not available under normal zoning district requirements.
66. Principal use: The main use to which the premises are devoted and the main purpose for which the premises exist.
67. Public park: Any park, playground, beach, outdoor swimming pool, parkway; within the jurisdiction and control of a government agency authorized by state statutes to own and maintain parks.
68. Public sewer system: A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely affecting the public health; operated and maintained by the general public.
69. Public utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.
70. Recreation area, private: All lands and structures which are owned and operated by private individuals, a business or corporation which is predominately intended to accommodate recreational vehicles and provide for outdoor recreational activities.
71. Recreational vehicles: All those small mobile units principally designed for recreation pastime such as motor homes, camper trailers, pick-up campers, pop-up tent trailers, and similar camping type vehicles or trailers.
72. Retail and retail store: Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.
73. Right-of-way: A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
74. Roadside stand: A permanent structure which is used seasonally for the sale of produce. The use of a roadside stand shall not constitute a commercial use.
75. Rooming house: A building, or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.
76. Rooming unit: Any room, or group of rooms, forming a single habitable unit used for living and sleeping, of which does not contain cooking or eating facilities.
77. Row house, (townhouse): An attached house in a row or group, each house containing not more than two

- dwelling units and each house separated from adjoining houses in the same row or group by common fire walls or fire separations.
78. Sanitary landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover at the conclusion of each days operation or at more frequent intervals as necessary; and maintained in accordance with the provisions of Act 87 of Public Acts of 1965 as amended.
 79. Setback: The minimum horizontal distance between the street, rear, or side lines of the lot and the front, rear or side lines of the building. When two or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining offsets.
 80. School: A building used for the purpose of elementary or secondary education, which meets all requirements of compulsory education laws of the State of Michigan, and not providing residential accommodations.
 81. Shopping center: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves.
 82. Signs: Any words, numbers, figures, devices, designs, or trademarks by which anything is made known, other than billboards, such as are used to show an individual, firm, professional business, and are visible from the exterior of the structure.
 83. Story: That part of a building, 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.
 84. Street: A thoroughfare which affords the principal means of access to abutting property.
 85. Street, major: A public way, the principal use of which is to provide an arterial route for through traffic and has as its secondary use the provision of access to abutting properties.
 86. Street, minor: A public way, the principal use of which is to give access to abutting properties.
 87. Structure: Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.
 88. Structural alteration: The erection, strengthening, removal, or other change of the supporting elements of a building, such as footings, bearing walls, beams, columns, and the like.
 89. Trailer coach: Same as Mobile Home.
 90. Trailer coach park: Same as Mobile Home Park.
 91. Usable floor area: The area for the purpose of computing parking and off-street loading and unloading space, is 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 or utilities shall be excluded from this computation of "usable floor area". Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.
 92. Use: The purpose for which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.
 93. Variance: A modification of the literal provisions of this ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.
 94. Yard: An open space on the same lot with the main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance:
Front yard: A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
Rear yard: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and nearest line of the main building.
Side yard: A yard between the main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line, to the nearest point of the main building.
 95. Zoning district: (See District).

ARTICLE 20 FLOOD HAZARD AREAS

Sec. 20.01. INTENT.

- 1) It is the purpose of this Article to significantly reduce hazards to persons and damage to property as a result of flood conditions in the Village of Tekonsha, and to comply with the provisions and requirements of the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, as published in the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976, and re-designated at 44 FR 31177, May 31, 1979.
- 2) Further, the objectives of this Article include:
 - a. The protection of human life, health, and property from the dangerous and damaging effects of flood conditions;
 - b. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;
 - c. The prevention of private and public economic loss and social disruption as a result of flood conditions;
 - d. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
 - e. To insure that the public has access to information indicating the location of land areas subject to periodic floodings; and
 - f. To preserve the ability of floodplains to carry and discharge a base flood.

Sec. 20.02. DELINEATION OF THE FLOOD HAZARD AREA OVERLAY ZONE.

- 1) The flood hazard area zone shall overlay existing zoning districts delineated on the official Village of Tekonsha Zoning Map. The boundaries of the flood hazard area zone shall coincide with the boundaries of the areas of special flood hazards (A zones) designated by the Federal Insurance Administration in the Flood Hazard Boundary Map (FHBM) No. H 01, dated October 24, 1975, and amendments thereto, which are adopted by reference, appended, and declared to be part of this ordinance. The term flood hazard area as used in this ordinance shall mean the flood hazard area zone.
- 2) Where there are disputes as to the location of a flood hazard area zone boundary, the Zoning Board of Appeals shall resolve the dispute in accord with section 3.02.
- 3) In addition to other requirements of this ordinance applicable to development in the underlying zoning district, compliance with the requirements of this Article shall be necessary for all development occurring within the flood hazard area zone. Conflicts between the requirements of this Article and other requirements of this ordinance or any other ordinance shall be resolved in favor of this Article, except where the conflicting requirement is more stringent and would further the objectives of this Article to a greater extent than the requirements of this Article. In such cases the more stringent requirement shall be applied.

Sec. 20.03. DEVELOPMENT PERMIT.

- 1) Development, including the erection of structures and placement of mobile homes, within a flood hazard area shall not occur except upon issuance of a zoning compliance permit in accord with the requirements of Section 2.04 and the following standards:
 - a. The requirements of this Article shall be met;
 - b. The requirements of the underlying zoning district and applicable general provisions of this ordinance must be met;
 - c. All necessary development permits shall have been issued by appropriate local, state and federal authorities including a floodplain permit, approval, or letter of no authority from Michigan Department of Natural Resources under authority of Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

Cross reference - Building permits, 2.04.

Sec. 20.04. GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION.

- 1) All new construction and substantial improvements within a flood hazard area, including the placement of

prefabricated buildings and mobile homes, shall:

- a. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
 - b. Be constructed with materials and utility equipment resistant to flood damage; and
 - c. Be constructed by methods and practices that minimize flood damage.
- 2) All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.
 - 3) All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
 - 4) All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
 - 5) Adequate drainage shall be provided to reduce exposure to flood hazards.
 - 6) The building inspector or his representative shall review development proposals to determine compliance with the standards in this section, and shall transmit his determination to the zoning administrator.
 - 7) Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.
 - 8) The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.
 - 9) Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by the Federal Insurance Administration shall take precedence over data from other sources.

Sec. 20.05. SPECIFIC BASE FLOOD ELEVATION STANDARDS.

- 1) On the basis of the most recent available base flood elevation data the following standards shall apply in the flood hazard area zone:
 - a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood level.
 - b. All new construction and substantial improvements of nonresidential structures shall have either:
 1. The lowest floor, including basement, elevated to or above the base flood level; or
 2. Be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the flood-proofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure. Such certification shall be submitted as provided in section 2.04 and shall indicate the elevation to which the structure is flood-proofed.
- 2) The most recent base flood elevation data received from the Federal Insurance Administration shall take precedence over data from other sources.

Sec. 20.06. MOBILE HOME STANDARDS.

- 1) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties in accord with the following specifications:
 - a. Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, except that on mobile homes less than 50 feet in length one tie per side shall be required.
 - b. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, except that on mobile homes less than 50 feet in length four ties per side shall be required.
 - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - d. All additions to a mobile home shall be similarly anchored.
- 2) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Tekonsha Village Clerk for all mobile home parks and mobile home subdivisions.

Cross reference-Mobile home regulations, 11.04, 12.04.

Sec. 20.09. DISCLAIMER OF LIABILITY.

1. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this article shall not be considered a guarantee or warranty of safety from flood damage.
This ordinance does not imply that areas outside the flood hazard area will be free from flood damage. This ordinance does not create liability on the part of the Village of Tekonsha or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

SUPPLEMENTS TO ADMINISTRATIVE DUTIES OF THE ZONING ADMINISTRATOR

Sec. 20.10. FLOODPLAIN MANAGEMENT ADMINISTRATIVE DUTIES.

1. With regard to the National Flood Insurance Program, and the regulation of development within the flood hazard area zone as prescribed in Article 20, the duties of the zoning administrator shall include, but are not limited to:
 - a. Notification to adjacent communities and the Department of Natural Resources of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration;
 - b. Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of flood-proofed structures, the elevation to which the structure was flood-proofed; and
 - c. Recording of all certificates of flood-proofing, and written notification to all applicants to whom variances are granted in a flood hazard area zone indicating the terms of the variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk, and may reach amounts in excess of \$25.00 for \$100.00 of insurance coverage per year. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
- 2) All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the zoning administrator and shall be open for public inspection.
- 3) It shall be the responsibility of the zoning administrator to obtain and utilize the best available flood hazard data for purposes of administering this ordinance in the absence of data from the Federal Insurance Administration.

Cross reference-Duties of Zoning Administrator, 2.03.

SUPPLEMENTARY PERMIT APPLICATION INFORMATION

Sec. 20.11. FLOOD HAZARD AREA APPLICATION INFORMATION.

1. In addition to the information required with an application for a zoning compliance permit, special use permit or any other type of development permission required under this ordinance, the following information shall be submitted as a part of an application for permission to commence any type of development within a flood hazard area zone:
 - a. The elevation in relation to mean sea level of the floor, including basement, of all structures;
 - b. Where flood-proofing will be employed, the elevation in relation to mean sea level to which a structure will be flood-proofed;
 - c. Where flood-proofing will be employed, a certificate from a registered professional engineer or architect that the flood-proofing criteria of this ordinance will be met;
 - d. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
 - e. Proof of development permission from appropriate local, state, and federal agencies as required by section 20.03, 1c., including a floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 245, Public Acts of 1929, as amended by Act

- 167, Public Acts of 1968;
- f. Base flood elevation data where the proposed development is subject to Public Act 288 of 1967 or greater than five acres in size; and
- g. Additional information which may be reasonably necessary to determine the compliance with the provisions of this ordinance.

Cross reference-Building permits and applications, § 2.04.

SUPPLEMENTARY VARIANCE REQUIREMENTS

Sec. 20.12. FLOOD HAZARD AREA VARIANCES.

1. Variances from the provisions of Article 20 Flood Hazard Areas shall only be granted by the Zoning Board of Appeals upon a determination of compliance with the general standards for variances contained in this ordinance and each of the following specific standards:
 - a. A variance shall be granted only upon:
 1. A showing of good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 3. A determination that the granting of a variance will not result in a harmful increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
 - b. The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.
- 2) The Village of Tekonsha Zoning Board of Appeals may attach conditions to the granting of a variance to insure compliance with the standards contained in this ordinance.
- 3) Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places without regard to the requirements of this section governing variances in flood hazard areas.

Sec. 20.13. MAPPING DISPUTES.

- 1) Where disputes arise as to the location of the flood hazard area boundary, the Zoning Board of Appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the Zoning Board of Appeals shall be based upon the most current floodplain studies issued by the Federal Insurance Administration. Where Federal Insurance Administration information is not available, the best available floodplain information shall be utilized.
- 2) Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Insurance Administration floodplain studies are being questioned, the Zoning Board of Appeals shall modify the boundary of the flood hazard area only upon receipt of an official letter of map amendment issued by the Federal Insurance Administration.
- 3) All parties to a map dispute may submit technical evidence to the Zoning Board of Appeals.

ARTICLE 21 PUBLIC NOTIFICATION

Sec. 21.01. **PUBLIC NOTIFICATION.** All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Article with regard to public notification.

Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Village of Tekonsha and mailed or delivered as provided in this Article.

Content: All mail, personal and newspaper notices for public hearings shall:

Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.

Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request is for an ordinance interpretation not involving a specific property.

When and where the request will be considered: Indicate the date, time and place of the public hearing(s).

Written comments: Include a statement describing when and where written comments will be received concerning the request.

Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

Personal and Mailed Notice

General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:

The owners of property for which approval is being considered.

Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Township of Tekonsha. If the name of the occupant is not known, the term "occupant" may be used in making notification.

Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.