

TITLE XV: LAND USAGE

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CHAPTER 150: FLOODPLAIN AREAS

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§ 150.01 PURPOSE.

It is the purpose of this chapter to regulate and properly guide the development of floodplain areas within the village and to guide community development by adjusting land use to be compatible with its environment. This chapter will prevent property damage and protect human life.
(Ord. 105, passed 1-3-1974)

§ 150.02 ANTICIPATED RESULTS.

A properly enforced floodplain ordinance will provide the following beneficial results to the village:

- (A) Regulate land use in flood prone areas;
- (B) Protect people from unknowingly doing damage to them themselves and to minimize public and private property damage;
- (C) Prevent improper floodplain encroachment filling or structure erection that will cause floodwater back-up with additional upstream damage;
- (D) Provide financial agencies the means of avoiding capital expenditures in flood risk areas;

(E) Prevent arbitrary discrimination of the uses permitted in several zones of floodplain; and

(F) Provide for public awareness of the flooding potential.

(Ord. 105, passed 1-3-1974)

§ 150.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FLOOD FRINGE. The portion of the floodplain outside the floodway.

FLOODPLAIN. The area that will be inundated by the greatest flood that can reasonably be expected for that drainage basin. (100-year flood recurrence interval)

FLOODWAY. The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood water or flood flows or any river or stream including, but not limited to, flood flows associated with the intermediate regional flood.

INTERMEDIATE REGIONAL FLOOD. A flood that has a 1% chance of occurring or being exceeded in any given year.

(Ord. 105, passed 1-3-1974)

§ 150.04 AUTHORITY.

The village hereby appoints the Village Building Inspector with the overall responsibility, authority and means to implement all commitments made herein.

(Ord. 105, passed 1-3-1974)

§ 150.05 ZONES.

(A) All land lying within the floodplain, as defined, is subject to this chapter. The floodplain area is to be divided into two districts as follows:

(1) *Zone 1.* Floodway District (FW); and

(2) *Zone 2.* Flood-Fringe Districts (FF).

(B) (1) The restrictive usage of each district will vary with the frequency of inundation and uses as developed.

(2) All proposed floodway uses shall be given concurrent review with the Department of Natural Resources to assure compliance with the state law.
(Ord. 105, passed 1-3-1974)

§ 150.06 FLOODWAY DISTRICT (FW) PERMITTED USES.

(A) The following uses having low flood damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinances and provided they do not require structures, fill or storage of materials or equipment. But, no use shall adversely affect the capacity of the channels or floodways or any tributary to the main stream, drainage ditch or any other drainage facility or system:

- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting;
- (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips;
- (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails; and
- (4) Residential uses such as lawns, gardens, parking areas and play area.

(B) The following uses which involve structure (temporary or permanent), fill or storage of materials or equipment may be permitted only upon application and the issuance of a special exception:

- (1) Uses or structures accessory to open space or special exception uses;
- (2) Circuses, carnival and similar transient amusement enterprises;
- (3) Drive-in theaters, new and used car lots, roadside stands, signs and billboards;
- (4) Extraction of sand, gravel and other materials;
- (5) Marinas, boat rentals, docks, piers, wharves;
- (6) Railroads, streets, bridges, utility transmission lines and pipe lines;
- (7) Storage yards for equipment, machinery or materials; and

(8) Kennels and stables.
(Ord. 105, passed 1-3-1974)

§ 150.07 STANDARDS FOR FLOODWAY SPECIAL EXCEPTION USES.

No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage or materials or equipment or other use may be allowed as a special exception use which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.

(A) Fill.

(1) Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.

(2) The fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulkheading.

(B) Structures.

(1) Structures shall not be designed for human habitation.

(2) Structures shall have a low flood damage potential.

(3) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

(a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flood flow.

(b) So far as practicable, structures shall be placed approximately on the same floodflow lines as those of adjoining structures.

(4) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river.

(5) Service facilities, such as electrical and heating equipment, shall be constructed at or above the regulatory flood protection elevation for the particular area or be floodproofed.

(C) *Storage of material and equipment.*

(1) The storage or processing of materials that are buoyant, flammable, explosive or could be injurious to human, animal or plantlife during periods of flooding are prohibited.

(2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the available after flood warning.

(Ord. 105, passed 1-3-1974)

§ 150.08 FLOODWAY FRINGE DISTRICT (FF) PERMITTED USES.

The following uses shall be permitted uses within the Floodway Fringe District to the extent that they are not prohibited by any other ordinance:

(A) Any use permitted in § 150.05; and

(B) Structures constructed on fill so that the first floor and basement floor are above the regulatory flood protection elevation. The fill, if allowed, shall be at a point no lower than one foot below the regulatory flood protection elevation for the particular area and shall extend at the elevation at least 15 feet beyond the limits of any structure or building erected thereon. However, no use shall be constructed which will adversely affect the capacity of channels or floodways of any tributary to the main stream, drainage ditch of any other drainage facility or system.

(Ord. 105, passed 1-3-1974)

§ 150.99 PENALTY.

Any person found guilty of violating any of the provisions of this chapter, or any written order of the Village Building Inspector, in pursuance thereof shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of \$500, for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violations for the purpose of this chapter.

(Ord. 105, passed 1-3-1974)

CHAPTER 151: VACANT LAND AND COMMERCIAL BUILDINGS

Section

151.01 Occupancy permit

151.02 Interim certificate

§ 151.01 OCCUPANCY PERMIT.

(A) No vacant land and no ground floor portion of a commercial building hereafter erected or altered will be occupied or used in whole or in part, nor shall any owner or tenant of any land or building hereafter change the use classification or enlarge the use in any commercial building or any land without a certificate of occupancy from the Building Inspector stating that the use of the commercial building or land complies with the provisions of the village.

(B) Application for a certificate of occupancy shall be made with the application for a building permit or may be directly applied for where no building permit is necessary and shall be issued or refused in writing within five days after the Building Inspector has been notified, in writing, that the commercial building or land is ready for occupancy. A record of all certificates shall be kept in the office of the Building Inspector and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the property.

(C) All the provisions of this chapter shall apply to all lands and properties within the village limits whether the land is in recorded or unrecorded plats or acreage.
(Ord. 109, passed 7-3-1975)

§ 151.02 INTERIM CERTIFICATE.

The Building Inspector may issue an interim certificate of occupancy for the part of a commercial building or premises prior to the completion of the entire commercial building or premises, but the certificate shall not remain in force for a period in excess of six months, nor for more than one week after the completing of the commercial building or premises is ready for use.

(Ord. 109, passed 7-3-1975)

CHAPTER 152: CONSTRUCTION AND MAINTENANCE OF FENCES

Section

- 152.01 Public purpose
- 152.02 Definition
- 152.03 Permit required
- 152.04 Permit fee
- 152.05 Establishment of lot lines
- 152.06 *[Reserved]*
- 152.07 Height restrictions
- 152.08 Barbed wire; electrification
- 152.09 Public property
- 152.10 Exception
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- 152.99 Penalty

§ 152.01 PUBLIC PURPOSE.

It is hereby deemed by the Village Council to be in the best interests of the general public and the health, safety and welfare to regulate the construction and maintenance of fences within the village.
(Ord. 157, passed 9-11-1996)

§ 152.02 DEFINITION.

A *FENCE* shall be defined, for purposes of this chapter, as any partition, structure, gate or obstacle erected as a dividing marker, barrier or enclosure.
(Ord. 157, passed 9-11-1996)

§ 152.03 PERMIT REQUIRED.

No fence shall be erected or altered within the village without obtaining a permit from the Building Inspector of the village.
(Ord. 157, passed 9-11-1996) Penalty, see § 152.99

§ 152.04 PERMIT FEE.

A fee of \$35 shall be paid for each permit pursuant to § 152.03.
(Ord. 157, passed 9-11-1996)

§ 152.05 ESTABLISHMENT OF LOT LINES.

The Building Inspector may require the owner of the property upon which a fence is located or is to be located to establish lot lines upon the property through the placement of permanent markers located by a licensed surveyor. The lot lines shall be established within 15 days after receiving notice.
(Ord. 157, passed 9-11-1996)

§ 152.06 [RESERVED]**§ 152.07 HEIGHT RESTRICTIONS.**

(A) Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six feet in height, measured from the surface of the ground.

(B) Any fence extending beyond the front of the house shall not exceed 42 inches in height measured from the surface of the ground. No such fence shall be constructed so as to interfere with vision upon a public highway or sidewalk.

(Ord. 157, passed 9-11-1996; Ord. 08-07, passed 11-12-2008) Penalty, see § 152.99

§ 152.08 BARBED WIRE; ELECTRIFICATION.

(A) No fences within the village shall be constructed using the material commonly known as barbed wire.

(B) Further, no fence shall be maintained which has affixed to it any spike, nail, barb or other pointed instrument projecting therefrom.

(C) No fence shall be charged or connected within an electrical current in a manner so as to transmit a current to persons, animals or other things which might intentionally or accidentally come into contact with the fence.

(Ord. 157, passed 9-11-1996; Ord. 158, passed 11-13-1996) Penalty, see § 152.99

§ 152.09 PUBLIC PROPERTY.

Fences which enclose public or institutional parks, playgrounds or public landscaped areas, situated within an area developed as a residential district, and fences adjacent to public roads located within 100 feet of an intersecting public road, shall not exceed eight feet in height, measured from the surface of the ground and shall not obstruct vision to an extent greater than 50% of their total area. However, no fence shall be constructed so as to interfere with vision upon a public highway or sidewalk.

(Ord. 157, passed 9-11-1996) Penalty, see § 152.99

§ 152.10 EXCEPTION.

This chapter shall not apply to parcels of property consisting of ten acres or more which are zoned (RA) Residential Agricultural at times when the parcel is being used for keeping domestic farm animals. However, no fence shall be constructed in a street or road right-of-way.

(Ord. 157, passed 9-11-1996) Penalty, see § 152.99

§ 152.11 MAINTENANCE.

Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of maintenance or type of construction or otherwise imperils life or property, shall be deemed a nuisance. The Building Inspector of the village shall notify the owner of the property on which the fence is located of the existence of the nuisance and the nuisance shall be abated within six days after receiving notice.

(Ord. 157, passed 9-11-1996) Penalty, see § 152.99

§ 152.12 EXISTING FENCES; COMPLIANCE.

All fences existing within the village limits shall come into full compliance with this chapter within two years from the date of this chapter. Further, any fence not in compliance with this chapter which shall come into disrepair or shall otherwise be in violation of § 152.11 shall not be rebuilt or reconstructed.

(Ord. 157, passed 9-11-1996)

§ 152.99 PENALTY.

(A) Any person, firm or corporation convicted of violating any provision of this chapter shall be guilty of a misdemeanor and may be fined up to \$500 and/or imprisoned for a period not to exceed 90 days, or both.

(B) Any person, firm or corporation found responsible for violating any provision of § 152.07 shall be found to have committed a municipal civil infraction and be subject to any and all penalties set forth in Chapter 33 of this code.

(Ord. 157, passed 9-11-1996; Ord. 08-07, passed 11-12-2008)

CHAPTER 153: BUILDING REGULATIONS

Section

Unfit Buildings

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Vacant Structure Inspection

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UNFIT BUILDINGS

§ 153.01 CONDEMNATION PROCEDURE.

(A) *Authority.* Dwellings, multi-family dwellings, commercial building, garages, barns or other structures within the village's corporate limits shall be condemned as dangerous structures or unsafe or unhealthful for human habitation as provided in this subchapter.

(B) *Structures unfit for occupancy or dangerous structures; vacation.*

(1) Whenever the Building Inspector finds that any dwelling or other building constitutes hazard to the safety, health or welfare of the occupants or to the public because it lacks maintenance, is in disrepair, is unsanitary, is vermin-infested or rodent-infested, or because it lacks necessary sanitary

facilities or equipment or otherwise fails to comply with the minimum provisions of the village's housing, building and zoning ordinances, but has not yet reached a condition as to justify the issuance of a demolition notice, he or she may declare the dwelling to be unfit for human habitation or "condemned" and order it to be vacated.

(2) If any dwelling or any part thereof is occupied by more occupants than permitted under the village's housing, building and zoning ordinances or was erected, altered or occupied contrary to the housing, building and zoning ordinances, the dwelling shall be deemed an unlawful structure. The Building Inspector may cause the dwelling to be vacated. No person shall again occupy the dwelling until it or its occupation, as the case may be, has been made to conform to the law and until written permission from the Building Inspector is received stating that the unfit condition has been remedied.

(3) Any order requiring a dwelling or other building to be vacated shall prescribe the time within which it shall be vacated, which may be not less than 24 hours, nor more than 60 days, from the time the order is issued. Only in case of extreme immediate danger shall the order have immediate effect. The order shall state the reason for which it is issued.

(C) *Condemnation notice; posting; contents.*

(1) Any dwelling or other building declared as unfit for human habitation or condemned shall be posted with a placard by the Building Inspector.

(2) The placard shall include the following information:

(a) Name of the village;

(b) Name of the department having jurisdiction;

(c) Section of the housing, building and zoning ordinance under which it is issued;

(d) The requirement that the dwelling, when vacated, shall remain vacant until the provisions of the order are complied with and the condemnation notice is withdrawn;

(e) The date that the placard is posted; and

(f) A statement of the penalty for the defacing or removal of the placard.

(D) *Condemnation notice; form.*

(1) Whenever the Building Inspector has declared a dwelling or other building to be unfit for human habitation or condemned, he or she shall give notice to the owner of record and/or occupant of the declaration.

(2) The notice shall:

- (a) Be in writing;
- (b) Include an identification of the property or premises sufficient for identification;
- (c) Include a statement of the reason or reasons why it was issued;
- (d) State the time within which the dwelling shall be vacated; and
- (e) State a time within which violations shall be corrected if the owner wishes to continue occupancy.

(E) *Service of condemnation notice.* Service of a condemnation notice shall be as follows:

(1) By personal delivery, or by leaving the notice at the usual place of abode of the person to whom the notice is directed with a person of suitable age or discretion; or in lieu of personal delivery if the owners current address is unknown and they cannot be located, by depositing the notice in the United States mail (certified mail), addressed to the person to whom it is directed at the last known address, the postage prepaid thereon; and

(2) By both posting and personal delivery or mailing as provided by this section.

(F) *Condemnation of placard or notice; removal.* If any person shall deface or remove the placard from any dwelling which has been declared or placarded as unfit for human habitation or condemned for any other purpose under this subchapter, except by authority in writing from the Building Inspector, he or she will be deemed guilty of a misdemeanor and subject to the penalties that the law provides.

(G) *Vacation of unfit or condemned building,*

(1) Any dwelling or other building structure which has been declared and placarded as unfit for human habitation or condemned by the Building Inspector shall be vacated as required by the Building Inspector.

(2) No owner, operator, deed holder, land contract vendor or landlord shall let to any person for habitation any dwelling or part thereof which has been declared or placarded by the Building Inspector as condemned after the date set in the declaration.

(H) *Occupancy of building restricted; placard.*

(1) No dwelling which has been declared as condemned shall again be used for human habitation until written approval is secured from the Building Inspector and/or a certificate of compliance is obtained.

(2) The Building Inspector shall remove the placard whenever the defect or defects upon which the declaration was based have been eliminated.

(I) *Vacation notice; reports.* The Building Inspector shall furnish a copy of each notice to vacate a dwelling to the Chief of the Village Fire Department and any other official of the village concerned with the notices.

(Ord. 125, passed 5-13-1987) Penalty, see § 10.99

§ 153.02 DEMOLITION PROCEDURES.

(A) *Demolition procedure.* Dwellings or other building structures shall be demolished when determined unfit for human occupation and a hazard to the health, safety and welfare of the occupants or the community as set forth in this subchapter.

(B) *Designation of unsafe dwellings; demolition.*

(1) Any vacant dwelling or other structure is unsafe, dangerous or that constitutes a fire or health hazard, for any of the following reasons, shall be deemed to be unsafe buildings.

(2) Grounds for designation as an unsafe building shall be:

(a) Inadequate or improper construction or materials, creating a possibility of complete or partial collapse;

(b) Gross decay and dilapidation creating a possibility of partial or complete collapse;

(c) Damage by fire, wind storm or other act of God creating a possibility of partial or complete collapse;

(d) Existence of defects in the heating system or electrical wiring which create a hazard of fire;

(e) Infestation of vermin or rodents to the extent that a health hazard to adjacent or nearby premises exists;

(f) Cross defects, in the plumbing or waste disposal systems resulting in unsanitary conditions which are a hazard to health;

(g) The existence of open doors or windows or other openings or means by which entrance may be gained by vandals or other unauthorized persons, without breaking into the premises, creating a hazard of fire and a haven for possible illegal activities; and

(h) Any other condition in the dwelling which creates a danger to the public or to other property.

(C) *Demolition notice.* The Building Inspector shall issue a written notice requiring the demolition and removal of all unsafe buildings. The notice shall be known as a demolition notice. The notice shall require that the building be demolished and removed from the premises or that the building be rehabilitated so that it complies with all the requirements of the village's housing, building and zoning ordinances and all other codes and ordinances of the village, county and state pertaining to dwellings and other buildings.

(D) *Demolition notice; contents.* The demolition notice shall contain:

(1) A legal description of the real estate and the specific dwelling or building sufficient for identification;

(2) A statement of the reasons for which it is being issued; and

(3) The requirement that the dwelling be demolished and removed from the premises in accordance with all laws and ordinances of the village within a stipulated time or, that it in the alternative, be rehabilitated and made safe and secure.

(E) *Demolition notice; posting; contents.*

(1) Any dwelling or other building structure upon which a demolition notice is issued shall be posted by the Building Inspector.

(2) The notice shall include the following:

(a) Name of the village;

(b) Name of the authorized department;

(c) Reason or reasons why the notice was issued;

(d) Date the notice was posted; and

(e) Description of the dwelling sufficient for identification.

(F) *Service of demolition notice.* Serving of a demolition notice shall be as follows:

(1) By personal delivery or by leaving the notice at the usual place of abode of the person to whom the notice is directed with a person of suitable age or discretion;

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(2) By depositing the notice in the United States mail, by registered or certified mail, addressed to the person to whom it is directed at his or her last known address, the postage prepaid thereon;

(3) By posting a copy of the notice in placard form, in a conspicuous place on the subject premises; or

(4) Both posting and personal delivery or mailing as provided in this section.

(G) *Demolition notice; removal.* No person shall deface or remove a demolition notice from any dwelling which has been posted or placarded for demolition, except by authority in writing from the Building Inspector or he or she will be deemed guilty of a misdemeanor and subject to the penalties that the law provides.

(H) *Enforcement of demolition notice.*

(1) In case any demolition notice is not promptly complied with in accordance with its terms, the Building Inspector may request the legal representative of the village to commence an appropriate action in a court of competent jurisdiction against the owner or owners of the subject dwelling.

(2) The court proceedings shall be:

(a) To enforce the penalty provisions of this subchapter;

(b) To obtain an order requiring compliance with the demolition notice; and

(c) To obtain an order requiring compliance, and providing in the alternative that if compliance does not occur within 30 days, that the village is authorized to enter the property and to enforce compliance with the demolition notice by demolition and removal of the offending building, from the premises, and that if this occurs the village shall be authorized to assess the costs of the demolition and the cost of the legal proceedings against the property upon which the dwelling is located as a special assessment.

(3) Nothing in this section shall prevent the Building Inspector from taking any other action or remedy that may be provided by law.

(I) *Demolition notice; report.* The Building Inspector shall notify the Chief of the Village Fire Department, the Village Treasurer's office and any other designated official or department of the village, as required, of each demolition notice issued.

(J) *Occupancy of dwelling; restricted.* No dwelling upon which a demolition notice has been issued shall again be used for human habitation or any type of occupancy, in whole or in part, except in cases in which the notice has been rescinded and a certificate of compliance issued by the Building Inspector.

(K) *Appeals.*

(1) When litigation is not pending before any court of competent jurisdiction on the subject matter, any owner or person who is aggrieved with the ruling or decision of the Building Inspector in any matter relative to the interpretation or enforcement of any of the provisions of the village's housing, building, zoning and condemnation and demolition ordinances may appeal the decision or interpretation.

(2) This appeal shall be filed with the Building Inspector or to the Village Clerk, in writing within 30 days of the date of the rendition of the decision of interpretation.

(3) Appeals shall be heard and decided by the Village Zoning Board of Appeals. A hearing shall be held at a reasonable time as determined by the Board of Appeals not more than 30 days after the appeal is filed and may be adjourned from time to time at the discretion of the Board.

(4) The appellant shall have the right to appear in person or by agent or attorney and present any relevant, oral or documentary evidence. The Building Inspector shall also have the right to present oral or documentary evidence.

(5) The Clerk or his or her duly authorized agent shall serve as Secretary to the Board of Appeals under this subchapter.

(6) At the conclusion of the hearing, a decision shall be rendered in accordance with the majority vote of the Zoning Board of Appeals present and the voting shall be recorded.

(7) If the appellant requests further review of the decision made, the appellant must request within ten days that the decision be reviewed by the Village Council at its next regularly scheduled meeting. At the conclusion of that hearing, a decision shall be rendered in accordance with the majority vote of the Council members present and the voting shall be recorded by the Village Clerk and placed in the minutes of the Village Council.

(Ord. 125, passed 5-13-1987)

VACANT STRUCTURE INSPECTION

§ 153.15 TITLE.

This subchapter shall be known as the "Vacant Structure Inspection Ordinance."
(Ord. 2011-02, passed 4-13-2011)

§ 153.16 PURPOSE.

The purpose of this subchapter is to insure that structures that have become vacant due to foreclosure, abandonment, or by other means are safe and meet minimum standards prior to being reoccupied. It provides administrative procedures for the re-occupancy of vacant structures that have been subject to vandalism, or have been subjected to the removal or alteration of any required system that ensures safe occupancy pursuant to the Michigan Construction Codes pursuant to § 3401.2 of the Michigan Building Code and §§ 110.5 and 113.1 of the Michigan Residential Code.
(Ord. 2011-02, passed 4-13-2011)

§ 153.17 INSPECTIONS, STANDARDS.

(A) *Initial inspections.* This subchapter is intended to provide the minimum standards for occupancy of vacant structures. For the purpose of this subchapter, the Building Inspector shall follow those provisions when making his or her initial inspections.

(B) *Inspections, when permits are required.* When any permit is required to construct, enlarge, alter, repair, install, convert or replace, inspections shall be subject to the provisions of the Michigan Codes.
(Ord. 2011-02, passed 4-13-2011)

§ 153.18 CRITERIA FOR ORDERING INSPECTIONS.

The intent of this subchapter is to require inspections of any vacant structure prior to being reoccupied under the following conditions:

(A) The structure has been visibly damaged as a result of vandalism, neglect or by other means thereby making the structure unsafe or uninhabitable.

(B) The village has reason to believe that damage has occurred either through neglect or other willful acts thereby making the vacant structure unsafe and unfit for re-occupancy.

(C) The village receives a complaint by individuals having knowledge of vandalism or other damage to a vacant structure.
(Ord. 2011-02, passed 4-13-2011)

§ 153.19 ORDERING INSPECTIONS, AUTHORITY.

Upon the determination of the Village Council that an inspection is warranted pursuant to § 153.18 above, the Village Clerk shall submit a request for vacant structure posting to the Building Inspector.
(Ord. 2011-02, passed 4-13-2011)

§ 153.20 ADMINISTRATIVE PROCEDURES.

The following procedures shall be adhered to:

- (A) Village Council orders the inspection of a vacant structure.
- (B) The Village Clerk shall submit a completed request for vacant structure posting form to the Building Inspector.
- (C) The Building Inspector shall visit the site and placard the structure with a notice that is visible and prohibits the structure from being altered, repaired or occupied without first obtaining a vacant structure permit from the Building Inspector.
- (D) The Building Inspector shall send a notice to the title holder (bank or private owner) stating that the structure must be inspected before occupancy is allowed.
- (E) The legal owners of the property and/or their agent shall apply for a vacant structure permit provided by the village prior to any attempt to alter, repair or reoccupy the structure.
- (F) The Building Inspector shall issue a vacant structure permit to the applicants.
- (G) The property owner or their legal agents shall make all necessary repairs in order to come into compliance with all state and local regulations.
- (H) The structure shall be re-inspected and a certificate of occupancy issued once the structure is found to be in compliance.
(Ord. 2011-02, passed 4-13-2011)

§ 153.21 INSPECTION, AUTHORITY.

Issuance of the permit shall authorize entry by Inspectors to inspect the building, electrical, plumbing and mechanical systems to ensure that they have not been altered, removed or tampered with beyond the original Inspector's approval. Further, Inspectors shall have the authority to require additional permits for any system that requires replacement, is missing or has been subject to vandalism, and is no longer in compliance with the safety requirements of the manufacturer or design professional.
(Ord. 2011-02, passed 4-13-2011)

§ 153.22 INSPECTION FEES, REVIEW.

Inspection and administrative fees at the time of adoption of the subchapter shall be as follows:

- (A) Inspector's initial visit to placard the structure: \$ 0;

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(B) Vacant structure permit (initial inspection) by Building Inspector: \$75;

(C) Reinspections: \$38;

(D) If there is work required for repair, or replacement, of the electrical, plumbing, mechanical, or structure, a standard permit would be required for each trade involved: \$81.

(Ord. 2011-02, passed 4-13-2011)

§ 153.23 RATES AND FEES, REVIEW.

Charges for inspection fees shall be set by a resolution of the Village Council. The resolution setting the charges shall become effective at the passing of the subchapter. A resolution to change any charges will be made for the next fiscal year before the beginning of the fiscal year, after presentation of a budget. The resolution shall become effective only after a public meeting on the proposed charges. (Ord. 2011-02, passed 4-13-2011)

§ 153.99 PENALTY.

(A) Any violation of any provisions of this chapter for which this is no penalty shall be subject to § 10.99.

(B) Any person who shall violate any provision of §§ 153.15 through 153.23 shall, upon conviction thereof, be guilty of a misdemeanor. The penalty for a misdemeanor violation shall be a fine not exceeding \$100, plus costs of prosecution, or imprisonment not exceeding 90 days or both. Costs shall include all expenses, direct and indirect, to which the village has been put in connection with the misdemeanor violation, including the cost of prosecution.

(Ord. 2011-02, passed 4-13-2011)

CHAPTER 154: INTERNATIONAL PROPERTY MAINTENANCE CODE

Section

- 154.01 Adoption
- 154.02 Revisions
- 154.03 Rental property

§ 154.01 ADOPTION.

A certain document, copies of which are on file in the office of the Clerk of the village, being marked and designated as the “International Property Maintenance Code 2009 edition”, as published by the International Code Council, Inc., is hereby adopted as the Property Maintenance Code of the village; for the control of buildings and structures as herein provided; and each and all of the regulations, provision, penalties, conditions and terms of the Property Maintenance Code, 2009 edition, are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 154.02.

(Ord. 172, passed - -2000; Ord. 399, passed - -; Ord. 399.1, passed - -; Ord. 399.1-A, passed 10-13-2010; Ord. 13-01, passed 1-9-2013)

§ 154.02 REVISIONS.

The following sections of the International Property Maintenance Code, 2009 edition, are hereby revised:

(A) Section 101.1 Title - These regulations shall be known as the Property Maintenance Code of the Village of Gaines, Genesee County, Michigan hereinafter referred to as “this code.”

(B) Section 103.5 Fees - The fees for activities and services as performed by the department in carrying out its responsibilities under this code shall be as established from time to time by resolution of the Council.

(C) Section 106.4 - Violation of this code shall be a municipal civil infraction and shall be handled in accordance with Chapter 33 of the Code of Ordinances.

(D) Section 111.1 - Section 111.1 is deleted.

(E) Section 301.4 Vacant buildings not to be open to casual entry - No person shall permit any vacant or unused building in the village to remain open to casual entry.

(F) Section 301.5 Boarding up buildings - Limitation on time - No person shall permit any building to be boarded up in the village for a period of longer than six months. The period of six months may be extended by the Building Department upon filing by the owner or other person responsible for the premises of applications for required permits to comply with the ordinances of the village, along with a letter of intent describing what repairs are to be made and a detailed schedule indicating when they are to be completed.

(G) Section 301.6 Boarding up of buildings - Method - Install nominal 7/16" exterior-grade plywood panel, one side sanded, or equivalent for entire building opening. Panel to be cut such that it will not extend beyond the outer perimeter of the exterior of the opening when installed. Panel is to be pre-painted over entire exterior (sanded) side with an acrylic latex paint that matches the exterior color of the building side or black and cut to fit within one-eighth of an inch in all directions. The panel is to be nailed tight to the exterior of the opening stops using #8 ring shank nails (or approved equivalent) spaced no greater than 12 inch intervals along with the entire perimeter of the panel at an approximate 3-degree angle from the building opening. Power actuated fasteners that provide equivalent or superior holding capacity may be used with the express approval of the Building Department.

(H) Section 602.3 Annually - September 1 to May 30.

(I) Section 602.4 Annually - September 1 to May 30.

(Ord. 172, passed - -2000; Ord. 399, passed - -; Ord. 399.1, passed - -; Ord. 399.1-A, passed 10-13-2010; Ord. 13-01, passed 1-9-2013)

§ 154.03 RENTAL PROPERTY.

(A) *Registration required.* No person shall rent, lease, let or otherwise make available for occupancy any dwelling unit designed for human occupation within the village unless the building is registered with the Building Department.

(1) Registration shall be on a form provided by the Building Department. Required information shall include the name, address and telephone number of the owner and any managing agent. For each individual owner and agent a driver's license number or a state identification number must be provided. The form must be signed by all owners and any agents.

(2) All changes in the required information must be provided to the Building Department in writing within 30 days of the change.

(3) If the owner's address is more than 40 miles from the subject property, the registration form must designate an agent who may be served with process in an action to enforce compliance with this section.

(4) If the owner is a corporation, the names, addresses and telephone numbers of its officers shall be listed. If the corporation has no substantial assets other than the dwelling in question and is controlled in whole or in part by another corporation or corporations, then the name and address of those corporations and the name and addresses and telephone numbers of those officers shall be listed.

(5) Owner occupied residential dwellings are exempt from registration if the only other occupants of the dwelling are members of the owner's family.

(6) The registration requirement for buildings other than rental multi-family dwellings shall take effect April 1, 2013.

(B) *Certificate of compliance required.* No person shall rent, lease, let or otherwise make available for occupancy any building designed for human occupation with the village unless a certificate of compliance has been issued for the building and each individual unit within it.

(C) *Issuance of certificate of compliance.* A certificate of compliance shall be issued for a building or unit only after:

(1) An inspection of the premises by the Building Department verified that no violations of the International Property Maintenance Code (IPMC) exist and the building is in good repair, structurally sound and in a sanitary condition; and

(2) All fees have been paid and all current registration information has been provided by the owner/agent of the property.

(D) *Termination of certificate of compliance.* Certificates of compliance for residential buildings shall expire three years after the date that they are issued. If the owner of a residential building applies for an inspection before the certificate of compliance expires, the Building Department shall issue a temporary certificate of compliance with an expiration date based on the time needed to arrange an inspection. The Building Department may revoke a certificate of compliance if an inspection reveals violations of this section.

(E) *Temporary certificate of compliance.* The Building Department is authorized to issue a temporary certificate of compliance for any portion of any building that can be occupied safely, provided that all fees have been paid and current registration information has been provided. The temporary certificate shall state on its face any remaining violations and the Building Department shall set a time period during which the temporary certificate of compliance is valid. Failure by the owner or the owner's agent to correct the violations within the time specified by the Building Department shall constitute a violation of this section and the building and/or unit may be ordered vacated.

(F) *Inspection frequency.*

(1) Residential buildings and/or dwelling units for rent, lease, let or otherwise made available for occupancy must be inspected every three years.

(2) Buildings may be inspected any time there is a complaint or other indications of a violation of this section.

(G) *Inspection procedures.*

(1) A building covered by this section which is damaged by fire, windstorm, building failure, shifting of soil or land there under, or any other catastrophe, or is reported to be otherwise in violation of the IPMC, shall be inspected after such occurrence.

(2) The Building Department may periodically cause an inspection to be made of the entire building in which a rental dwelling regulated by this section is located upon notice from the Building Department to the registered owner, manager or designated agent that an inspection is due, the registered owner, manager or designated agent shall arrange for that inspection within the time as specified in the notice.

(3) Inspections shall be conducted as permitted in divisions (a) through (e) below:

(a) A complaint basis, such that complaint of violation will be inspected upon receipt of the written complaint and the payment of any inspection fees, by the Building Department.

(b) A recurrent violation basis such that any premises which are found to have a high incidence of recurrent or uncorrected violations will be inspected.

(c) Geographically, such that regulated premises in a predetermined geographical area will be inspected within a short period of time.

(d) A follow-up inspection, such that previous violations are inspected for correction and compliance.

(e) Every three years, a registered owner, manager or designated agent shall arrange this inspection.

(4) An inspection shall be performed by the Building Department.

(5) Inspections shall be subject to fees, which shall be those fees as set by resolution by the Board from time to time.

(6) If the cost of performing any inspection referred to in this section remains uncollected or unpaid for a period of 90 days after the bill for the same has been rendered, the cost shall be certified to the tax roll.

(7) If a registered owner, manager or designated agent fails to request an inspection before the expiration of the certificate of compliance, the Building Department shall send the registered owner, manager or designated agent a notice of the date for an inspection and the fee that must be paid before the inspection.

(8) An inspection may be rescheduled for just cause. Once a date for inspection is scheduled, the owner or agent shall:

(a) Notify each tenant of the date when the inspection is scheduled to occur.

(b) Notify each tenant or occupant that the registered owner, manager or designated agent is required to accompany the inspector during the performance of all inspections and in the event that the tenant or occupant is not present, the owner/agent must provide access to the inspector by unlocking the dwelling unit's door, verifying that no occupant is present and securing the unit after the inspection is completed.

(H) *Transfer of certificate of compliance.* The Building Department shall transfer a certificate of compliance to a new owner when the new owner supplies the registration information required by divisions (A)(1) through (6).

(I) *Fees.*

(1) The owner of the property shall be responsible for payment of the fees that are set by resolution by the Board from time to time and on file in the Building Department and the Clerk's office.

(2) *Applicable fees.* The following inspections are applicable with fees per aforementioned schedule:

(a) *Registration.* Property owner and/or agent recorded. Failure to register prior to occupancy will result in failure to register fee.

(b) *Certification inspection.* The fee for the inspection of each dwelling unit that has not previously received a certificate of compliance or for which the certificate renewal is required.

(c) *Reinspection.* Inspections required for purpose of determining that cited violations have been corrected.

(d) *Broken appointments.* Broken appointments shall be defined as situations where the owner or agent fails to honor an appointment scheduled by the Department. In the event the owner/agent fails to show for the scheduled inspection, and/or the owner/agent fails to adequately arrange access to necessary areas of the building or buildings for inspection, the inspection shall be deemed a broken appointment and shall be subject to additional fees.

(e) *Renewal inspections.* Inspections for the purpose of renewing a certificate of compliance if the unit complies with the IPMC and the certificate is renewed after one inspection.

(f) *Village scheduled inspections.* Fees assessed for inspections scheduled by enforcing agency for expired certificate of compliance and/or failure to register.

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(g) *Expired certificate of compliance.* Expired certificate of compliance fee assessed plus the cost of enforcing agency scheduled inspection fees.

(h) *Tenant complaints.* The Department shall make an initial inspection after receiving a written complaint and the required fee from the tenant. If a violation is found and re-inspection is required, the property owner shall be billed for all required re-inspections and associated fees.

(i) *Search warrants.* An additional charge shall be assessed over and above any inspection charges for each unit and/or building for which a search warrant is issued by the court because the owner or agent has failed to respond to the Department's requests to gain admission to the unit.

(J) *Collection of fees.*

(1) All required fees shall be paid before commencement of scheduled inspections.

(2) When other fees are imposed pursuant to division (I), a statement of the fees shall be mailed to the owner. If the fees are not paid within 90 days, a certificate of nonpayment shall be filed with the Village Treasurer, upon the filing of the certificate the unpaid fees shall be certified to the tax roll.

(K) *Exemption.* Owner occupied residential dwellings are exempt from the registration requirements of divisions (A)(1) through (6), the certificate of compliance requirements of divisions (C), (D), (E), and (H), and the periodic inspection requirements of divisions (F) and (G) if the only other occupants of the dwelling are members of the owner's family.

(L) *Violations.* Violations of this section shall be a municipal civil infraction and shall be handled in accordance with Chapter 33 of the village Code of Ordinances.
(Ord. 13-02, passed 2-13-2013)

CHAPTER 155: SUBDIVISIONS

Section

- 155.01 Public purpose
- 155.02 Council approval required
- 155.03 Application
- 155.04 Fees
- 155.05 Division of recorded lot
- 155.06 Division of unplatted parcels
- 155.07 Unpaid taxes or assessments
- 155.08 Village records

§ 155.01 PUBLIC PURPOSE.

It is hereby deemed by the Village Council to be in the best interests of the general public to regulate the dividing and/or splitting of parcels or lots within the village in order to ensure compliance with local ordinances and Public Act 288 of 1967, as amended, being M.C.L.A. §§ 560.101 through 560.293, which is commonly known as the “Subdivision Control Act”.
(Ord. 155, passed 4-10-1996)

§ 155.02 COUNCIL APPROVAL REQUIRED.

The permission of the Village Council shall be required to allow the division or splitting of a parcel or lot in the following instances:

(A) Division or splitting of a lot in a recorded plat; and/or

(B) Division or splitting of a parcel or lot into two, three or four parcels of less than ten acres and where the dedication of a street or private road or a portion of a street is necessary to allow access to all resulting parcels.

(Ord. 155, passed 4-10-1996)

§ 155.03 APPLICATION.

Any property owner desiring to secure approval of a division or split of a parcel or lot as provided in § 155.02 shall apply for approval to the Village Council. Application shall be made on an approved form. The approved form shall be in the office of the Village Clerk. The applicant shall provide any information requested on the application, including, but not limited to, the name and address of the owner or owners of the subject property; the address of the parcel to be divided or in the alternative a legal description of the parcel; the purpose for which the division or split is requested; the size of any resulting parcels or lots; the specific dimensions of any resulting parcel and a description of any buildings or structures on the parcel or parcels. In addition to the foregoing, a drawing shall accompany the application setting forth the desired result of the division or split.

(Ord. 155, passed 4-10-1996)

§ 155.04 FEES.

The Village Council shall, by resolution, establish the fee for application and review. The fee shall be modifiable from time to time as deemed necessary by the Village Council.

(Ord. 155, passed 4-10-1996)

§ 155.05 DIVISION OF RECORDED LOT.

The following requirements shall apply to a division or split of a lot in a recorded plat.

(A) No lot shall be divided into more than four parts.

(B) No lot shall be divided into a nonconforming lot under the Zoning Code of the village.

(C) No lot shall be divided in violation of Public Act 288 of 1967, as amended, being M.C.L.A. §§ 560.101 through 560.293, the public act being the Subdivision Control Act.

(D) No zoning or building permit shall be sought or issued, nor shall any construction be commenced prior to approval of the division or split by the Village Council.

(Ord. 155, passed 4-10-1996)

§ 155.06 DIVISION OF UNPLATTED PARCELS.

The following requirements shall apply to a division or split of a parcel in an unplatted area.

(A) No parcel shall be divided into more than four parcels of less than ten acres, except in full compliance with the Subdivision Control Act. The act being Public Act 288 of 1967, as amended, being M.C.L.A. §§ 560.101 through 560.293.

(B) No division or split shall result in the creation of a nonconforming lot under the Zoning Code of the village.

(C) No zoning or building permit shall be issued nor any construction commenced prior to approval of the division by the Village Council.
(Ord. 155, passed 4-10-1996)

§ 155.07 UNPAID TAXES OR ASSESSMENTS.

No division or split of a parcel or a lot shall be allowed unless and until all outstanding taxes and special assessments are paid in full.
(Ord. 155, passed 4-10-1996)

§ 155.08 VILLAGE RECORDS.

Any division or lot split approved by the Village Council shall be recorded in the minutes of the meeting whereat the division or split is approved. In addition, the official maps of the village shall be amended so as to show any division or split.
(Ord. 155, passed 4-10-1996)

CHAPTER 156: ZONING CODE

Section

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Gaines - Land Usage***Zoning Map and Districts***

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GENERAL PROVISIONS

§ 156.001 PREAMBLE.

A chapter, in accordance with and under the authority of Act No. 207 of the Public Acts of Michigan for 1921, as amended, known as the “City or Village Zoning Act”, to provide for the establishment, in the Village of Gaines, Genesee County, Michigan, of zoning districts in sizes, shapes

and areas as are deemed best suited to carry out the provisions of this chapter; within which districts the proper use of land and natural resources is encouraged and regulated and the improper use of same prohibited; and within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, migratory labor camps, soil conservation, water supply conservation, and additional uses are encouraged, regulated or prohibited; and within which districts provisions are made designating the location of, height of, number of stories of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in, dwellings, buildings, and structures, including tents and mobile homes that may be hereafter erected or altered; and, to provide for the uniformity of such provisions for each class of land or buildings, dwellings and structures, including tents and mobile homes, throughout each district: and to provide for administering of this chapter; and, to provide for conflicts in other ordinances or regulations; and, to provide penalties for violations; and, to provide for the collection of fees for building permits; and, to provide for petitions and hearings; and, to provide for appeals; and, to provide for repeal of ordinances in conflict herewith; and, to provide for any other matters authorized by the above mentioned "City or Village Zoning Act."

(Ord. Art. 1, passed 1-7-1997)

§ 156.002 DEFINITIONS.

(A) *Interpretation.* For the purposes of this chapter certain terms or words used herein shall be interpreted as follows:

- (1) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- (2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (3) The word "shall" is mandatory, the word 'may' is permissive.
- (4) The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURE. A detached structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

ACCESSORY USE. A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

ADULT FOSTER CARE FAMILY HOME. A private residence licensed under PA 218 of 1979 for six or fewer adults to be provided with foster care for five or more days a week for two or more consecutive weeks. The ***ADULT FOSTER CARE FAMILY HOME*** licensee is a member of the household and an occupant of the residence.

ADULT FOSTER CARE LARGE GROUP HOME. A facility licensed under PA 218 of 1979 to provide foster care for at least 13 but not more than 20 adults.

ADULT FOSTER CARE MEDIUM GROUP HOME. A facility licensed under PA 218 of 1979 to provide foster care for at least seven but no more than 12 adults.

ADULT FOSTER CARE SMALL GROUP HOME. A facility licensed under PA 218 of 1979 to provide foster care for six or fewer adults.

BASEMENT. A cellar or basement is that portion of a structure with not less than three walls thereof, partly below grade and so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling as shown in the diagram entitled “Basement and Story.”

BOARD OF ZONING APPEALS. The Board of Appeals as provided under provisions of the City and Village Zoning Act, being Act 638 Public Acts of 1978 as amended, with powers and duties as defined in those statutes, except as modified herein.

BUILDING. Any structure (excluding fences) having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDING HEIGHT. The vertical distance from the grade at the center of the front of the building measured to a point as shown in the diagrams entitled "Building Height."

BUILDING PERMIT. An authorization issued by the Village Building Inspector to move, erect or alter a structure within the village.

CLUB. A non-profit organization made up of persons sharing a common interest, which owns or leases premises, the use of which is restricted to members and their guests.

CONDITIONAL USE. A use that is acceptable in the zoning district that it is located in provided it meets the district requirements and has been reviewed and approved by the Village Planning Commission.

CONDOMINIUM SUBDIVISION PLAN. Drawings and information prepared pursuant to section 66 of the Condominium Act, PA 59 of 1978.

CONDOMINIUM UNIT. That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

CONTRACTIBLE CONDOMINIUM. A condominium project from which any portion of the submitted land or building may be withdrawn in accordance with this Act.

CONVENTIONAL CONDOMINIUM PROJECT. As used in this chapter, the term **CONVENTIONAL CONDOMINIUM** means development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area.

CONVERSION CONDOMINIUM. A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under § 71 of the Condominium Act, PA 59 of 1978.

CORRAL. A pen or enclosure for confining animals or livestock, but not including an area for grazing of such.

DIMENSIONAL VARIANCE. Any variance other than a use variance.

DISTRICT. Each part, or parts of the village for which specific zoning regulations are prescribed.

DWELLING UNIT. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for one family, and containing cooking, bathroom and sleeping areas independent form those of any other dwelling unit.

EMPLOYEE LOAD FACTOR. ***EMPLOYEE LOAD FACTOR*** is that number equal to the maximum number of employees that can be employed at any one time in a particular structure or parcel of land, and refers to the basis upon which the number of parking spaces required is determined.

ESSENTIAL SERVICES. The phrase ***ESSENTIAL SERVICES*** means the erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, steam, or water transmission or communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection with, but not including, buildings.

EXPANDABLE CONDOMINIUM. A condominium project to which additional land may be added in accordance with the Condominium Act, PA 59 of 1978.

FAMILY. A family shall be deemed as one of the following when living in a single dwelling unit.

- (a) A single individual.
- (b) A group of two or more persons related by blood, marriage or adoption.
- (c) A group of up to six unrelated individuals operating as a single housekeeping unit.

FAMILY DAY CARE HOME. A private home in which not more than six children are received for care and supervision for a period of less than 24 hours per day. The six child limitation includes children under seven years old in the resident family and shall not include more than two children under one year old.

FLOOR AREA.

(a) **FLOOR AREA** shall constitute the total floor area which is or could be occupied by a use in a structure. The floor area shall be measured from the outside of the perimeter walls of the structure in which the use is located. In cases where separate floor area measurements for different uses on the same floor of a given structure are needed, then floor area shall be measured from the center of the walls separating the uses.

(b) The ratio of the entire floor area of all floors of all structures on a lot to the entire area of the lot. The **FLOOR AREA** ratio shall be given by the formula:

$$\text{Floor area ratio} = \frac{\text{the floor area of all floors of all structures}}{\text{area of lot}}$$

FRONTAGE. FRONTAGE is the distance along the front lot line. In the case of a corner lot, **FRONTAGE** is deemed to be the distance of the shortest lot line which abuts upon a street.

GENERAL COMMON AREAS. Portions of the condominium development owned and maintained by the condominium association.

GROUP DAYCARE HOME. A private home in which not less than seven or more than 12 children are received for care and supervision for a period of less than 24 hours per day. Not more than two children will be under two years old.

HOME OCCUPATION. An occupation conducted in a dwelling unit in accordance with the regulations in § 156.037.

KENNEL. The housing or keeping of more than six dogs, cats or similar household pets on a lot or in a structure; or the housing or keeping of three dogs, cats, or similar household animals, either temporarily or permanently, for remuneration.

LIMITED COMMON AREAS. Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development.

LOADING SPACE, OFF-STREET. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to those vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking space.

LOT. For purposes of this chapter, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide yards and other open spaces as herein required. The lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of contiguous lots of record, or contiguous portions of lots of record;
- (d) A parcel of land described by metes and bounds.

LOT COVERAGE. The amount of land covered by the principal building and associated accessory buildings, measured in terms of a percentage of the total lot area.

LOT OF RECORD. A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT, ZONING.

(a) A single tract of land, located within a single block, which, at the time of filing for a zoning permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

(b) A **ZONING LOT** shall satisfy this chapter with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A **ZONING LOT** therefore, may not necessarily coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

MASTER DEED. The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in § 8 of the Condominium Act, PA 59 of 1978.

MEDICAL MARIJUANA DISPENSARY. A facility where three or more primary caregivers grow, cultivate, store, dispense or offer marijuana for sale to qualifying patients under M.C.L.A. §§ 333.26421 et seq. (Michigan Medical Marijuana Act of 2008). A **PRIMARY CAREGIVER**, **QUALIFYING PATIENT** and **MARIJUANA** shall have the meanings ascribed to them in the Michigan Medical Marijuana Act of 2008.

MOBILE HOME. A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

MOBILE-HOME PARK. A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street equipment, or facility used or intended for use incident to the occupancy of a mobile home.

MOTELS. Groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as tourist cabins or motor courts, and as distinguished from a lodging house.

MULTIPLE-FAMILY STRUCTURE. An apartment or townhouse structure designed to provide complete dwelling units for three or more families housed therein.

NONCONFORMING LOT. A lot with dimensions which conflict with the provisions of this chapter.

NONCONFORMING STRUCTURE. A structure conflicting with the regulations of the district in which it is located.

NONCONFORMING USE. A use of land or a structure for purposes which conflict with the provisions of this chapter.

PARKING SPACE, OFF-STREET. For the purposes of this chapter, an **OFF-STREET PARKING SPACE** shall consist of a space adequate for parking an automobile, with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, and located on a lot with the land use to which it is related.

PLANNED UNIT DEVELOPMENT. An integrated and coordinated development of various residential land uses, with or without retail stores, service stations, drugstores, personal service offices, and restaurants, but excluding any manufacturing or wholesale activity, and developed in accordance with the conditions as prescribed under provisions of this chapter.

RECREATIONAL VEHICLE. A vehicular, portable structure built on a chassis, designed to be used as temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet and a length not to exceed 35 feet.

RECREATIONAL VEHICLE PARK. A park licensed under the provisions of the Trailer Coach Park Act of 1959, being Act 243, Public Acts of 1959, as amended, and being designed specifically to permit the parking of recreational vehicles.

ROADSIDE STANDS. Retail outlets with all related structures primarily for the sale of farm produce grown on the farm upon which the stand is located.

SANITARY LANDFILLS. Any parcel of land used for the dumping of refuse for the purpose of disposing of the refuse, and operated in accordance with PA 641 of 1978.

SERVICE STATION. A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair such as bumping, painting or major engine repair.

SETBACK LINE. A line formed by the face of the building.

SETBACK LINE, REQUIRED. A **REQUIRED SETBACK LINE** is established by the minimum setback requirements of this chapter.

SHOPPING CENTER. A group or groups of three or more commercial establishments developed in accordance to an overall plan and designed and built as an interrelated project.

SIGN. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; excepting, however, the following which shall not be included within this definition:

- (a) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- (b) Flags and insignia of any government, except when displayed in connection with commercial promotion;
- (c) Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
- (d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- (e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGN AREA. The area of a sign consisting of the entire surface of any regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of the area.

SIGN, ON-SITE. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

SIGN, OFF-SITE. A sign other than an on-site sign.

SINGLE-FAMILY CLUSTER STRUCTURE. A one-family structure designed as a dwelling unit for and occupied by only one family, but it may be attached to one other single-family attached dwelling at a common lot line.

SINGLE-FAMILY DETACHED STRUCTURE. A one-family structure designed as a dwelling unit for and occupied by only one family, and it shall be separated from all other residential structures except those accessory thereto.

SITE CONDOMINIUM PROJECT. As used in this chapter, the term ***SITE CONDOMINIUM*** means a development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area, constitutes the equivalent of a lot.

SOCIAL AND CIVIC ASSOCIATIONS. A non-profit organization which is established for the purpose of providing service to the community, as specified in its charter, which owns or leases premises, the use of which is restricted to members and their guests.

STORY. That part of a building included between the surface of any floor and the surface of the floor or roof, next above, as illustrated in the diagram entitled “Basement and Story.” When the distance from the average established grade to the ceiling of a portion of a structure partly below the grade is greater than the distance from the average established grade to the floor, such portion shall constitute a ***STORY***.

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STREET. A public thoroughfare which affords a means or access to abutting property.

STRUCTURE. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures, include buildings, mobile homes, walls, fences, billboards, and poster panels.

TWO-FAMILY STRUCTURE. A two-family structure designed to provide complete dwelling units for two families, and each dwelling unit therein shall be occupied by only one family. Such a structure shall be separated from all other structures except those accessory thereto.

USE VARIANCE. A variance which permits a use not specifically permitted by this chapter for the district in which it is located.

VARIANCE. An authorization permitting change in the requirements of this chapter by the Board of Zoning Appeals in cases where the general requirements of this chapter and the literal enforcement of it would result in an unnecessary and undue hardship upon the variance applicant.

VILLAGE. The Village of Gaines, Genesee County, Michigan.

VILLAGE COUNCIL. The Village Council of the Village of Gaines, Genesee County, Michigan.

VILLAGE PLANNING COMMISSION. The Gaines Village Planning Commission as established by the Gaines Village Council under provisions of the Municipal Planning Act, being Act 285 Public Acts of 1931.

YARD. A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

YARD, FRONT. A yard extending between side lot lines across the front of a lot and adjoining a public street. The depth of the front yard shall be determined by the front setback requirements applying to the property.

YARD, REAR. A yard extending across the rear of the between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. The depth of the **REAR YARD** shall be determined by the side setback requirements.

YARD, SIDE. A yard extending from the rear line of the required front yard and being between the principal structure and the side lot lines, to the rear lot line or, in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street. The depth of the **SIDE YARD** shall be determined by the side setback requirements.

ZONING ADMINISTRATOR. The person and assistants designated by the Village Council as responsible for administering and enforcing all requirements of this zoning chapter.
(Ord. Art. 2, passed 1-7-1997)

§ 156.003 SEVERABILITY.

This chapter and the various parts, sections, subsections, provisions, sentences, and clauses therefor are hereby declared to be severable. If any part, section, subsection, provision, sentence, or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this chapter shall not be affected thereby.
(Ord. § 21.01, passed 1-7-1997)

§ 156.004 CONFLICTING PROVISIONS REPEALED.

Where a provision of this chapter conflicts with a provision of another applicable law, rule, regulation or ordinance provision, the stricter requirement shall prevail and apply unless the applicable law, rule, regulation or ordinance preempts the zoning chapter in which case it shall apply whether it is the stricter requirement or not.
(Ord. § 21.02, passed 1-7-1997)

§ 156.005 PREVIOUS ZONING ORDINANCE REPEALED.

The village ordinance entitled “Village of Gaines Zoning Ordinance” adopted by resolution by the Village Council of the Village of Gaines and effective 11-14-1979, as amended, is repealed.
(Ord. § 21.03, passed 1-7-1997)

§ 156.006 EFFECTIVE DATE.

This chapter shall become effective on 1-7-1997.
(Ord. Art. 22, passed 1-7-1997)

REGULATIONS AND REQUIREMENTS**§ 156.020 SCOPE.**

Except as elsewhere provided in this chapter, no structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered in any manner; and no structure, land, premises, or part thereof, shall be used for a purpose and no open space surrounding any structure shall be reduced or encroached upon, other than as permitted by the provisions of this chapter, for the district in which such structure, land or premises is located.
(Ord. § 3.01, passed 1-7-1997)

§ 156.021 BUILDING REGULATIONS.

(A) No structure shall be erected, altered, or moved into this village except in conformity with all of the regulations pertaining to such structure and pertaining to the district within which the structure is located, or to be located.

(B) Nor shall any the structure be erected, altered, or moved into this village without having been issued previously a zoning permit authorizing such erection, alteration, or movement.

(C) No zoning permit shall be issued unless a plot plan showing compliance with all requirements of this chapter has been approved by the Zoning Administrator or, in the case of a use requiring approval of the Village Planning Commission or Zoning Board of Appeals, approval by the Commission or Board, of a site plan provided, however, nothing in this section shall prevent the issuance of a zoning permit for a variance duly granted by the Zoning Board of Appeals.

(D) No structure shall hereafter be erected or altered (1) to exceed the height or bulk; (2) to accommodate, or house a greater number of families; (3) to occupy a greater percentage of lot area; (4) to have narrower or smaller rear yards, front yards, side yards, contrary to the provisions of this chapter, unless permitted by the issuance of a variance by the Zoning Board of Appeals.

(E) No part of a yard, or other open space, or off-street parking or loading space, required for, or in connection with, any land use, or structure for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking, or loading space similarly required for any other land use or structure, except as otherwise specifically permitted under provisions of this chapter.

(F) No yard, or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter. (Ord. § 3.03, passed 1-7-1997) Penalty, see § 156.999

§ 156.022 CONSTRUCTION OR CONTRACTS UNDER PERMITS ISSUED PRIOR TO ORDINANCE.

Any structure for which a zoning permit has been issued and construction of the whole, or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a zoning permit issued prior to the effective date of this chapter, may be completed and used in accordance with the plans and applications on which the zoning permit was granted, provided the construction permitted by the permit shall have been started within six months and completed within one year from the date of issue of the zoning permit in one year from the date of issue of the zoning permit. (Ord. § 3.04, passed 1-7-1997) Penalty, see § 156.999

§ 156.023 ZONING PERMITS.

(A) *Issuance.* A zoning permit shall be obtained before any construction, erection, alteration, or addition to any structure may be undertaken, or before any structure is relocated into or within the village. No permit shall be valid until the required fee has been paid. For each zoning permit so issued, a fee shall be paid to the Village Treasurer, in accordance with the fee schedule established by resolution of the Village Council.

(B) *Violations and cancellation of permit.*

(1) Should the Zoning Administrator determine that the construction is not proceeding according to the plan filed, or is in violation of any provision of this code, or any other applicable ordinance, regulation, or law, he or she shall so notify the permit holder and further construction has been effected and approved by the Zoning Administrator, upon notice and request for re-inspection duly made.

(2) Should the permit holder fail to comply with any applicable requirements, at any stage of construction, the Zoning Administrator is hereby empowered to cancel the zoning permit issued and shall

cause notice of the cancellation to be securely posted upon the construction and at a location of ready visibility. Posting of the notice shall be considered sufficient notification to the permit holder of cancellation thereof. No further work shall be undertaken, or permitted upon until a new zoning permit shall have been issued.

(3) Any permit holder whose construction shall have been stayed under division (B)(1) above, or whose building permit shall have been canceled under division (B)(2) above, shall not be granted any building permit for any other construction of any type whatever, until correction has been effected and approved as provided in division (B)(1) above, or until a new building permit shall have been issued to replace the canceled building permit, as provided in division (B)(2) above. (Ord. § 3.05, passed 1-7-1997) Penalty, see § 156.999

§ 156.024 ONE-FAMILY DWELLING REGULATIONS.

A one-family dwelling and any additions or alterations, thereto, erected or placed in the village, other than mobile homes located in a licensed mobile home park, shall conform to the following regulations in addition to all other regulations of this chapter:

(A) It shall comply with all pertinent building, construction and fire codes for single-family dwellings.

(B) The plan outline of the dwelling, including only heated living area, shall be large enough to contain within it a square of 20 feet on a side. This size requirement shall not make any houses existing at the date of amendment nonconforming so that they cannot be enlarged or improved.

(C) It shall be firmly attached to a permanent foundation constructed on the site in accordance with the village building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, the dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

(D) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

(E) It shall be connected to a public sewer and water supply, if available, or if not available, to private facilities approved by the Genesee County Health Department.

(F) It shall comply with all pertinent zoning, subdivision, and other ordinances regulating use, floor area, lot size, setbacks, yards, etc., in the zoning district in which it is located.

(G) It shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the “Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development, being 24 C.F.R. § 3280, and as from time to time the standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(H) It shall be aesthetically compatible in design and appearance to homes in the neighborhood in which it is located. In the first instance, it shall be the responsibility of the Zoning Administrators determine whether this standard is met. The Village Zoning Administrator may at his or her discretion, refer the matter to the Zoning Board of Appeals for the determination. Any party aggrieved by an adverse decision by the Village Zoning Administrator may appeal to the Zoning Board of Appeals, which Board shall make the determination, with findings, based upon its independent judgment, without reference to the standards for the granting of variances. The determination of compatibility shall be based upon the character, design and appearance of residential dwellings located outside of mobile home parks within 300 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within the area; or where the area is not so developed, by the character, design, and appearance of the residential dwellings generally found throughout the village. The determination of compatibility shall also be based upon compliance with the following standards:

(1) The dwelling shall have a combination of roof overhang and pitch comparable to the overhang and pitch of homes typically found in the neighborhood in which it is to be located.

(2) The dwelling shall have a chimney that is constructed of a material and style similar to those of other dwellings typically found in the neighborhood in which it is to be located.

(3) The dwelling shall have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the structure, and which are comparable to steps and/or porches of homes typically found in the neighborhood in which it is to be located.

(4) The dwelling and roof shall be covered with a material which is in composition, color, texture, malleability, direction of joints, and method of fastening to the structure comparable to those typically found in the neighborhood in which it is to be located.

(5) The dwelling shall have windows located on the front sides, and exterior doors either on the front and rear or front and side as generally found in homes in the neighborhood in which it is to be located.

(6) The dwelling shall not have a detached garage, if attached garages are typically found in the neighborhood in which it is to be located.

(I) A dwelling may be approved as aesthetically compatible in design and appearance to homes in the neighborhood in which it is to be located, even if all of the above conditions do not exist, provided it is determined that the dwelling and/or its site has other design features which make it aesthetically compatible to homes in the district. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour or relief from the common or standard designed home.
(Ord. § 3.06, passed 1-7-1997) Penalty, see § 156.999

§ 156.025 ON-SITE SEWAGE DISPOSAL SYSTEMS.

Before any zoning permit shall be issued under the terms of this chapter the applicant shall obtain the endorsement in writing from the Genesee County Health Department approving his or her plans for any on-site sewage disposal system which systems shall be in accordance with state law, county regulations, or village ordinance, whichever is the most restrictive and in accordance with the applicable regulations of the Genesee County Sewage Disposal District Number One.
(Ord. § 3.07, passed 1-7-1997) Penalty, see § 156.999

§ 156.026 WATER SUPPLY.

(A) Every building or structure hereafter erected or moved upon any premises and used in whole, or in part, for dwelling, recreational, business, commercial or industrial purposes shall be provided with a safe, adequate and sanitary water supply. All plumbing work relating to the water supply system shall conform to the standards of material and installations set forth by the Michigan State Plumbing Code.

(B) Where a public water system is not available, each fixture for which water for human consumption may be obtained shall be supplied from a system which meets the minimum requirements of the State of Michigan, the Genesee County Health Department, the Michigan State Department of Health or village ordinance.
(Ord. § 3.08, passed 1-7-1997) Penalty, see § 156.999

§ 156.027 INCOMPLETE DWELLING.

(A) No cellar, garage, or any incompletely constructed structure in use as a dwelling at the effective date of this chapter shall be used as a dwelling for more than three years following the date, unless the structure has been brought to a state of external completion in conformity with the regulations of this chapter relative to dwellings in the district in which the structure is located.

(B) No structure constructed after the effective date of this chapter shall be used as a dwelling unless the structure has been completed as a dwelling and an occupancy permit issued for the structure.
(Ord. § 3.09, passed 1-7-1997) Penalty, see § 156.999

§ 156.028 YARD AND LOT AREA REQUIREMENTS.

(A) *Lot measurements.* No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for the construction of a proposed building or the alteration of an existing building. In the determination of a land area where a structure is to be erected, altered, or used, no road right-of-way shall be included in the computation of the required minimum land area.

(1) Depth of a lot shall be the portion lying within the lot boundaries of distance between the midpoints of straight lines connecting the foremost points to the side lot lines in front and the rearmost points of the side lot lines in the rear.

(2) Width of a lot shall be the distance along a straight line connecting side lot lines and measured across the lot between side lot lines at the front setback lines. The width of the front line shall not be less than

80% of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where the 80% of the required lot width requirement shall not apply.

(3) The front of a lot shall be the portion nearest the street and, for the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered front yards, and setbacks shall be provided as required in this chapter.

(B) *Dimension criteria.*

(1) *Height limitations.* The limitations affecting the height of structures shall not apply to the appurtenant appendages such as chimneys, smokestacks, church spires and flagpoles, radio or TV towers, masts and aerials, penthouse for mechanical equipment, and water tanks; provided, however, such appendages and structures shall comply with all other provisions of this or any other applicable chapter.

(2) *Yards.* All front, side and rear yard setbacks shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three feet in length from the structure wall, nor measuring three feet in width parallel to the respective front, side, or rear lot line, provided, however, the point of measurement of such front, side, or rear lot line shall be at a point within the subject lot and on a line which will measure not less than 20 feet in length and is parallel to the side of the structure from which the distance is measured.

(a) No fence or wall shall be permitted within any required front yard, which materially impedes vision across the yard above the height of two feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of two feet and eight feet; all of which shall be measured from the centerline elevation of abutting streets; provided, however, this provision shall not affect any yard area where the natural ground elevation affect any yard area where the natural ground elevation is more than four feet above the centerline elevation.

(b) In the case of corner lots which do not have reversed frontage, the front yard requirements shall apply to all sides of the lot which abut a street.

(c) In any district where a lot runs through a block from street to street and where a front yard is required, the front yard shall be provided along each street lot line.

(d) In the case of through lots, side yards shall extend from the setback lines of required front yards. In the case of corner lots, yards remaining after full front yards have been established shall be considered side yards and comply with applicable requirements for side yards.

(Ord. § 3.10, passed 1-7-1997) Penalty, see § 156.999

§ 156.029 EXCEPTIONS TO YARD AND LOT AREA REQUIREMENTS.

The following exceptions to lot area and yard requirements normally required within this chapter are permitted:

(A) *Width.* A single-family structure may be constructed on any officially-platted and recorded lot which is less than the minimum width required by this chapter provided that the structure and setbacks comply with all other requirements herein.

(B) *Area.* A single-family structure may be constructed on any officially-platted and recorded lot which has less than the minimum area required by this chapter, provided that the structure and setbacks shall comply with all other requirements of this chapter.

(C) *Front yards.* In all residential districts, when the majority of parcels on a block face have been built closer to the street than permitted by this chapter, a property owner may build to the average setback of the residences on that block face.

(D) *Side yards.* The required combined width of side yards on lots existing prior to the date of this chapter and with a width of less than that specified within the residential district provisions affecting the district in which the lot is located may be reduced four inches for each foot or fraction thereof by which the width of such lot is inadequate, provided that the minimum side yard shall not be less than four feet.

(E) *Rear yards.* Any platted and recorded lot with less than 110 feet of depth and located in any residential district may have three inches deducted from the required rear yard depth, for every foot the lot is less than 110 feet deep, provided no rear yard shall be less than 20 feet.

(Ord. § 3.11, passed 1-7-1997)

§ 156.030 ACCESSORY BUILDINGS.

(A) *Nonresidential districts.*

(1) Any part of a detached accessory building shall be at least 50 feet from any front lot line when the adjoining lot is located in a residential district.

(2) Accessory buildings may be erected as a part of or connected to the principal building but in either case shall be considered a part of the principal building for the purpose of determining yard requirements.

(B) *Residential districts.*

(1) No accessory building shall be erected in other than a rear or side yard.

(2) Accessory building shall not exceed 12 feet in building height. Accessory buildings shall not have an area greater than 576 square feet or be greater in area than one-half the area of the principal structure on the lot, whichever is greater. In all cases, the combination of principal and accessory structures shall not exceed the maximum lot coverage as defined for the district in which it is located. This limitation shall not apply to agricultural buildings in the Residential Agricultural district (RA).

(3) When the rear line of a corner lot abuts the side line of an adjoining lot in a residential district, no accessory building shall be closer to the rear lot line than the required side yard setback of the abutting lot nor closer to the front street lot line than the principal building on the lot.

(4) When the rear line of a corner lot abuts the rear line of any other lot, no accessory building shall be closer to the front street lot line than the principal building on the corner lot.

(5) Accessory buildings may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure, and in either case shall be considered a part of the principal building, provided all yard requirements of this chapter for a principal building are complied with.

(Ord. § 3.12, passed 1-7-1997; Ord. passed 6-10-1998) Penalty, see § 156.999

§ 156.031 CLEAR VISION.

There shall be a clear vision zone at all corners of intersecting roads, or road junctions, consisting of a triangular area defined by the point of intersection of the right-of-way lines and the two points extended along such lines a distance of 15 feet from the point of intersection, and within which area no obstruction to vision, excluding existing topography, shall be permitted from a height of two feet to eight feet above center-line elevation of abutting streets, except that not more than two trees with trunks of not more than 30 inches in diameter each, and clear of any branches for these heights may be located

within the area; provided, however, that this section shall not prohibit the requirement of a greater clear vision area where such is necessary in view of permitted traffic, anticipated traffic volumes or geographic conditions. In the case of streets intersection with major streets, the legs of the vision triangle shall be 25 feet rather than 15 feet.

(Ord. § 3.13, passed 1-7-1997) Penalty, see § 156.999

§ 156.032 LOT GRADES.

(A) All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of the structures.

(B) Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems such as to provide adequate drainage and not jeopardize the existing drainage systems, shall not increase drainage on to adjacent parcels and shall be approved by the Zoning Administrator having jurisdiction over the system.

(Ord. § 3.14, passed 1-7-1997) Penalty, see § 156.999

§ 156.033 CURB CUTS AND DRIVEWAYS.

Curb cuts and driveways may be located only upon approval by the Zoning Administrator and the other county and state authorities as required by law including the Genesee County Road Commission; provided, however, approval shall not be given where the curb cuts and driveways shall cause an unreasonable increase in traffic hazards.

(Ord. § 3.15, passed 1-7-1997)

§ 156.034 ESSENTIAL SERVICES.

(A) Nothing in this chapter shall prohibit the provision of essential services, provided the installation of the services does not violate any other applicable provision of this chapter.

(B) Nothing in this chapter shall be construed to permit the erection, construction, or enlargement of any aboveground structure except utility poles and wires, except as otherwise permitted in this chapter.

(Ord. § 3.16, passed 1-7-1997)

§ 156.035 STORAGE IN FRONT YARD.

Nothing in this chapter shall permit the storage or parking of any vehicle or non permanent structure within the required front yard of any lot within a residential district, except that the parking of a licensed operable passenger vehicle on a driveway located on private property shall not be prohibited. (Ord. § 3.17, passed 1-7-1997) Penalty, see § 156.999

§ 156.036 HOME OCCUPATION.

A home occupation may be permitted within a single-family structure subject to the following conditions:

(A) No person other than members of the family residing on the premises shall be engaged in the occupation.

(B) The use of the single-family structure for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the structure shall be used for the purposes of the home-occupation, and shall be carried out completely within the structure.

(C) There shall be no visible evidence of the conduct of the home occupation, other than one sign not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the structure.

(D) No home occupation shall be conducted in any accessory structure.

(E) There shall be no sale of any goods manufactured elsewhere in connection with the home occupation.

(F) Home occupations which are likely to generate more than ten incoming and outgoing customer or client vehicular trips per day are prohibited.

(G) No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(Ord. § 3.18, passed 1-7-1997) Penalty, see § 156.999

§ 156.037 OFF-STREET PARKING AND OFF-STREET LOADING SPACE REQUIREMENTS.

(A) *Minimum schedule.* Off-street parking spaces shall be provided for each land use activity in accordance with the following minimum schedule:

(1) *Residential uses.*

Dwelling unit	2 spaces per unit
Motels	1 space per rooming unit
Hotels	1 space per room
Rooming houses, fraternity houses, dormitories, etc.	1 space per bed or each 100 square feet, whichever will require the larger number of parking spaces
Mobile home parks	2 spaces per site
Travel trailer parks	1 space per site

(2) *Institutional and public assembly uses.*

Nursery, elementary and junior high schools	1 space per classroom plus 5 spaces, or 1 space per 3 permanent seats or per 21 square feet of assembly hall, whichever will require the largest number of parking space
High schools and colleges with dormitory facilities	4.5 spaces per classroom or 1 space per 3 permanent seats or 21 square feet of assembly hall, whichever will require the largest number of parking spaces
Child care centers	1 space per employee plus 1 space per four students

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Clubs and lodges	1 space per 3 persons of maximum capacity allowed under fire code
Colleges without dormitory facilities	10 spaces per classroom, plus 1 space per 3 permanent seats or 21 square feet of assembly space in each assembly hall, whichever will require the largest number of parking spaces
Golf courses	4 spaces per green plus 1 space per employee
Libraries and museums	1 space per 1,000 square feet plus 1 per employee
Tennis clubs	2 spaces per court
Theater	1 per 5 seats
Stadia and sport arena	1 space per 4 seats
Swimming pools	1 space per 3 seats or per 100 square feet of pool surface, whichever will require the largest number of parking spaces
Assembly halls, churches, mortuaries, theaters	1 space per 3 seats or per 21 square feet of assembly space, whichever will require the largest number of parking spaces
Hospitals	2.25 spaces per bed
Convalescent homes, homes for the aged	3.0 spaces per bed

(3) Commercial uses.

Auto or farm implement sales	1 space for each 500 square feet of office and show room space, 3 spaces for each service bay
Business offices, except as otherwise specified	1 space per 300 square feet of floor area
Commercial kennel	1 space per 5 kennels, plus one for each employee

Professional offices of architects, attorneys, accountants, engineers, real estate brokers, etc.	1 space per 300 square feet of floor area
Medical and dental clinics	1 space per 100 square feet of floor area
Retail stores, except as otherwise specified herein	1 space per 100 square feet of sales area, with a minimum of 5 spaces
Retail stores of appliances, furniture, motor vehicles, hardware, lumber, and building materials	1 spacer per 300 square feet of sales area
Restaurants and bars	1 space per 3 seats
Veterinary clinic	1 space per doctor, plus 1 space for each employee
Beauty or barber shop	1 space per 100 square feet of floor area
Service shops	1 space per 30 square feet of sales area, with a minimum of 3 spaces
Bowling alleys	7 spaces per alley
Poolrooms, bow and arrow and other recreational facilities	1 space per 50 square feet of activity area
Service stations	1 space per 10 square feet of office area plus 2 spaces per hoist, but a minimum of 5 spaces

(4) *Off-street parking, not required.* Off-street parking is not required for business located within the village's downtown area as shown on the village zoning map.

(5) *Industrial uses.* Parking space requirements for all industrial uses shall equal at least the employee load factor, as outlined in the building code.

(6) *Exception.* The parking requirements for all uses proposed on a lot shall be cumulative, unless the Zoning Board of Appeals shall find that the parking requirements of a particular land use, such that the particular land use parking requirements can be advantageously used during other non-conflicting hours by the other contiguous land uses, and adequate space is available to provide separate parking if

there is a change in use, in which event the required parking spaces for those particular land uses may be reduced by the Zoning Board of Appeals to a minimum of the greatest number of spaces required for any of the contiguous land uses.

(7) *Off-street parking regulations within a residential district.*

(a) All residential buildings or non-residential buildings in a residential district shall be provided with required parking areas on the same lot with the building or on a lot immediately adjacent to the lot with the building intended to be served.

(b) The parking areas shall not be located in any required front yard or required side yard except in a case of a dwelling with a driveway leading to a garage or parking area, the drive may be used for parking. Yard requirements for parking areas shall be the same as those required for accessory buildings in the residence district in which that parking is located.

(c) All parking areas, except for one- and two-family structures, shall be screened on all sides abutting a residential district or a street. The screening shall consist of a solid masonry wall not less than three feet where facing a street nor less than five feet where facing a residential district.

(d) No parking area in a residential district shall be used for parking or storing or any commercial vehicle exceeding one-ton capacity.

(e) No commercial repair work, servicing, or selling of any kind shall be conducted on such areas, and no sign of any kind other than those indicating entrances, exits and conditions of use shall be erected thereon. No charge shall be made for parking of vehicles in parking areas required by this chapter.

(B) *Specified land uses.* Off-street loading spaces for specified land uses shall be provided in accordance with the following requirements:

(1) *Retail uses.* All retail sales facilities exceeding 10,000 square feet in floor area shall provide two loading spaces plus one loading space for each additional 30,000 square feet of floor area over 10,000 square feet.

(2) *Industrial uses.* All industrial land uses shall provide one loading space for each 10,000 square feet of floor area, with a minimum of not less than two loading spaces.

(3) All loading spaces shall be located and designed to avoid creating traffic hazard to public use of all public rights-of-way.

(C) *Design requirements.* Off-street parking and/or loading area information with dimensions indicating compliance with this chapter shall be submitted for non-residential development as part of a required site plan for approval before the issuance of a zoning permit for the structure for which the parking facility and/or loading area is required.

(1) Each parking space shall consist of an area not less than ten feet wide by 20 feet deep; provided, however, the dimensions shall be increased, when necessary, to permit safe ingress and egress thereto.

(2) Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and maneuvered without moving or damaging another.

(3) There shall be a curb or bumper rail provided wherever an off-street parking and loading area adjoins a public side walk or right-of-way so designed to prevent any portion of a vehicle from encroaching upon the walk or right-of-way.

(4) Any lighting used to illuminate any off-street parking and loading area shall be so arranged so as to direct light away from adjoining property and streets.

(5) Off-street parking and loading areas shall be surfaced with asphalt, bituminous or concrete pavement, and shall be graded and drained to dispose of all surface water into the storm sewer system.

(6) Any construction or rearrangement of existing drives which involve the ingress and/or egress of vehicular traffic to or from a public street shall be so arranged so as to insure the maximum of safety and the least interference with traffic upon the streets and shall be approved by the Zoning Administrator, in writing.

(Ord. § 3.19, passed 1-7-1997) Penalty, see § 156.999

§ 156.038 STRUCTURE COMPLETION.

All structures shall be completed on the outside in conformance with the building code and with finish (materials such as wood, brick, or brick-veneer, shingle, concrete or similar performance tested material) within one year after construction is started unless an extension for not more than one additional year is granted by the Zoning Administrator as provided elsewhere in this chapter. When a part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the premises comply with health and fire standards, required under this chapter or any other ordinance, regulations, or statutes.

(Ord. § 3.20, passed 1-7-1997) Penalty, see § 156.999

§ 156.039 SIGN REGULATIONS.(A) *On-site signs.*

(1) On-site signs may be permitted in residential and agricultural districts as follows:

(a) One professional sign or nameplate sign not more than 144 square inches in area which shall be non-illuminated.

(b) One non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not exceeding eight square feet in total sign area, provided that it shall be removed within seven days after the consummation of a lease or sale transaction.

(c) A sign or signs aggregating not more than 12 square feet in sign area indicating the name of a church on the premises, its pastor and its activities.

(d) One temporary sign having a maximum sign area of 32 square feet announcing the sale of lots or structures in any one subdivision, for a maximum period of one year.

(e) Signs permitted in the residential districts shall not be erected closer to any adjacent street right-of-way line than one-half the setback required for said lot, provided that a name plate sign not more than 72 square inches in sign area, as regulated above, may be placed anywhere within the front yard.

(f) One ground or wall sign, not over 20 square feet in area with a maximum height of eight feet, may announce the sale of farm produce grown on the premises.

(g) One historical marker is permitted per parcel for sites determined to be historically, architecturally or archaeologically significant, through registration in either the Michigan State Register of Historic Places or National Register of Historic Places. The sign message on the marker shall not exceed 16 square feet in area.

(2) On-site signs may be permitted in the business and industrial districts as follows: No on-site sign shall be permitted which is not accessory to the business conducted on the property. The sign may only be erected on an exterior wall providing all of the following requirements are met:

(a) No business establishment shall have a total of more than three signs, provided the total sign area for all signs permitted on the face of any wall shall not exceed 10% of the area of the face of the wall upon which such sign or signs are attached.

(b) All signs shall be flat signs, attached and parallel to the face of any building wall complying with the following requirements:

1. No sign shall extend farther than 15 inches from the face of the building upon which it is attached, provided, however, that where a sign extends more than three inches from the face of the wall, the bottom of the sign shall not be closer than ten feet from the ground level below said sign.

2. The maximum height of any single on-site sign shall not exceed five feet and the maximum width shall not exceed 90% of the width of the wall to which the sign is attached.

(c) No sign shall be lighted by means of flashing or intermittent illumination. All lights used for the illumination of business establishments, or for the illumination of business structures or areas surrounding them, or for the illumination or display of merchandise or products of business establishments shall be completely shielded from the view of vehicular traffic using the road or roads abutting the business properties.

(d) No on-site sign, as permitted, shall extend or project above the elevation of the wall to which it is attached.

(e) One freestanding or pylon sign per business establishment or shopping center complex advertising the name of the establishment or shopping center complex including any special company or brand name, insignia or emblem and special announcement of services, provided that the sign shall not exceed 34 square feet in area and be located on the same property upon which the business establishment or shopping center is located, and may be located such that no part of the structure extends over the public domain and is located or constructed such as to obscure vision and contribute to hazardous conditions.

(f) Customary lettering or other insignia which are an integral part of a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator, and any other sign required by law, and not exceeding a total of three square feet on each pump; and if illuminated, the signs shall not be the flashing or intermittent type and shall not in any manner constitute a traffic hazard with respect to adjacent streets or intersections.

(g) Signs in the C-1 and C-2 districts may be permitted on the face and/or underside of a canopy subject to the approval of the Zoning Board of Appeals which shall ensure that the location, size and type of such signs shall be uniform as related to other similar signs. The total area and number of signs permitted on canopies shall be included as part of the total number and area of signs permitted for each business establishment.

(B) *Off-site signs.* Off-site signs may be permitted in business and industrial districts subject to the conditional use provisions of §§ 156.115 *et seq.* and subject to the following conditions:

(1) Freestanding advertising signs or billboards shall not be placed closer than 100 feet to any residential district.

(2) Off-site signs may be either non-illuminated or illuminated but non-flashing provided the direct source of light is shielded in such a manner that it is not visible from the street or any adjoining residential property.

(3) No off-site advertising sign or billboard shall exceed a height of 20 feet nor exceed a length of 30 feet.

(4) Off-site sign boards may only be permitted on unoccupied lots.
(Ord. Art. 13, passed 1-7-1997; Ord. passed 6-10-1998) Penalty, see § 156.999

§ 156.040 NONCONFORMING USES, STRUCTURES AND LOTS.

Any building, structure, or use which existed lawfully at the time of the adoption of this chapter and which shall become nonconforming upon the adoption of this chapter, or of any subsequent amendments thereto, may be continued subject to the regulations which follow.

(A) *Restrictions on nonconforming buildings, structures and uses.* Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located may be continued, subject to the provisions herein.

(1) *Repairs and alterations.*

(a) *Nonconforming buildings or structures housing or intended to house a nonconforming use.* Repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations which reduce the yard area or increase the height or lot coverage of the building or structure shall be made in or to a building or structure, all or substantially all of which is housing or intended to house a use not permitted in the district in which it is located, except those required by law or except to make the building or structure, district in which it is located. For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires the replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure, except as herein above provided.

(b) *Nonconforming buildings or structures housing or intended to house a permitted use.*

1. Repairs, alterations, and structural changes may be made to nonconforming building or structure, for a use permitted in the district in which it is located, provided the repairs, alterations, or structural changes do not increase the nonconformity of the building or structure.

2. If an individual proposes to replace a nonconforming element of a nonconforming structure, the applicant will be given one year from the time of demolition to replace the nonconforming element. The period of time to replace the nonconforming element shall not exceed one year from the time of demolition. At the time the applicant applies for the demolition permit, he or she can also apply for a building permit to replace the demolished structure. If the applicant does not replace the nonconforming element within one year, the nonconforming element shall not be rebuilt except as to meet the minimum requirements of the zoning ordinance.

(2) *Additions and enlargements.* A nonconforming structure which is nonconforming as to height, yard or lot coverage requirements and is designed or intended for a permitted use, shall not be added to or enlarged in any manner unless the actions or enlargements thereto are made to conform to all of the regulations of the district in which it is located, and unless:

(a) All applicable regulations concerning the amount of lot area provided per dwelling unit, as provided in this chapter, are fulfilled.

(b) All applicable site design and landscape regulations, as provided in this chapter, are fulfilled.

(3) *Relocation of building or structure.* No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of the building or structure which is moved, and the use thereof, is made to conform to all of the regulations of the district in which it is to be located.

(4) *Restoration of damaged building or structure designed or intended for a nonconforming use.*

(a) A nonconforming building or structure which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of the restoration to the condition in which it was before the occurrence shall exceed 70% of the replacement value of the entire building, shall not be restored unless the building or structure, and the use thereof, shall conform to all of the regulations of the district in which it is located.

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(b) In the event the damage or destruction is less than 100% of the current assessed valuation of the entire building, no repairs or reconstruction shall be made unless the restoration is started within one year from the date of partial destruction and is diligently prosecuted to completion.

(c) If the restoration is not started within one year of the calamity and diligently prosecuted to completion, the building or structure shall be removed and the area cleared.

(5) *Discontinuance of a nonconforming use.* If the nonconforming use of a building, structure, or premises is discontinued for a continuous period of 12 months, it shall not be renewed, and any subsequent use of the building, structure, or premises shall conform to the use regulations of the district in which the building, structure, or premises is located.

(6) *Expansion of nonconforming use.*

(a) *Building or structure designed or intended for a nonconforming use.* The nonconforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which the use is presently located, provided that:

1. No changes or structural alterations which increase the bulk of the building or structure shall be made unless the changes or structural alterations, and the use thereof, conform to all the regulations of the district in which the building or structure is located.

2. All applicable site design and landscape regulations, as provided in this chapter, are fulfilled.

(b) *Building or structure designed or intended for a permitted use.* The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of the building or extended into any other portion of the building or structure, nor changed to any other nonconforming use.

(c) *Land.* The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded or extended beyond the area it occupies.

(7) *Change of nonconforming use.*

(a) *A building or structure designed or intended for a permitted use.* The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use not permitted in the district in which it is located, may be changed to a use allowed

in a more restrictive district than the district in which the nonconforming use which presently occupies the building or structure is allowed. For the purpose of this subdivision, district shall be deemed more or less restrictive in accordance with the order in which they are identified in this chapter with the most restrictive district appearing first and the least restrictive appearing last.

(b) *Building or structure designed or intended for a permitted use.* No nonconforming use shall be changed to another nonconforming use when the nonconforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for, or can reasonably accommodate a permitted use.

(c) *Land.* The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be changed to any other use, except to a use permitted in the district which the land is located.

(B) *Nonconforming lot.*

(1) Any lot which was lawful at the time of the effective date of this chapter, but does not comply with all the provisions of this chapter may be continued in use and may be built upon; provided, that all setback requirements of this ordinance are met, unless the setback requirements are relaxed by the Zoning Board of Appeals through issuances of a variance.

(2) No zoning permit shall be issued for the construction of any structure upon any lot within any zoning district, which lot cannot meet the dimensional standards and requirements of that district and which lot was created after the enactment of this zoning chapter, or after the enactment of any amendment which affects the standards or requirements, except as provided above.

(Ord. Art. 14, passed 1-7-1997; Ord. passed 6-10-1998) Penalty, see § 156.999

§ 156.041 SITE DESIGN AND LANDSCAPE REGULATIONS.

(A) *Purpose.* It is the purpose of this section to set minimum standards for the protection and enhancement of the environment through requirements for site design and the use of landscape materials.

(B) *Application.* The requirements set forth in this section shall apply to all lots, sites, and parcels which are developed or expanded following the effective date of this chapter. No site plan or land use shall be approved unless the site plan shall show landscaping consistent with the provisions of this section.

(C) *Buffering of business, semipublic, public uses, and other nonresidential uses.*

(1) *Protective screen wall or landscape buffer required adjacent to residential property.* The owner of property which is used for business, semipublic, public or other nonresidential purposes shall install and maintain in good condition along the entire edge of the property adjacent to property which is used or zoned for residential purposes:

(a) Either, protective screen wall as follows:

1. The wall shall be of masonry construction at least six feet high and eight inches thick, and it shall be reinforced with steel pilasters, or the equivalent approved by the Planning Commission.

2. It shall contain no openings except for the gates as may be approved by the Planning Commission in the course of site plan review.

3. It shall extend the full length of the nonresidential property where the property is also adjacent to a residential district or property used for residential purposes.

(b) Or, upon Planning Commission determination, a landscape buffer strip as follows:

1. The buffer strip shall be a minimum of 12 feet in depth.

2. It shall be graded with a continuous berm at least three feet above the grade elevation at the common property line. A six-foot high brick screen wall may be substituted for the berm.

3. All portions of the buffer strip shall be planted with grass, ground cover, shrubbery, or other suitable live plant material. A minimum of 50% of the berm coverage shall be comprised of shrubs.

4. A minimum of one deciduous tree plus one additional deciduous tree shall be planted for each 30 lineal feet of required buffer strip length. Required deciduous trees shall be planted at a minimum of 30 foot on center.

(2) *Buffering of business, semipublic. Public or other nonresidential uses adjacent to a public thoroughfare.* The owner of property used for business, semipublic or other nonresidential public uses except such uses located in the C-1 District shall install and maintain in good condition a landscape buffer strip along the entire edge of said property adjacent to a public thoroughfare right-of-way. The buffer strip shall be designed and landscaped as follows:

(a) The buffer strip shall be a minimum of six feet in depth from the edge of the road right of way or within the front yard setback, where approved by the Planning Commission.

(b) It may be interrupted at not more than 15% of its required length to provide for vehicular access, except that the buffer strip may be interrupted at more than 15% of its required length if necessary to provide for a one-way vehicular access lane and a one-way vehicular egress lane.

(c) Grass, ground cover, or other suitable live plant material shall be planted over the entire buffer strip area except that decorative paving may be used in areas of intensive pedestrian circulation.

(d) A minimum of one deciduous tree, plus one additional deciduous tree shall be planted for each 30 lineal feet of required buffer strip length. Paved areas used for pedestrian circulation and vehicular access shall be counted in measuring the length of the buffer strip for the purpose of determining the required number of trees.

(3) *Screening and landscaping of parking areas adjacent to or visible from public thoroughfares and residential districts.* Owner of an off-street parking area adjacent to or visible from a public right-of-way or residential area shall install and maintain in good condition the following landscaping:

(a) Off-street parking areas shall be screened from public thorough-fares and residential districts by a 30-inch high brick wall around the periphery of the parking area. The wall may be interrupted at not more than 15% of its required length if necessary to provide for vehicular access, except that the wall may be interrupted at more than 15% of its required length if necessary to provide for a one-way vehicular access and a one-way vehicular egress lane. The wall may be omitted along the portion of parking and vehicular-use area periphery which lies adjacent to a protective screen wall or landscape buffer strip of the type required in division (C)(1) above.

(b) Off-street parking areas shall have a minimum of one deciduous tree for every five parking spaces. One ten-foot by 20-foot landscaped island shall be required for every ten contiguous parking spaces.

(D) *Outdoor storage in business, semipublic, public, and other nonresidential areas, and in multiple-family residential areas.*

(1) No incinerator, garbage, or trash receptacle, oil or propane tank, or storage rack, shall be exposed on the grounds outside of the building, except when enclosed on the three sides facing the front and side lot lines by a solid masonry wall of adequate height to completely obscure all stored material.

(2) No storage of goods, merchandise or materials outside of the building shall be permitted, except when enclosed on the three sides facing the front and side lot lines by a solid masonry wall of adequate height to completely obscure all stored material.

(E) *Buffering of multiple dwellings from arterial streets.*

(1) The owner of property used for multiple-dwelling purposes shall install and maintain in good condition a landscape buffer at least 20 feet in depth along the entire edge of the property adjacent to a public right-of-way line.

(2) The buffer strip shall be designed and landscaped as follows:

(a) The buffer strip may be interrupted at not more than 10% of its required length to provide for vehicular access, except that it may be interrupted at more than 10% of its required length if necessary to provide for a one-way vehicular access and a one-way vehicular egress lane.

(b) All portions of the buffer strip shall be planted with grass, ground cover, shrubbery, or other suitable plant material.

(c) A minimum of one deciduous tree plus one additional deciduous tree shall be planted for each 30 lineal feet of required buffer strip length. Required trees shall be planted at approximately 30 foot on center.

(d) Paved areas used for pedestrian circulation and vehicular access shall be counted in measuring the length of the buffer strip for the purpose of determining the required number of trees and shrubs. Trees should be spaced at a minimum of 30 feet on center.

(F) *Plant materials to be used.*

(1) *Quality.* Plant and grass materials used in compliance with provisions of this chapter shall be free of disease and insects at time of planting, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen ANZI Z60.1.

(2) *Plastic materials.* Plastic or other nonorganic plant materials shall be prohibited from use and shall not be in compliance with the spirit or intent of this chapter.

(3) *Deciduous trees.* Deciduous trees shall be species having an average mature crown spread of greater than 15 feet in Genesee County and having trunks which can be maintained with over five feet clear stem, if conditions of pedestrian and vehicular traffic visibility require, except however at intersections where the requirement of eight-foot clear stems shall be followed. Trees having an average mature crown spread of less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown spread. Deciduous trees species shall be a minimum of ten feet in overall height and a minimum caliper of two-and-one-half inches at the point on the trunk six inches above the ground immediately after planting.

(4) *Ground covers.* Ground covers used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season.

(G) *Installation and maintenance.* In the cases where an owner of property is required to install and maintain landscape materials, said owner shall observe the following standards:

(1) *Installation.* Landscaping shall be installed in a sound workmanlike manner and according to accepted good planning procedures with the quality of plant materials as hereinafter described. Landscaped areas must be protected from vehicular encroachment, by such means as, but not limited to wheel stops. If building or paving construction is completed during a planting season, then no certificates of occupancy will be issued unless the landscaping meets the requirements herein provided. If building or paving construction is completed in an off-planting season, the certificates of occupancy will be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season.

(2) *Maintenance.* The owner of landscaping required by this chapter shall maintain the landscaping in good condition so as to present a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead material shall be replaced with one year or the next appropriate planting period whichever comes first.

(H) *Regulations pertaining to landscaping areas used for sight distance.* When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public right-of-way, all landscaping within the corner triangular areas shall provide unobstructed cross-visibility, as required in § 156.031. All shrubs located in the triangular areas shall not be permitted to grow to a height of more than 30 inches above the sidewalk grade, in order that the view of the driver of a vehicle not be obstructed. Required 30-inch protective screen walls and berms may be installed within sight distance triangular areas, but required protective screen walls and berms of greater height must be installed outside sight distance triangular areas. Trees may be planted and maintained in this area, provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface. Landscaping except grass or ground cover shall not be located closer than three feet from the edge of an access way pavement.

(I) *Regulations pertaining to existing plant material.*

(a) Site plans shall show all existing trees one and three-fourths-inches diameter located within the proposed development's contract limits. Any tree to be removed shall be labeled as such on the site plans. All trees to be removed must be approved by the Planning Commission.

(b) In instances where healthy plant material exists on a site prior to its development, the Planning Commission pursuant to site plan approval may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this chapter.

(Ord. Art. 15, passed 1-7-1997) Penalty, see § 156.999

ZONING MAP AND DISTRICTS

§ 156.055 DISTRICT BOUNDARIES.

The boundaries of these districts are hereby established as shown on a map entitled “Zoning Map, Village of Gaines, Genesee County, Michigan,” dated 1-7-1997 which accompanies and is hereby made a part of this chapter. Except where specifically designated on the map, the district boundary lines are intended to follow lot lines, the center lines of creeks, streams or rivers, the center lines of streets or alleys, the center lines of streets or alleys projected, railroad right-of-way lines, section lines, one-quarter section lines, one-eighth section lines or the corporate limit line, all as they existed at the time of the enactment of this chapter; except as otherwise specifically described; but, where a district boundary line does not coincide with lot lines, the boundary lines shall be dimensioned on the zoning map.

(Ord. § 3.02, passed 1-7-1997)

§ 156.056 ZONING DISTRICT MAP; ZONING DISTRICTS.

(A) *Map.* The boundaries of these districts are defined and established as shown on the map hereto attached and made part of this chapter, said map being designated as the Zoning District Map of the village and the map and the proper notations, references and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by said map were all fully described herein.

(B) *Districts.* For the purpose of this chapter all of the incorporated area of the village is divided into the following Zoning Districts:

- (1) RA Residential Agricultural District.
- (2) R-1 Single-Family Residential District 1.
- (3) R-2 Single-Family Residential District 2.

(4) R-3 Multiple-Family Residential District.

(5) R-4 Mobile Home Park.

(6) C-1 Village Center Commercial District.

(7) C-2 Fringe Commercial District.

(Ord. §§ 3.21, 3.22, passed 1-7-1997)

§ 156.057 RESIDENTIAL AGRICULTURAL DISTRICT (RA).

(A) *Purpose.* The purpose of the Residential Agricultural District (RA) is to provide areas for the continuation of established agricultural functions within the village and to provide a buffer between the agricultural activities in the areas surrounding the village and the relatively dense residential development in the center of the village. Regulations contained in this district are designed to discourage establishment of medium or high density residential uses in these areas.

(B) *Permitted uses.* The following uses shall be permitted subject to the lot area, yard and setback requirements set forth in this section:

(1) General and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry, bees, and other farm animals, products and foodstuffs raised or grown on the premises provided that pens or shelters are maintained in a sanitary condition and that the livestock are fenced in or otherwise prevented from roaming at large off the premises.

(2) Raising or growing of plants, trees, shrubs and nursery stock, but not including retail sale on premise.

(3) Riding academies or stables.

(4) Kennels, private and commercial.

(5) Single-family detached structures.

(6) Parks and playgrounds under ten acres.

(7) On-site signs as regulated and provided for in § 156.039(A).

(8) Adult foster care family homes and small group homes.

(9) Essential services.

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(C) *Conditional uses.* The following uses shall be permitted subject to the lot area, yard and setback requirements set forth in this section and upon the issuance of a conditional use permit as provided for in §§ 156.115 *et seq.*

(1) Agricultural service uses primarily engaged in performing agricultural animal husbandry or horticultural services on a fee or contract basis including corn shelling; hay bailing and thrashing; sorting, grading and packing fruits and vegetables for the grower; agricultural produce milling and processing; horticultural services; crop dusting; fruit picking; grain cleaning; land grading; harvesting and plowing; farm equipment service and repair; veterinary services; and boarding and training of horses.

(2) Agricultural-related sales uses selling products primarily to farmers and agricultural service establishments. Products sold may include farm implements or any other products more than 50% of which are used for the conduct of farm operations and for agricultural services.

(3) Cemeteries.

(4) Excavation of sand and/or gravel subject to the conditions of division (E) below.

(5) Public utility uses, as follows:

(a) Electrical Substations.

(b) Gas regulator stations.

(c) Major transmission lines.

(d) Radio, television, microwave transmission and relay towers.

(e) Telephone exchange and transmission equipment buildings.

(f) Railroad rights-of-way, but excluding railroad yards and ships.

(g) Water pumping stations.

(h) Water and waste water works, reservoirs, pumping and filtration plants.

(6) Recreational and social facilities, as follows:

(a) Golf courses, but not golf driving ranges; pitch and putt, or miniature golf courses.

(b) Grounds of recreational clubs, noncommercial.

- (c) Recreational buildings and community centers, noncommercial.
- (d) Swimming pools, noncommercial.
- (e) Tennis clubs and courts, noncommercial.

(7) Private recreational areas with camping sites for tents, campers and travel trailers subject to the restrictions in § 156.123.

(8) Junkyards, subject to the restrictions in § 156.124.

(9) Temporary housing, subject to the restrictions in § 156.125.

(10) Circuses, subject to the restrictions in § 156.126.

(D) *Accessory structures and uses.* The following uses shall be permitted as accessory to a permitted use or an approved conditional use subject to the lot area, yard and setback requirements set forth in this section:

(1) Family day care homes and group day care homes provided they comply with state requirements.

(2) Garages and carports.

(3) Greenhouses and conservatories, private (noncommercial).

(4) Home occupations.

(5) Living quarters, detached for persons employed on the premises if occupied by such persons and their immediate family, when approved by conditional use permit.

(6) Mausoleums and grounds maintenance buildings accessory to cemeteries.

(7) Pavilions, restrooms, snack bars and similar buildings accessory to parks and playgrounds and private recreational areas.

(8) Roadside stands, for the display and sale of agricultural products on zoning lots where the principal use is agriculture (temporary, for a period not to exceed six months in any one year).

(9) Sewage disposal units, individual.

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(10) Storage of building materials and equipment, and temporary buildings for construction purposes for a period not to exceed the duration of the construction.

(11) Swimming pools and tennis courts, private.

(12) Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.

(E) *Lot size requirements.*

(1) *Permitted uses.*

<i>Use</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width¹</i>
General use and specialized farming	10 acres ²	660 feet
Raising or keeping of livestock	10 acres ²	660 feet
Raising or growing of plants	5 acres	330 feet
Single-family detached structures	5 acres	330 feet
Parks and playgrounds under 10 acres	5 acres	330 feet
¹ Minimum lot width indicated applies except that in no case shall the lot width be less than one-third the depth.		
² At least one additional acre shall be provided for each horse more than 10 kept, except that the number of horses now existing on each parcel where horses are presently kept for recreational purposes may be continued under the nonconforming use provisions of this chapter and subject to all conditions. Foals born on parcels where horses are presently kept may be kept on the parcel for 2 years even though the additional horses may increase the number of the horses on the parcel beyond the one horse per acre limitation, but in no case shall there be more than one horse and one foal per acre.		

(2) *Conditional uses.*

<i>Use</i>	<i>Minimum Lot Area¹</i>	<i>Minimum Lot Width²</i>
Agricultural service uses	20,000 sq. ft.	100 feet
Agricultural-related sales uses	20,000 sq. ft.	100 feet

<i>Use</i>	<i>Minimum Lot Area¹</i>	<i>Minimum Lot Width²</i>
Cemeteries	10 acres	660 feet
Excavation of sand and/or gravel	10 acres	200 feet
Public utility uses	20,000 sq. ft.	100 feet
Recreational and social facilities	80,000 sq. ft.	200 feet
Private recreational areas	10 acres	200 feet
Private recreational areas with camping sites	10 acres	330 feet
¹ Minimum lot area indicated represents absolute minimum which may be increased if determined necessary by the Planning Commission as a condition for granting a conditional use permit.		
² Minimum lot width indicated applies except that in no case shall the lot width be less than one-third the depth.		

(3) *Accessory uses.* Accessory uses may be established on the same lot as the principal use, provided that the lot meets the lot size requirements set forth in this section except that additional lot area shall be provided for the following accessory uses as specified below:

<i>Use</i>	<i>Minimum Additional Lot Area</i>
Living quarters for employees	5,000 sq. ft.

(F) *Setback from property lines.*

(1) *Permitted uses.*

<i>Use</i>	<i>Front</i>	<i>Interior Side</i>	<i>Street Side</i>	<i>Rear</i>
Animal pens and corrals	75 ft.	75 ft.	75 ft.	75 ft.
Agricultural building and structures	75 ft.	75 ft.	75 ft.	75 ft.
Kennels	75 ft.	75 ft.	75 ft.	75 ft.
Other nonresidential buildings	50 ft.	50 ft.	50 ft.	50 ft.
Single-family detached dwellings	25 ft.	25 ft.	25 ft.	35 ft.

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(2) *Conditional uses.*

<i>Use</i>	<i>Front</i>	<i>Interior Side</i>	<i>Street Side</i>	<i>Rear</i>
Nonresidential buildings	25 ft.	50 ft.	25 ft.	50 ft.
Campsites	100 ft.	100 ft.	100 ft.	100 ft.
Cemetery burial sites and drives	25 ft.	25 ft.	25 ft.	25 ft.
Excavation of sand and/or gravel	100 ft.	100 ft.	100 ft.	100 ft.
Outdoor storage or display areas	25 ft.	25 ft.	25 ft.	25 ft.
Recreational and social facilities ¹	25 ft.	10 ft.	25 ft.	10 ft.

¹Other than buildings. Includes golf fairways, swimming pools, and tennis courts.

(3) *Accessory uses.*

<i>Use</i>	<i>Front</i>	<i>Interior Side</i>	<i>Street Side</i>	<i>Rear</i>
Living quarters for employees	25 ft.	25 ft.	25 ft.	25 ft.
Buildings accessory to residential uses	25 ft.	25 ft.	25 ft.	25 ft.
Other buildings	50 ft.	50 ft.	50 ft.	50 ft.

(G) *Other setback requirements.* No residential building shall be located closer than 200 feet to an existing railroad right-of-way.

(H) *Building bulk limitations.*

<i>Use</i>	<i>Maximum Building Height</i>		<i>Maximum Lot Coverage</i>
	<i>Stories</i>	<i>Feet</i>	
Single-family detached structures	2.5	28	0.5 ¹

<i>Use</i>	<i>Maximum Building Height</i>		<i>Maximum Lot Coverage</i>
Residential accessory buildings	1.0	12	0.5 ¹
Nonresidential buildings	3.0	35	0.1
¹ Combined residence and accessory structures.			

(I) *Signs.* Signs shall be permitted to the regulations contained in § 156.039.

(J) *Off-street parking and loading requirements.* Off-street parking and loading facilities shall be provided as required in § 156.037.

(K) *Site design and landscaping.* Site design and landscaping shall conform to the requirements set forth in § 156.041.

(L) *Site plan review.* All uses except single family detached dwellings and accessory uses thereto shall be subject to the site plan review requirements set forth in §§ 156.140 *et seq.*
(Ord. Art. 4, passed 1-7-1997)

§ 156.058 SINGLE-FAMILY RESIDENTIAL DISTRICT 1 (R-1).

(A) *Purpose.* The purpose of the Single-Family Residential District 1 (R-1) is to provide areas for the development of new single-family residences in a conventional or cluster configuration, and to protect the areas from the encroachment of incompatible uses. The District is designed to be mapped in the periphery of the village and along the existing Grand Trunk Western Railroad right-of-way. The large open space areas permitted by the cluster development pattern can provide for a buffer between homes and the railroad.

(B) *Permitted uses.* The following uses shall be permitted subject to the lot area, yard and setback requirements set forth in this section:

- (1) Single-family detached structures.
- (2) Single-family cluster structures.
- (3) Parks and playgrounds under ten acres.
- (4) On-site signs as regulated in § 156.039.

- (5) Adult foster care family homes and small group homes.
- (6) Essential Services.

(C) *Conditional uses.* The following uses shall be permitted subject to the lot area, yard and setback requirements set forth in this section and upon the issuance of a conditional use permit as provided for in §§ 156.115 *et seq.*

- (1) Educational facilities (nonboarding), as follows: Elementary schools, junior and senior high schools, colleges, and universities.
- (2) Recreational and social facilities, as follows:
 - (a) Golf courses, but not golf driving ranges, pitch and putt, or miniature golf courses.
 - (b) Grounds of recreational clubs, noncommercial.
 - (c) Recreational buildings and community centers, noncommercial.
 - (d) Swimming pools, noncommercial.
 - (e) Tennis clubs and courts, noncommercial.
- (3) Cultural facilities, as follows:
 - (a) Public libraries and public art galleries.
 - (b) Public museums and aquariums.
- (4) Religious institutions, as follows:
 - (a) Churches, chapels, temples, and synagogues.
 - (b) Convents, seminaries, monasteries, and nunneries.
 - (c) Rectories, parsonages, and parish houses.
 - (d) Religious retreats.
- (5) Public Service uses and buildings, as follows:
 - (a) Public administration buildings, local, county, state and federal.

- (b) Fire stations.
- (c) Police stations.
- (6) Cemeteries.
- (7) Health-care facilities, as follows:
 - (a) Hospitals.
 - (b) Sanitariums.
 - (c) Nursing and convalescent homes.
- (8) Public utility uses:
 - (a) Electrical substations.
 - (b) Gas regulator stations.
 - (c) Major transmission lines.
 - (d) Radio, television, microwave transmission and relay towers.
 - (e) Telephone exchange and transmission equipment buildings.
 - (f) Railroad rights-of-way, but excluding railroad yards and shops.
 - (g) Water pumping stations.
 - (h) Water and waste water works, reservoirs, pumping and filtration plants.
- (9) Temporary housing, subject to the restrictions in § 156.125.
- (10) Circuses, subject to the restrictions in § 156.126.

(D) *Accessory structures and uses.* The following structures and uses shall be permitted as accessory to a permitted use or an approved conditional use subject to the lot area, yard and setback requirements set forth in this section:

- (1) Athletic fields and playgrounds accessory to educational facilities when the athletic fields or playgrounds are specifically approved by conditional use permit.

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(2) Family day care homes and group day care homes provided they comply with state requirements.

(3) Clubhouses and other structures on the grounds of private clubs, golf courses, and tennis clubs, accessory to recreational and social facilities when the clubhouse or other structures are specifically approved by conditional use permit.

(4) Garages and carports.

(5) Greenhouses and conservatories, private.

(6) Home occupations.

(7) Living quarters, detached for persons employed on the premises if occupied by the persons and their immediate family, when approved by conditional use permit.

(8) Mausoleums and grounds maintenance buildings accessory to cemeteries.

(9) Pavilions, restrooms, snack bars and similar buildings accessory to parks and playgrounds.

(10) Secondary religious facilities servicing a principal religious institution when approved by conditional use permit.

(11) Sewage disposal units, individual.

(12) Stadiums and grandstands in athletic fields accessory to educational facilities when the stadiums or grandstands are specifically approved by conditional use permit.

(13) Storage of building materials and equipment, and temporary buildings for construction purposes for a period not to exceed the duration of the construction.

(14) Swimming pools and tennis courts, private.

(15) Temporary real estate tract offices for the purpose of conducting the sale of lots of the tract upon which the tract office is located, for a period not to exceed two years.

(16) Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.

(E) Lot size requirements.

(1) Permitted uses.

<i>Use</i>	<i>Minium Lot Area</i>	<i>Minimum Lot Width¹</i>
Single-family detached structures	12,000 sq. ft.	80 ft.
Single-family cluster structures	12,000 sq. ft.	30 ft.
Parks and playgrounds	12,000 sq. ft.	80 ft.

¹ Minimum lot width indicated applies except that for single-family detached dwellings and parks and playgrounds, the lot width shall not be less than one-third the depth; and for single-family cluster structure, the lot width shall not be less than one-sixth the depth.

(2) Conditional uses.

<i>Use</i>	<i>Minium Lot Area¹</i>	<i>Minimum Lot Width²</i>
Educational facilities	80,000 sq. ft.	200 ft.
Recreational and social facilities	80,000 sq. ft.	200 ft.
Cultural facilities	40,000 sq. ft.	145 ft.
Religious institutions	80,000 sq. ft.	200 ft.
Public service uses and buildings	40,000 sq. ft.	145 ft.
Cemeteries	10 acres	660 ft.
Health-care facilities	80,000 sq. ft.	200 ft.
Public utility uses	20,000 sq. ft.	100 ft.

¹Minimum lot area indicated represents absolute minimum which may be increased if determined necessary by the Planning Commission as a condition for granting a conditional use permit.

²Minimum lot width indicated applies except that in no case shall the lot width be less than one-third the depth.

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(3) *Accessory uses.* Accessory uses may be established on the same lot as the principal used provided that the lots meet the lot-size requirements set forth in this section, except that additional lot area shall be provided for the following accessory uses as specified:

<i>Use</i>	<i>Minimum Additional Lot Area</i>
Athletic fields and playgrounds	1 sq. ft. for each sq. ft. of site area so used
Living quarters for employees	5,000 sq. ft.
Stadiums and grandstands	1 sq. ft. for each sq. ft. of site area so used
Sewage disposal units, individual	8,000 sq. ft.
Water system, individual	8,000 sq. ft.

(F) *Setback from property lines.*

(1) *Permitted uses.*

<i>Use</i>	<i>Front</i>	<i>Interior Side</i>	<i>Street Side</i>	<i>Rear</i>
Single-family detached structures	25 ft.	10 ft.	25 ft.	35 ft.
Single-family cluster structures	5 ft.	0 ft.	25 ft.	60 ft.
Non residential buildings	25 ft.	25 ft.	25 ft.	25 ft.

(2) *Conditional uses.*

<i>Use</i>	<i>Front</i>	<i>Interior Side</i>	<i>Front Side</i>	<i>Rear</i>
Nonresidential buildings	25 ft.	50 ft.	25 ft.	50 ft.
Cemetery drives and burial sites	25 ft.	25 ft.	25 ft.	25 ft.
Outdoor storage and display areas	25 ft.	25 ft.	25 ft.	25 ft.
Recreational and social facilities ¹	25 ft.	10 ft.	25 ft.	10 ft.

¹Other than buildings. Includes golf fairways, swimming pools, and tennis courts.

(3) *Accessory uses.*

<i>Use</i>	<i>Front</i>	<i>Interior Side</i>	<i>Front Side</i>	<i>Rear</i>
Living quarters for employees	25 ft.	10 ft.	25 ft.	35 ft.
Buildings accessory to single-family detached structures	50 ft.	10 ft.	25 ft.	10 ft.
Building accessory to single-family cluster structures ¹	5 ft.	0 ft.	25 ft.	60 ft.
Other buildings and structures	50 ft.	50 ft.	50 ft.	50 ft.
¹ When designed and constructed as an integral component of the residential use itself, otherwise the same as for single-family detached.				

(G) *Building bulk limitations.*

<i>Use</i>	<i>Maximum Building Height</i>		<i>Maximum Lot Coverage</i>
	<i>Stories</i>	<i>Feet</i>	
Single-family detached structures	2.5	28	0.5 ¹
Residential accessory buildings	1.0	12	0.5 ¹
Nonresidential buildings	3.0	35	0.2
¹ Combined residence and accessory structures.			

(H) *Signs.* Signs shall be permitted subject to the regulations contained in § 156.039.

(I) *Off-street parking and loading requirements.* Off-street parking and loading facilities shall be provided as required in § 156.037.

(J) *Site design and landscaping.* Site design and landscaping shall conform to the requirements set forth in § 156.041.

(K) *Site plan review.* All uses except single-family detached structures and accessory uses thereto shall be subject to the site plan review requirements set forth in §§ 156.140 *et seq.*
(Ord. Art. 5, passed 1-7-1997)

§ 156.059 SINGLE-FAMILY RESIDENTIAL DISTRICT 2 (R-2).

(A) *Purpose.* The purpose of the Single-Family Residential District 2 (R-2) is to provide for further development of already-platted areas with new housing which is compatible with existing residential development. Use restrictions for the R-2 District are intended to protect such areas from the encroachment of incompatible uses.

(B) *Permitted uses.* The following uses shall be permitted subject to the lot area-yard and setback requirements set forth in this section:

- (1) Single-family detached structures.
- (2) Parks and playgrounds
- (3) On-site signs as regulated in § 156.039.
- (4) Adult foster care family homes and small group homes.
- (5) Essential services.

(C) *Conditional uses.* The following uses shall be permitted subject to the lot area, yard and setback requirements set forth in this section and upon the issuance of a conditional use permit as provided for in §§ 156.115 *et seq.*:

- (1) Educational facilities (nonboarding), as follows:
 - (a) Elementary schools.
 - (b) Junior and senior high schools.
 - (c) Colleges and universities.
- (2) Recreational and social facilities, as follows:
 - (a) Golf courses, but not golf driving ranges, pitch and putt, or miniature golf courses.
 - (b) Grounds of recreational clubs, noncommercial.
 - (c) Recreational buildings and community centers, non commercial.
 - (d) Swimming pools, noncommercial.

- (e) Tennis clubs and courts, noncommercial.
- (3) Cultural facilities, as follows:
 - (a) Public libraries and public art galleries.
 - (b) Public museums and aquariums.
- (4) Religious institutions, as follows:
 - (a) Churches, chapels, temples, and synagogues.
 - (b) Convents, seminaries, monasteries, and nunneries.
 - (c) Rectories, parsonages, and parish houses.
 - (d) Religious retreats.
- (5) Public service uses and buildings, as follows:
 - (a) Public administration buildings, local, county, state and federal.
 - (b) Fire stations.
 - (c) Police stations.
- (6) Cemeteries.
- (7) Health-care facilities, as follows:
 - (a) Hospitals.
 - (b) Sanitariums.
 - (c) Nursing and convalescent homes.
- (8) Public utility uses:
 - (a) Electrical substations.
 - (b) Gas regulator stations.

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- (c) Major transmission lines.
 - (d) Radio, television, microwave transmission and relay towers.
 - (e) Telephone exchange and transmission equipment buildings.
 - (f) Railroad rights-of-way, but excluding railroad yards and ships.
 - (g) Water pumping stations.
 - (h) Water and waste water works, reservoirs, pumping and filtration plants.
- (9) Temporary housing, subject to the restrictions in § 156.125.
- (10) Circuses, subject to the restrictions in § 156.126.

(D) *Accessory structures and uses.* The following structures and uses shall be permitted as accessory to a permitted use or an approved conditional use subject to the lot area, yard and setback requirements set forth in this section:

- (1) Athletic fields and playgrounds accessory to educational facilities when the athletic fields or playgrounds are specifically approved by conditional use permit.
- (2) Family day care homes and group day care homes provided they comply with state requirements.
- (3) Clubhouses and other structures on the grounds of private clubs, golf courses, and tennis clubs, accessory to recreational and social facilities when the clubhouse or other structures are specifically approved by conditional use permit.
- (4) Garages and carports.
- (5) Greenhouses and conservatories, private (noncommercial).
- (6) Home occupations.
- (7) Living quarters, detached for persons employed on the premises if occupied by such persons and their immediate family.
- (8) Mausoleums and grounds maintenance buildings accessory to cemeteries.
- (9) Pavilions, restrooms, snack bars and similar buildings accessory to parks and playgrounds.
- (10) Secondary religious facilities servicing a principal religious institution when approved by conditional use permit.

(11) Sewage disposal units, individual.

(12) Stadiums and grandstands in athletic fields accessory to educational facilities when the stadiums or grandstands are specifically approved by conditional use permit.

(13) Storage of building materials and equipment, and temporary buildings for construction purposes for a period not to exceed the duration of such construction.

(14) Swimming pools and tennis courts, private.

(15) Temporary real estate tract offices for the purpose of conducting the sale of lots of the tract upon which such tract office is located, for a period not to exceed two years.

(16) Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.

(E) *Lot size requirements.*

(1) *Permitted uses.*

<i>Uses</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width¹</i>
Single-family detached structures	5,500 sq. ft.	50 ft.
Parks and playgrounds	5,500 sq. ft.	50 ft.
¹ Minimum lot area indicated applies except that the lot width shall not exceed 3 times the lot width.		

(2) *Conditional uses.*

<i>Uses</i>	<i>Minimum Lot Area¹</i>	<i>Minimum Lot Width²</i>
Educational facilities	80,000 sq. ft.	200 ft.
Recreational and social facilities	80,000 sq. ft.	200 ft.
Cultural facilities	40,000 sq. ft.	145 ft.
Religious institutions	80,000 sq. ft.	200 ft.
Public service uses and buildings	40,000 sq. ft.	145 ft.

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<i>Uses</i>	<i>Minimum Lot Area¹</i>	<i>Minimum Lot Width²</i>
Cemeteries	10 acres	660 ft.
Health-care facilities	80,000 sq. ft.	200 ft.
Public utility uses	20,000 sq. ft.	100 ft.
¹ Minimum lot area indicated represents absolute minimum which may be increased if determined necessary by the Planning Commission as a condition for granting a conditional use permit.		
² Minimum lot width indicated applies except that in no case shall the lot width be less than one-third the depth.		

(3) *Accessory uses.* Accessory uses may be established on the same lot as the principal use provided that those lots meet the lot size requirements set forth in this section except that additional lot area shall be provided for the following accessory uses as specified:

<i>Use</i>	<i>Minimum Additional Lot Area</i>
Athletic fields and playgrounds	1 sq. ft. for each sq. ft. of site area so used
Living quarters for employees	5,000 sq. ft.
Stadiums and grandstands	1 sq. ft. for each sq. ft. of site area so used
Sewage disposal units, individual	15,000 sq. ft.
Water system, individual	8,000 sq. ft.

(F) *Setback from property lines.*

(1) *Permitted uses.*

<i>Use</i>	<i>Front</i>	<i>Interior Side</i>	<i>Street Side</i>	<i>Rear</i>
Single-family detached structures	25 ft.	6 ft.	10 ft.	35 ft.
Nonsresidential buildings	25 ft.	25 ft.	25 ft.	25 ft.

(2) *Conditional uses.*

<i>Use</i>	<i>Front</i>	<i>Interior Side</i>	<i>Street Side</i>	<i>Rear</i>
Nonresidential buildings	25 ft.	50 ft.	25 ft.	50 ft.
Cemetery drives and burial sites	25 ft.	25 ft.	25 ft.	25 ft.
Outdoor storage and display areas	25 ft.	25 ft.	25 ft.	25 ft.
Recreational and social facilities ¹	25 ft.	10 ft.	25 ft.	10 ft.

¹ Other than buildings. Includes golf fairways, swimming pools, and tennis courts.

(3) *Accessory uses.*

<i>Use</i>	<i>Front</i>	<i>Interior Side</i>	<i>Street Side</i>	<i>Rear</i>
Living quarters for employees	25 ft.	10 ft.	25 ft.	35 ft.
Buildings accessory to single-family detached structures	50 ft.	10 ft.	25 ft.	10 ft.
Buildings accessory to single-family cluster structures ¹	5 ft.	0 ft.	25 ft.	60 ft.
Other buildings and structures	50 ft.	50 ft.	50 ft.	50 ft.

¹ When designed and constructed as an integral component of the residential use itself, otherwise the same as for single-family detached.

(G) *Building bulk limitations.*

<i>Use</i>	<i>Maximum Building Height</i>		<i>Maximum Lot Coverage</i>
	<i>Stories</i>	<i>Feet</i>	
Single-family detached structures	2.5	28	0.5 ¹
Residential accessory buildings	1.0	12	0.5 ¹
Nonresidential buildings	3.0	35	0.2

¹ Combined residence and accessory structures.

(H) *Signs.* Signs shall be permitted subject to the regulations contained in § 156.039.

(I) *Off-street parking and loading requirements.* Off-street parking and loading facilities shall be provided as required in § 156.037.

(J) *Site design and landscaping.* Site design and landscaping shall conform to the requirements set forth in § 156.041.

(K) *Site plan review.* All uses except single-family detached structures and accessory uses thereto shall be subject to the site plan review requirements set forth in §§ 156.140 *et seq.* (Ord. Art. 6, passed 1-7-1997)

§ 156.060 MULTIPLE-FAMILY RESIDENTIAL DISTRICT (R-3).

(A) *Purpose.* The purpose of the Multiple-Family Residential District (R-3) is to provide for the development of two-family and multiple-family housing in suitable areas. These areas should be of adequate size to enable establishment of a substantial multiple-family environment. In general, the R-3 District is intended for mapping on individual or contiguous parcels totaling ten acres or more. The R-3 District is also intended for mapping on individual parcels smaller than ten acres when the parcels are located in close proximity to amenities such as public park and open-space areas or established shopping areas which can conveniently serve the concentrations of residents which live in multiple-family areas. There is a limited area available for mapping the R-3 District, therefore, the R-3 District does not provide for the wide range of nonresidential-conditional uses permitted in other residential districts.

(B) *Permitted uses.* The following uses shall be permitted subject to the lot area, yard and setback requirements set forth in this section:

- (1) Single-family detached structures.
- (2) Single-family cluster structures.
- (3) Two-family structures.
- (4) Multiple-family structures.
- (5) Parks and playgrounds.
- (6) On-site signs as regulated in § 156.039.
- (7) Adult foster care family home and small group home.

(8) Essential services.

(C) *Conditional uses.* The following uses shall be permitted subject to the lot area, yard and setback requirements set forth in this section and upon the issuance of a conditional use permit as provided for in §§ 156.115 *et seq.*: Circuses, subject to the restrictions in § 156.126.

(D) *Accessory structures and uses.* The following structures and uses shall be permitted as accessory to permitted uses subject to the lot area, yard and setback requirements set forth in this section:

(1) Family day care home and group day care home provided they comply with state requirements.

(2) Garages and carports.

(3) Greenhouses and conservatories, private.

(4) Home occupations.

(5) Pavilions, restrooms, snack bars and similar buildings accessory to parks and playgrounds.

(6) Sewage disposal units, individual.

(7) Storage of building materials and equipment, and temporary buildings for construction purposes for a period not to exceed the duration of such construction.

(8) Swimming pools and tennis courts, private.

(9) Temporary real estate tract offices for the purpose of conducting the sale of lots of the tract upon which such tract office is located, for a period not to exceed two years.

(10) Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.

(E) *Lot size requirements.*

(1) *Permitted uses.*

<i>Use</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width¹</i>
Single-family detached structures	12,000 sq. ft.	80 ft.
Single-family cluster structures	12,000 sq. ft.	30 ft.

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<i>Use</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width¹</i>
Two-family structure (per structure)	11,000 sq. ft.	75 ft.
Two-family structure (per structure unit)	5,500 sq. ft.	N/A
Multiple-family structures (per development)	80,000 sq. ft.	200 ft.
Multiple-family structures (per dwelling unit)	3,500 sq. ft.	N/A
Parks and playgrounds	12,000 sq. ft.	80 ft.
¹ Minimum lot width indicated applies except that the lot width shall not be less than one-third the depth.		

(2) *Accessory uses.* Accessory uses may be established on the same lot as the principal use provided that the lots meet the lot size requirements set forth in this section except that additional lot area shall be provided for the following accessory uses as specified:

<i>Use</i>	<i>Minimum Additional Lot Area</i>
Sewage disposal units, individual	1 sq. ft. for each sq. ft. less than 20,000 sq. ft. required per residential unit
Water systems, individual	1 sq. ft. for each sq. ft. less than 20,000 sq. ft. required per residential unit
Sewage disposal units, and water systems, individual	1 sq. ft. for each sq. ft. less than 28,000 sq. ft. required per residential unit

(F) *Setback from property lines.*

(1) *Permitted uses.*

<i>Use</i>	<i>Front</i>	<i>Interior</i>	<i>Street Side</i>	<i>Rear</i>
Single-family detached structures	25 ft.	10 ft.	25 ft.	35ft.
Single-family cluster structures	5 ft.	0 ft.	25 ft.	60 ft.
Two-family structures	25 ft.	10 ft.	25 ft.	35 ft.
Multiple-family structures	25 ft.	50 ft.	25 ft.	50 ft.

(2) *Accessory uses.*

<i>Use</i>	<i>Front</i>	<i>Interior</i>	<i>Street Side</i>	<i>Rear</i>
Buildings accessory to single-family detached structures	50 ft.	10 ft.	25 ft.	10 ft.
Buildings accessory to single-family cluster structures	5 ft.	0 ft.	25 ft.	60 ft.
Buildings accessory to two-family structures	50 ft.	10 ft.	25 ft.	10 ft.
Buildings accessory to multiple-family structures	50 ft.	10 ft.	25 ft.	10 ft.
Buildings accessory to parks and playgrounds	25 ft.	25 ft.	25 ft.	25 ft.

(G) *Building bulk limitations.*

<i>Use</i>	<i>Maximum Building Height</i>		<i>Maximum Lot Coverage</i>
	Stories	Feet	
Single-family detached structures	2.5	28	0.5 ¹
Single-family cluster structures	2.5	28	0.5 ¹
Two-family structures	2.5	28	0.3
Multiple-family structures	2.5	28	0.3
Residential accessory buildings	1.0	12	N/A ¹
Buildings accessory to parks and playgrounds	1.0	12	N/A

¹ Combined residence and accessory structures.

(H) *Signs.* Signs shall be permitted subject to the regulations contained in § 156.039.

(I) *Off-street parking and loading requirements.* Off-street parking and loading facilities shall be provided as required in § 156.037.

(J) *Site design and landscaping.* Site design and landscaping shall conform to the requirements set forth in § 156.040.

(K) *Site plan review.* All uses except single-family detached structures and accessory uses thereto shall be subject to the site plan review requirements set forth in § 156.014.

(Ord. Art. 7, passed 1-7-1997)

§ 156.061 MOBILE HOME PARK DISTRICT (R-4).

(A) Requirements for development within the Mobile Home Park District must comply with standards established by the Mobile Home Commission for Mobile Home Park Development.

(B) The minimum acreage for the establishment of a mobile home park shall be 15 acres.

(Ord. Art. 8, passed 1-7-1997)

§ 156.062 VILLAGE CENTER COMMERCIAL DISTRICT (C-1).

(A) *Purpose.* The purpose of the Village Center Commercial District is to provide for the continued utilization of the village's historic center of commercial development. The C-1 District permits a broad range of office, convenience and comparison shopping uses in order to maximize the economic viability of the Village Center area. Uses such as drive-in facilities which are incompatible with the intense site development characteristics of the Village Center area are not permitted. Because of its intense site development, the Village Center District is exempted from the commercial parking requirements set forth in § 156.037. The Village Center District is also exempted from the site design and landscaping requirements set forth in § 156.041.

(B) *Permitted uses.* The following uses shall be permitted subject to the lot area and setback requirements set forth in this section:

(1) Retail establishments marketing primarily new convenience goods primarily to residents of nearby residential areas. The establishments shall be limited to:

(a) Drug stores.

(b) Dry goods and notion stores.

(c) Food stores and groceries.

(d) Food stores such as bakeries and delicatessens which prepare food for retail sales on the premises.

(e) Food stores, other

- (f) Hardware and paint stores.
- (g) Party or package liquor stores.
- (h) Variety stores.
- (i) Other uses similar to and compatible with the above.

(2) Personal service establishments which serve primarily residents of nearby residential areas. The establishments shall be limited to:

- (a) Barber and beauty shops.
- (b) Dry cleaning and laundry establishments performing work on premises, but excluding those which serve pickup stations located off the premises.
- (c) Dry cleaning and laundry establishments, self-service.
- (d) Dry cleaning and laundry pickup stations.
- (e) Locksmith shops.
- (f) Photographic studios.
- (g) Shoe shine and shoe repair shops.
- (h) Tailor and dressmaker shops.
- (i) Other uses similar to and compatible with the above.

(3) Retail establishments marketing primarily new comparison goods to the public, except those in which required repair and service facilities occupy more than 10% of the entire floor area. The uses shall be limited to:

- (a) Art merchandising studios.
- (b) Art and school supply stores.
- (c) Bicycle stores.
- (d) Book and stationery stores.

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- (e) Business machine sales.
- (f) Camera and photographic supply stores.
- (g) Candy and ice cream stores.
- (h) Carpet and rug stores.
- (i) Clothing stores, general and specialized.
- (j) Coin and philatelic stores.
- (k) Department stores.
- (l) Furniture stores.
- (m) Garden supply stores.
- (n) Gift shops.
- (o) Hearing aid stores.
- (p) Hobby shops.
- (q) Appliance stores, household.
- (r) Household merchandise such as notions and dry goods stores.
- (s) Interior decorators.
- (t) Jewelry stores.
- (u) Leather goods and luggage stores.
- (v) Musical instrument sales.
- (w) Music stores.
- (x) Novelty shops.
- (y) Office supply stores.

- (z) Optician retail sales.
- (aa) Paint, glass and wall paper stores.
- (bb) Pet stores.
- (cc) Picture framing for retail trade on the premises.
- (dd) Sporting goods.
- (ee) Tobacco shops.
- (ff) Toy stores.
- (gg) Other uses similar to and compatible with the above.
- (4) Business offices.
- (5) Office establishments which perform services on the premises:
 - (a) Financial institutions.
 - (b) Insurance offices.
 - (c) Offices for attorneys, accountants, architects, engineers and similar professionals.
 - (d) Real estate offices.
 - (e) Other office establishments similar to and compatible with the above establishments.
- (6) Professional service establishments providing human health care, on an outpatients basis:
 - (a) Offices of doctors, dentists, osteopaths, and similar or allied professionals.
 - (b) Outpatient medical clinics.
 - (c) Other professional service establishments similar to and compatible with the above establishments.
- (7) Miscellaneous business service establishments:
 - (a) Business management consulting services.

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- (b) Consumer credit reporting agencies.
 - (c) Duplicating services.
 - (d) Mailing list and stenographic services.
 - (e) Other establishments similar to and compatible with the above establishments.
- (8) Governmental offices.
- (9) Offices of nonprofit organizations, such as professional membership organizations, labor unions, civic, social, and fraternal associations, political organizations, and religious organizations.
- (10) Non-office and non-retail or service, but compatible uses. The uses shall be limited to:
- (a) Bars and cocktail lounges.
 - (b) Libraries, public.
 - (c) Newspaper distributing agencies.
 - (d) Restaurants serving meals or snacks for indoor consumption.
 - (e) Snack bars serving pedestrians for on- and off-site consumption
- (11) Accessory uses incidental to and on the same zoning lot as the permitted principal use.
- (C) *Conditional uses.* The following uses shall be permitted subject to the lot area and setback requirements set forth in this section and upon issuance of a conditional use permit as provided for in §§ 156.115 *et seq.*
- (1) Non-office and non-retail or service uses which are compatible under the appropriate circumstances.
 - (2) These shall be limited to:
 - (a) Clubs and lodges, private, when the off-street parking required by §156.037 is provided within a 500-foot distance of the main entrance of the use.
 - (b) Meeting halls, when the off-street parking required by § 156.037 is provided within a 500-foot distance of the main entrance of the use.

(c) Residential uses in upper stories when the off-street parking required by § 156.037 is provided within a 300-foot distance of the entrance to each residential unit, and when the Planning Commission determines that the use will be of sufficiently high quality to be a substantial economic asset to the Village Center Area.

(d) Automobile service stations, subject to the restrictions in § 156.039(B).

(e) Mortuaries and funeral homes.

(f) Nursery schools and child-care centers.

(g) Nursing and convalescent homes.

(h) Parks and playgrounds.

(i) Photographic studios.

(j) Recreational and social facilities including parks and playgrounds.

(k) Veterinary clinics, including commercial kennels, provided that the use be conducted entirely within an enclosed building.

(l) Off-site signs, subject to the restrictions in § 156.039(B).

(m) Circuses, subject to the restrictions in § 156.126.

(n) A medical marijuana dispensary, subject to the following limitations:

1. *Locational limitations.* A medical marijuana dispensary shall not be permitted:

a. Within 500 feet of any other medical marijuana dispensary;

b. Within 500 feet of a residential district or use;

c. Within 500 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

d. Within 500 feet of any church, house of worship or other religious facility or institution;

e. Within 500 feet of any public or municipal park.

2. Operational limitations.

a. A medical marijuana dispensary shall only operate between 8:00 A.M. and 8:00 P.M. Monday through Saturday;

b. A medical marijuana dispensary must comply at all times with each and every provision of the Michigan Medical Marijuana Act of 2008 (M.C.L.A. §§ 333.26421 et seq.);

c. Marijuana or cannabis shall only be grown, manufactured or harvested inside a fully enclosed structure or building that is kept secured with locks to prevent unintended or uninvited access;

d. Persons under the age of 18 years of age are not permitted to be on the premises of any medical marijuana dispensary unless they possess a valid medical marijuana registry card issued by the State of Michigan or another state;

e. The owner of a medical marijuana dispensary who violates these sections shall be liable for all costs associated with the investigation, prosecution and enforcement of that violation;

f. The cultivation, manufacturing, growing or distribution of marijuana shall not occur in connection with or at a location at which any other commodity, product or service is also available.

(D) *Lot size requirements.*

(1) Minimum lot area: 850 sq. ft.

(2) Minimum lot width: 35 ft.

(E) *Setback from property lines.*

(1) *Front.* The front setback shall be equal to the average of the setbacks of existing buildings on adjoining parcels on either side.

(2) *Side.* None.

(3) *Rear.* None.

(F) *Building bulk limitations; maximum building height.* Buildings shall be limited to two stories and shall not exceed the height in feet of the front elevation of the highest building on adjoining parcels on either side.

(G) *Signs.* Signs shall be permitted subject to the regulations contained in § 156.039.

(H) *Off-street parking and loading requirements.* Permitted uses shall be exempt from the off-street parking and loading requirements set forth in § 156.037. Conditional uses shall be subject to off-street parking requirements set forth in § 156.037 subject to the locational requirements set forth in division (C) above.

(I) *Site design and landscaping.* Permitted uses shall be exempt from the side design and landscaping requirements set forth in § 156.041.

(J) *Site plan review.* All uses shall be subject to the site plan review requirements set forth in §§ 156.140 *et seq.*
(Ord. Art. 9, passed 1-7-1997; Ord. 01-16, passed 3-9-2016)

§ 156.063 FRINGE COMMERCIAL/RESTRICTED INDUSTRIAL DISTRICT (C-2).

(A) *Purpose.* The purpose of the Fringe Commercial District is to provide for a range of retail and service uses and some light industrial uses which are of a distinctly different character from the uses permitted in the C-1 District. The C-2 District is intended for mapping primarily in existing platted areas along the Grand Trunk Western Railroad. These areas are undesirable for residential use, and too closely related to existing residential development to accommodate more intensive industrial development.

(B) *Permitted uses.* The following uses shall be permitted subject to the lot area, yard and setback requirements set forth in this section.

(1) Permitted uses and conditional uses permitted in the C-1 District.

(2) Fringe commercial uses. The uses shall be limited to:

(a) Amusement establishments, including bowling alleys, pool halls, dance halls, gymnasiums, swimming pools and skating rinks.

(b) Art, sculptor, and composer studios.

(c) Auction rooms.

(d) Automobile accessory stores.

- (e) Automobile and light truck sales establishments.
- (f) Automobile service stations.
- (g) Automobile washing establishments.
- (h) Bicycle sale, rental and repair shops.
- (i) Blueprinting and photostating establishments.
- (j) Boat showrooms, sales and repair establishments.
- (k) Building materials and products sales and storage establishments.
- (l) Catering establishments.
- (m) Drive-in facilities for uses permitted.
- (n) Dry cleaning and laundry establishments.
- (o) Educational services, commercial, including trade and vocational schools.
- (p) Electrical showrooms and shops.
- (q) Exterminating shops.
- (r) Farm implement stores.
- (s) Food storage lockers.
- (t) Fuel and ice sales establishments.
- (u) Garages for storage, repair, and servicing of motor vehicles, including body repair, painting, and engine rebuilding.
- (v) Garden supply, tool, seed and feed stores.
- (w) Greenhouses and nurseries.
- (x) Machinery sales.
- (y) Mail order and catalogue stores.

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(z) Milk distributing stations, excluding bottling.

(aa) Mobile home sales.

(bb) Model homes and garage displays.

(cc) Mortuaries and funeral homes.

(dd) Motor vehicle sales, new and used.

(ee) Parking lots and garages.

(ff) Pawn shops.

(gg) Physical culture and health services including gymnasiums, reducing and massage salons and public baths.

(hh) Plumbing showrooms and shops.

(ii) Printing and publishing shops.

(jj) Secondhand stores and rummage shops.

(kk) Taxidermists.

(ll) Theaters, indoor.

(mm) Trailer and camper sales and rental, for use with private passenger motor vehicles.

(nn) Veterinary establishments.

(oo) Warehouses for families and small businesses.

(pp) Other fringe commercial uses similar to and compatible with the above uses.

(3) Accessory uses incidental to and on the same zoning lot with the permitted principal use.

(C) *Conditional uses.* The following uses shall be permitted subject to the lot area and setback requirements set forth in this section and upon issuance of a conditional use permit as provided for in §§ 156.115 *et seq.*

(1) Off-site signs, subject to the restrictions in § 156.039(B).

(2) Circuses, subject to the restrictions in § 156.126.

(D) *Lot size requirements.*

(1) Minimum lot area: 10,000 sq. ft.

(2) Minimum lot width: 70 ft., but not less than one-third the lot depth.

(E) Setback from property line:

(1) Front: 6 ft.

(2) Interior side: 0 ft.

(3) Corner side: 6 ft.

(4) Rear: 0 ft.

(F) *Building bulk limitations.* Buildings shall be limited to one story or 15 feet.

(G) *Signs.* Signs shall be permitted subject to the regulations contained in § 156.039.

(H) *Off-street parking and loading requirements.* Off-street parking and loading facilities shall be provided as required in § 156.037.

(I) *Site design and landscaping.* Site designs and landscaping shall conform to the requirements set forth in § 156.041.

(J) *Site plan review.* All uses except single-family detached structures and accessory uses thereto shall be subject to the site plan review requirements set forth in §§ 156.140 *et seq.*
(Ord. Art. 10, passed 1-7-1997)

CONDOMINIUMS**§ 156.075 INTENT.**

The intent of this subchapter is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality of design to property divided and developed by other methods.
(Ord. § 16.01, passed 1-7-1997)

§ 156.076 REVIEW REQUIREMENTS.

In order to ensure compliance with this chapter, all condominium developments shall go through the site plan review process, including developments consisting solely of single-family or duplex residences, that may otherwise not be required to prepare a site plan. In adoption to the information required in § 156.040, all applicants for condominium site plan review shall submit the following information.

(A) A copy of the proposed condominium master deed.

(B) A copy of the proposed condominium subdivision plan (this may replace the site plan normally required for site plan review).

(C) A copy of the proposed condominium by-laws.
(Ord. § 16.02, passed 1-7-1997)

§ 156.077 ZONING ORDINANCE STANDARDS.

(A) *Lot size.* In conventional condominium development the entire site must meet the minimum lot size requirements for the zoning district the parcel is located in. For site condominium developments, each condominium unit and its associated limited common area are considered equivalent to a lot and must meet the minimum lot size requirements for the zoning district the parcel is located in.

(B) *Setbacks.* In conventional condominium development the buildings must be setback from the sites boundaries as required in the zoning district the parcel is located in while the setback from other buildings must meet the building setback requirements of the Multiple Family District. For site condominium developments the setbacks shall be from the outer edge of the lot consisting of condominium units and their associated limited common area, and shall be consistent with the setbacks for principal structures in the zoning district in which it is located.
(Ord. § 16.03, passed 1-7-1997) Penalty, see § 156.999

§ 156.078 COMPLIANCE WITH DESIGN REQUIREMENTS.

Conventional and site condominium developments shall comply with the site plan review design requirements in § 156.040. In addition, condominiums shall comply with the design standards contained herein. Site condominiums shall comply with all related lot requirements contained in this chapter.

(Ord. § 16.04, passed 1-7-1997) Penalty, see § 156.999

§ 156.079 GENERAL DESIGN STANDARDS.

(A) All improvements shall be designed and installed to provide for a logical system of utilities, drainage and streets, and to create continuity of improvements for the development of adjacent properties.

(B) Wherever practical, condominium projects shall be planned to take advantage of the natural topography of the land, to economize in the construction of drainage facilities, to reduce the amount of danger associated with safety hazards, to minimize destruction of trees and topsoil, and to preserve such natural features as watercourses, landmark or specimen trees, sites of historical significance, and other assets which, if preserved, will add attractiveness and value to the condominium project and the community.

(C) The system of streets and sidewalks and the lot layout shall be designed to take advantage of the visual qualities of the area.

(D) The size of lots, blocks and other areas for residential, commercial, industrial, public and all other land uses shall be designed to provide adequate light, air circulation, open space, landscaping, off-street parking and loading facilities.

(Ord. § 16.04A., passed 1-7-1997) Penalty, see § 156.999

§ 156.080 TRAFFIC WAYS, STREETS AND ROADS.

(A) *General.* The standards set forth in this chapter shall be the minimum standards for streets, roads and intersections.

(B) *Access.* Condominium developments shall access a public street or highway.

(C) *Public use; paving; standards.* All streets in the condominium development shall be dedicated to public use and shall be paved. Streets shall be constructed to the standards required by the Genesee County Road Commission.

(D) *Traffic study.* For condominium projects involving 40 or more commercial or industrial parking spaces or projected to generate more than 1,000 residential vehicle trips per day, a traffic impact analysis, prepared by a registered professional engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

(E) *Street location and arrangements.* When a major street plan has been adopted, condominium project streets shall conform to the plan.

(F) *Local or minor streets.* The streets shall be arranged to discourage their use by through traffic.

(G) *Street continuation and extension.* The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new condominium projects, unless otherwise approved by the Planning Commission and the Genesee County Road Commission. Future street extensions shall provide temporary cul-de-sacs.

(H) *Relation to topography.* Streets shall be designed to conform as much as possible to site topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary for convenient and safe access to property. Lots shall be laid out in such a way to respect topographic features.

(I) *Capacity.* Streets shall be designed to accommodate the character and quantity of traffic for all phases of the development. At a minimum, the design time frame shall assume a 20-year development scenario.

(J) *Alleys.* Alleys shall be private. Alleys shall not be permitted in areas of detached single- or two-family residences.

(1) Alleys may be provided in multiple dwellings or commercial condominium projects unless other provisions are made for service access, off-street loading, and parking.

(2) Dead-end alleys shall be prohibited.

(K) *Marginal access streets (frontage roads)*. In the case where a condominium project abuts or contains a major or arterial street that has high traffic volume or is anticipated to have high traffic volume, the Village Council may require:

(1) Marginal access streets approximately parallel to and on each side of the right-of-way.

(2) A buffer zone for the adequate protection of residential properties and to afford separation of through and local traffic.

(L) *Cul-de-sac streets*. Cul-de-sacs shall not be more than seven times the lot widths of the parcels therein except that in no case shall they be longer than 1,000 feet. Special consideration shall be given to longer cul-de-sacs under certain topographic conditions or other unusual situations. Cul-de-sac's turning radius shall be designed to Genesee County Road Commission standards.

(M) *Half streets*. Half streets are only permitted when they connect with a previously recorded half street located within an existing plat.

(N) *Siting*. Streets shall be sited and constructed to blend with natural features and optimize the following objectives:

(1) To avoid soils classified as having severe limitations for street construction as defined by the USDA Natural Resources Conservation Service.

(2) Utilize areas along fence rows or the edges of open fields adjacent to any woodlands to minimize the impact upon agriculture or forestry uses, provide shelter from winter winds, and to enable new construction to be visually absorbed by natural landscape features.

(3) Utilize locations least likely to impact scenic vistas, as seen from public streets.

(O) *Pattern*. The developer shall utilize rectangular gridiron as the dominant street pattern wherever possible, and shall use curvilinear streets, cul-de-sacs, stub, loop, clustering and/or u-shaped streets only where such use would result in a more functional layout for access and maintenance.

(P) *Access for adjacent property*. Streets shall be arranged to prevent hardship in the subdividing of adjacent properties.

(Q) *Traffic signs*. Regulation Michigan State Highway stop signs shall be positioned at all street intersections and installed in accordance with the Michigan State Manual of Uniform Traffic Control Devices. Additional signs may be required by the Village Council or County Road Commission during the review process.

(R) *Access points.* A condominium development with more than 30 lots shall provide for at least two different standard routes for ingress and egress. Access points shall be a minimum of 200 feet apart and meet Genesee County Road Commission standards for spacing.

(S) *Access to arterials and collectors.* Direct access from individual lots to arterial streets shall be prohibited. The condominium project shall employ open space areas or the use of reverse frontage lots which back onto the arterial and front onto a local street. A buffer zone of at least 20 feet in depth in excess of the required setback, shall be provided adjacent to the arterial street. The buffer area adjacent to the arterial shall be landscaped, fenced, bermed and/or walled depending on Planning Commission determination and characteristics of the site. The buffer shall be constructed by the developer at the time of development. When determining buffer area requirements, the Planning Commission shall refer to the criteria of § 156.041(C).

(T) *Acceleration and deceleration lanes.* Acceleration and deceleration and passing lanes shall meet Michigan Department of Transportation or County Road Commission standards.

(U) *Private streets.* Private streets shall not be permitted in any condominium project.

(V) *Driveways.* All driveway openings shall meet Genesee County Road Commission or the Michigan Department of Transportation standards.

(W) *Vehicle stacking.* Accessways to condominium projects or to multifamily developments shall be designed to avoid stacking or backup of more than three vehicles on any street. Deceleration lane storage capacity shall be provided to meet anticipated demand.

(X) *Streets in relation to railroads.* Any intersection occurring on a street which crosses a railroad track shall meet the isolation standards of the Michigan Manual of Uniform Traffic Devices.

(Y) *Bridges.* A bridge of primary benefit to the applicant, as determined by the Planning Commission shall be constructed at the full expense of the applicant without reimbursement from the village. Bridges must have village approval. The sharing of expenses for the construction of bridges not of primary benefit to the applicant shall be fixed by special agreement between the Village Council and the applicant. Participation of the village is subject to the availability of funds.

(Z) *Clean-up.* Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the preliminary plat, and be suitably stabilized and covered with fill and topsoil according to acceptable methods adopted by the Natural Resource Conservation Service.

(AA) *Non-residential use.*

(1) When applicable, all streets shall be designed to support development densities and the pattern of land uses including; special traffic generators such as industries, business districts, schools, churches, and shopping centers.

(2) In business and industrial developments, the arrangement of streets and other access-ways shall consider the arrangement of building sites, the location of rail facilities, the provision of alleys, truck loading and maneuvering areas, pedestrian movements and parking areas, to minimize potential conflicting movements between the various types of traffic, including pedestrian.

(BB) *Street gradients.*

(1) Maximum grades: Street grades shall not exceed 7%.

(2) Minimum grades: No street grade shall be less than 0.4%.

(CC) *Street alignment.*

(1) Horizontal alignment: When street lines deflect from each other by more than ten degrees in alignment, the centerline shall be connected by a curve with a minimum radius of 500 feet for arterial streets, 300 for collector streets and 150 feet for local or minor streets. Between reverse curves, on minor streets, there shall be a minimum tangent distance of 100 feet, and on collector and arterial streets, 200 feet.

(2) Sight distance: Minimum sight distances shall meet American Society of Highway and Transportation Officials current design manual.

(DD) *Street rights-of-way street widths.* Street and road right-of-way and street widths shall conform to the adopted major street plan and the rules of the Genesee County Road Commission.

(EE) *Street names.*

(1) No street names shall be used which will duplicate or be confused with the names of existing streets. Street names proposed by the developer shall be subject to approval by the 911 Emergency Services Coordinator. Where duplication or confusion with names of existing streets occurs, the developer shall provide substitute names free from duplication or confusion.

(2) Street identification signs installed to Genesee County Road Commission standards shall be provided by the developer at his or her expense at all street intersections.

(FF) *Angle of intersection.* Streets shall intersect at 90 degrees.

(GG) *Number of streets.* No more than two streets shall cross at any one intersection.

(HH) *Reserve strips.*

(1) *Reserve strips, private.* Privately-held reserve strips controlling access to streets shall be prohibited.

(2) *Reserves strip, public.* A one-foot reserve shall be required to be placed at the end of temporary cul-de-sacs which terminate at condominium project boundaries so extensions of streets would not be precluded by improperly placed development. These reserves shall be deeded in fee simple to the village for future street purposes.

(II) *Bus stops.* The developer shall provide a waiting area for bused, school-aged children to safely congregate while waiting for school buses. The areas shall be out of the road right-of-way and not part of any lot in the condominium project.

(Ord. § 16.04B., passed 1-7-1997) Penalty, see § 156.999

§ 156.081 PEDESTRIANWAYS.

(A) *Crosswalks.*

(1) Right-of-way for pedestrian crosswalks in the middle of blocks longer than 900 feet shall be required where necessary to obtain convenient pedestrian circulation to schools, bus stops, parks or shopping areas.

(2) The right-of-way for a mid-block crosswalk shall be at least 20 feet wide and extend entirely through the block.

(B) *Sidewalks.* Walkways may be required along both sides of the streets, however, the Village Council may permit the development of walkways on only one side of the street when the nature of the development and terrain make it an economical and logical approach to sidewalk development.

(C) *Surfacing.* Alternative materials like woodchips or bituminous surface may be considered as an alternative to traditional cement sidewalks.

(D) *Easement.* Sidewalks and walkways shall have easements at least ten feet in width and shall be properly marked. Easements for walkways (sidewalks) shall be outside of the road right-of-way. (Ord. § 16.04C., passed 1-7-1997) Penalty, see § 156.999

§ 156.082 BLOCKS.

(A) *Arrangements.* A block shall be so designed as to provide two tiers of lots, except where lots back onto an arterial street, natural feature, or condominium project boundary.

(B) *Minimum length.* Blocks shall not be less than 500 feet long.

(C) *Maximum length.* The maximum length allowed for residential blocks shall be 1,000 feet long from right-of-way to right-of-way.

(Ord. § 16.04D., passed 1-7-1997) Penalty, see § 156.999

§ 156.083 LOTS.

(A) *Maximum size.* Maximum lot size shall be 40,000 square feet.

(B) *Criteria.* All lots created shall meet the following criteria:

(1) No lot shall be approved if the proposed resultant parcels contain less area or street frontage than required by the minimum standards of the zoning chapter unless the cluster planned unit development option is employed.

(2) The ratio of lot width-to-depth shall not exceed three to one. Flag lots are prohibited.

(3) All lots shall be provided with access to a dedicated public street that meet the road base standards of the Genesee County Road Commission.

(4) Condominium project general and limited common areas shall be laid out to promote efficient development patterns for immediate and future development.

(5) The layout of condominium projects, placement of units, or other development shall not conflict with existing drainage ditches, natural watercourses, easements or public rights-of-way. The Village Planning Commission may make recommendations for exceptions in the case where right-of-ways and easements can be reconfigured to more efficiently develop the land.

(6) Lots shall not preclude the feasible and efficient development, division or access for remaining or abutting lands.

(7) Land-locked lots are prohibited.

(C) *Condominium units.* Condominium units shall be configured to prevent practical difficulties because of conflicts with topography or other natural conditions when lots are developed for structures, driveways, and yard areas. The size, shape, and location of each lot should have the following qualities:

- (1) A suitable site for placing a dwelling and accessory structures without excessive filling and grading;
- (2) An area for outdoor living and other outdoor activities;
- (3) Adequate surface drainage away from the unit and outdoor living areas, and;
- (4) Reasonable driveway grades complying with Genesee County Road Commission standards.

(D) *Corner lots.* Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets.

(E) *Uninhabitable areas.* Uninhabitable areas with natural features like wetlands, hydric soils, and/or floodplains shall not be developed if, in the judgment of the Planning Commission and Village Engineer such development would increase the danger to health, life, or property or increase the flood hazard. Such land within a condominium project shall be set aside for other uses, such as recreation areas or other open space.

(Ord. § 16.04E., passed 1-7-1997) Penalty, see § 156.999

§ 156.084 PUBLIC UTILITIES, INSTALLATION.

(A) The developer, as a condition of approval of the condominium plan, shall provide for underground utility distribution or transmission facilities (e.g. cable television, electric, gas, telephone and water), within the condominium project and along peripheral streets, in compliance with the following standards.

(B) Utility lines, including, but not limited to, electric, communications, street lighting and cable television shall be required to be placed underground in compliance with the specifications of the public utility providing such services. The developer is responsible for complying with the requirements of this chapter, and shall make the necessary arrangements with the utility companies for the granting of easements and installation of such facilities. Exceptions to the underground requirements are as follows

- (1) Transformers, pedestal-mounted terminal boxes, meter cabinets and concealed ducts may be placed above ground if they are located within the condominium project and are used solely in connection with the underground transmission or distribution lines;

(2) Poles supporting street lights, and the electrical lines within the poles, may be situated above the surface of the ground.

(Ord. § 16.04F., passed 1-7-1997) Penalty, see § 156.999

§ 156.085 STREET LIGHTS.

(A) *Provision.* Streetlights may be required to be installed only at intersections throughout the condominium project. In these cases, the developer shall conform to the requirements of the village and the public utility providing such lighting.

(B) *Night sky.* Fixtures shall be designed and placed so as not to inhibit view of the night sky.

(1) Unless otherwise recommended by the Planning Commission, light sources shall be high pressure sodium. Approved exceptions shall use warm white or natural lamp colors.

(2) Outdoor lighting shall be a down type, which are 100% shielded with no protruding lenses. The applicant shall submit the specifications for the lights, poles, fixtures and light sources, to the Village Engineer for approval prior to installation.

(3) Lighting shall be designed and constructed in such a manner to insure that direct or directly reflected light is confined to the development site and that any light sources or light lenses are not directly visible from beyond the boundary of the site.

(C) *Easement.* An easement for streetlights shall be provided. Streetlight easements shall be outside the road right-of-way and a minimum of three feet in width. The street lighting easement may be wholly contained within the walkway easement.

(D) *Ownership.* After final approval of the street lighting systems, it shall become the property of the condominium association.

(Ord. § 16.04G., passed 1-7-1997) Penalty, see § 156.999

§ 156.086 STORMWATER MANAGEMENT.

An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required in all condominium projects. The requirements for each particular condominium project shall be established with the Village Engineer and Drain Commissioner.

(A) *Natural drainage.* Utilization of natural drainage ways shall be employed in the development as much as practical.

(B) *Direct discharge.* Direct discharge of stormwater to a surface water body or county drain is prohibited. Retention and sedimentation measures shall be employed as needed.

(C) *Maintenance.* All retention/sedimentation or other holding ponds within the condominium project shall be maintained by the condominium association. Ponds may be required to be fenced with a minimum of six-foot high chain link fabric.

(D) *Street drainage.* Underground drainage for streets shall be provided.

(E) *Curb and gutter.* Curbs and gutters may be required in all condominium projects with over 40 lots. In the case of smaller condominium projects, natural drainage is preferred.

(F) *Easement.* Whenever a condominium project lies wholly or partly in any area traversed by a natural water course that may require a public water control easement or right-of-way, the easement or right-of-way shall be dedicated at no expense to the Genesee County Drain Commissioner.

(Ord. § 16.04H., passed 1-7-1997) Penalty, see § 156.999

§ 156.087 EASEMENTS.

(A) *Timing.* After final Village Council approval of the condominium plan, no easements shall be granted to other entities which interfere with the village's. County's or public utility's rights in the right-of-way.

(B) *Locations and widths.* Easements shall be wholly contained within the condominium project and be provided in rear front, and/or side yards for stormwater and utilities as needed. Easements for utilities shall be at least 20 feet in total width. Side or rear easements shall be centered on lot lines.

(C) *Additional easements.* Other than drainage, sidewalk, street lighting, sewer, water, etc.; aerial easements, or easements of greater widths than specified in this chapter may be required where it is recommended by the Village Engineer and Village Planning Commission. Wider easements may be necessary for the extension of utility mains, storm sewers and drainage, or the accommodation of utilities in other unique situations.

(D) *Lots with easements.* No building shall encroach upon an easement.

(E) *Connection to existing easements.* Where necessary, walkway, utility, conservation and/or drainage easements shall connect with easements already established in adjoining properties.

(Ord. § 16.04I., passed 1-7-1997) Penalty, see § 156.999

§ 156.088 WATER SUPPLY.

(A) *Public system.* When a proposed condominium development is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the developer.

(B) *Group system.* If there is no existing or accessible public water supply system the developer may be required to install a water supply system for the common use of the lots within the condominium project in accordance with the requirements of the Safe Drinking Water Act, PA 399 of 1976, as amended. The system shall be operated and funded by the lot owners association.

(C) *Individual wells.* May be permitted in accordance with the requirements of the Genesee County Health Department or shall be installed in accordance with Groundwater Quality Control; part 127 of Public Act 368 of 1978 and associated rules, as amended, whichever is more stringent.

(D) *Fire suppression.* Fire hydrants shall be required for all condominium projects that use a water distribution system. Design, location and installation shall be in accordance with the National Fire Prevention Codes. Where hydrants are not provided, a community well capable of producing 400 gallons per minute shall be provided for all developments having over ten lots. The well area shall be designed to fire specifications for access.

(E) *Easements.* In addition to easements for a water supply system, an easement to the fire suppression well shall be provided, as needed, for all condominium projects.
(Ord. § 16.04J., passed 1-7-1997) Penalty, see § 156.999

§ 156.089 SANITARY SEWER SYSTEM, PUBLIC SYSTEM.

A proposed condominium project shall be serviced by a public sanitary sewerage system; sanitary sewers and other required appurtenances thereto shall be provided by the developer. Sewer systems shall comply with the requirements of Public Act 98 of 1913, as amended.
(Ord. § 16.04K., passed 1-7-1997) Penalty, see § 156.999

§ 156.090 NATURAL FEATURES.

(A) *Buffering from street.* When the condominium project contains no tree canopy or insufficient tree canopy to screen structures, the condominium project shall be designed to minimize the appearance of structures in the development when viewed from existing public streets. The Village Council may require visual buffering in accordance with § 156.041(C) of this chapter.

(B) *Protection of important habitat areas.*

(1) Habitat for species appearing on the official state or federal lists of endangered or threatened species shall be protected.

(2) Natural features and the character of land shall be preserved wherever possible and desirable. Due regard shall be shown for all natural features such as specimen trees, woodlots, ridges, water courses and similar assets that will add attractiveness and value to the property if preserved. Those natural features to be preserved shall be recommended by the Village Planning Commission. These areas may be part of the common open and recreational space.

(a) *Community impact assessment.* An environmental impact assessment may be required of the developer by the Planning Commission if recommended by the Village Engineer and/or Village Planner. The Village Planning Commission may also request statements of impact from entities that may be providing a public service to the development, including but not limited to; fire officials, police, the school district serving the development, the County Road Commission, the County Drain Commissioner and Environmental Health.

(b) *Soils.* During development, on-site soils shall be retained, stock piled, and seeded according to accepted soil conservation practices recommended by the Genesee County Natural Resource Conservation Service.

(c) *Landscaping.* Where natural vegetation is limited in the development, the Planning Commission may recommend plantings be required to augment the development. Plantings shall generally comply with screening and design criteria in § 156.041(C).

(C) *Natural vegetation and soil preservation.*

(1) The Planning Commission may require that the application include a drawing which identifies natural features on site and shows areas to be preserved and areas to be altered.

(2) Outside designated road right-of-ways and utility easements the area of land to be cleared of trees and other vegetation in conjunction with development shall be held to the minimum amount necessary.

(3) General site grading shall be minimized. Filling around the base of trees to be preserved is prohibited.

(4) Preservation of landmark or specimen trees may be required by the Village Council upon recommendation by the Planning Commission or Village Planner.

(5) The development shall, by deed restrictions and conservation easements, limit the clearing of trees and other natural vegetation to those areas designated on the plat design. (Ord. § 16.04L., passed 1-7-1997) Penalty, see § 156.999

§ 156.091 OPEN SPACES.

(A) *Open space.* Natural and usable recreational open spaces shall be provided in all residential condominium projects of over ten acres in area. At least 10% of contiguous, accessible land area in the development shall be set aside for the common use of all residents of the development, a portion of which may be undevelopable lands (e.g., wetlands, floodplains). At least one-third of the open space shall be usable for recreation. These common areas shall be described in the master deed of the condominium development. The condominium association shall be responsible for the lands.

(B) *Natural features.* Existing natural features which add value to the residential development and enhance the attractiveness of the community shall be incorporated insofar as possible in the open space design of the condominium project.

(C) *Public uses.* Where a school site, neighborhood park, recreation area, or public access to water frontage, as previously delineated or specified by official action of the Planning Commission (via the Village Land Use Plan) is located in whole or part in the proposed condominium project, the Village Council may request (not require) the reservation of such open space for school, park and recreation or public access purposes. All such areas shall either be reserved for the respective school district in the case of school sites; the village or an appropriate county entity. The village, school district or county may also negotiate a purchase price for the lands. If within two years of condominium plan approval the purchase is not agreed upon, the reservation may be canceled.

(D) *Easement.* Open space areas shall be shown on the preliminary plat subject to the approval of the Village Engineer and Village Council. Private open space areas shall be dedicated as open space easements unless otherwise specified in the approval or conditional approval of the preliminary plat. (Ord. § 16.04M., passed 1-7-1997) Penalty, see § 156.999

§ 156.092 BUFFER ZONES AND RESERVE STRIPS.

(A) *Buffer zones.* Planting strips may be required at condominium project boundaries or between clusters of lots within the development next to incompatible features such as highways, railroads, commercial, or industrial uses to screen the view from residential properties. The screens shall not be overly groomed and blend with the rural character of the area and;

(1) Be at least 20 feet wide, and shall not be a part of the normal street right-of-way or utility easement.

(2) Provide at least one canopy tree for every 40 linear feet or fraction of frontage abutting an arterial or collector street.

(3) Plant materials shall not be placed closer than four feet from the condominium project boundary line.

(4) Where plant materials are placed in two or more rows, plantings shall be staggered in rows.

(5) Evergreen trees shall be planted not more than 30 feet on centers, and shall be not less than five feet in height.

(6) Narrow evergreens shall be planted not more than six feet on centers, and shall not be less than three feet in height.

(7) Tree-like shrubs shall be planted not more than ten feet on centers, and shall be not less than four feet in height.

(8) Large deciduous shrubs shall be planted not more than four feet on centers, and shall not be less than six feet in height.

(9) Large deciduous trees shall not be less than eight feet in height.

(10) Landscaping shall be maintained by the condominium association. Dead or diseased plants shall be replaced as needed.

(B) *Genesee County Natural Resource Conservation Service.* The Planning Commission and applicant shall consult the Genesee County Natural Resource Conservation Service with respect to soils, native or naturally occurring species and planting ratios when making their determination on landscaping needs.

(Ord. § 16.04N., passed 1-7-1997)

§ 156.093 MITIGATION OF DEVELOPMENT IMPACTS.

(A) *Landowner disputes.* Each lot located on the exterior boundary of the condominium project shall have a fence and/or landscaping, provided by the developer, adequate to prevent access between the lot and adjacent properties. The landscaping plan shall be reviewed by the Village Planning Commission and approved by the Village Council.

(B) *Dust control.* Prior to and during construction, streets and disturbed open areas within and/or outside the condominium project shall be treated by watering or other approved method to prevent fugitive dust.

(C) *Right-to-farm.* An agreement, or appropriate acknowledgment, pursuant to Public Act 94 of 1995, as amended, shall be made in the deed restrictions of the condominium project acknowledging the rights of agricultural operations in the state of Michigan's Right to Farm legislation.

(D) *Protected areas.* Septic fields, trees and other areas to be left undisturbed shall be marked or fenced off prior to development to prevent encroachment of heavy equipment.
(Ord. § 16.04O., passed 1-7-1997) Penalty, see § 156.999

§ 156.094 SUBDIVISION OF LOTS.

All limited common areas shall conform to the requirements of this chapter for minimum lot width, lot area and building setback requirements and shall be approved by the zoning administrator, and these requirements shall be made part of the bylaws and recorded as part of the master deed.
(Ord. § 16.04P., passed 1-7-1997) Penalty, see § 156.999

§ 156.095 SURVEY REQUIREMENTS.

Conventional condominiums shall comply with the monumenting requirements contained in the Condominium Act, PA 59 of 1978. Site condominiums shall comply with the following requirements:

(A) Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within their traveled portion of a street to mark angles in the boundary of the condominium project if the angles points can be readily reestablished by reference to monuments along the sidelines of the streets.

(B) All monuments used shall be made of solid iron or steel at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.

(C) Monuments shall be located in the ground at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium, at the points of curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.

(D) If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.

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(E) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.

(F) All required monuments shall be placed flush with the ground where practicable.

(G) The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a lot under this chapter shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half-inch diameter, or other approved markers.

(H) The Village Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the village, cash or a certified check, or irrevocable bank letter of credit running to the village, whichever the proprietor selects, in an amount not less than \$100 per monument and not less than \$400 in total, except that lot corner markers shall be at the rate of not less than \$25 per markers. The cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults the village shall promptly require a surveyor to locate the monuments and markers in the grounds as certified on the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

(Ord. § 16.05, passed 1-7-1997) Penalty, see § 156.999

CONDITIONAL USE PERMITS**§ 156.115 PURPOSE.**

These conditional use permit review procedures are instituted to provide an opportunity to use a lot for an activity which potentially could be detrimental to other permitted land uses and cannot be permitted within the same district without review and, when appropriate, subject to conditions providing protection to adjacent land uses. In some instances, conditional uses may not be appropriate for a given site no matter what conditions are imposed in which case a conditional use permit request would be denied. These procedures are adopted to provide guidelines for the Village Planning Commission to follow in arriving at any decision over which the Commission has jurisdiction, and to provide for the public health, safety, morals, and general welfare.

(Ord. § 11.01, passed 1-7-1997)

§ 156.116 PROCEDURES.

(A) An application for the approval of a conditional use shall be made, by an owner of an interest in the land on which the conditional use is to be located, to the Village Clerk accompanied by the necessary fees and documents as provided herein.

(B) The application shall be accompanied by a site plan meeting the requirements of §§ 156.140 *et seq.*

(C) The application shall be referred by the Village Clerk to the Village Planning Commission at its next regularly scheduled meeting which takes place 15 calendar days or more after the initial submission of the application to the Village Clerk. The Planning Commission shall review and communicate its recommendation on the conditional use permit application in accordance with the procedures prescribed by § 156.116(D) through (F) of this chapter.

(D) The Planning Commission shall hold a public hearing on the application after the following notice requirements have been fulfilled.

(1) The Village Clerk shall publish a notice of the public hearing for a use subject to special conditions in a newspaper of general circulation in the village and shall send a notice of such public hearing by first class mail with proof of mailing or hand delivered with an affidavit of delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet.

(2) The notice shall be given not less than five and not more than 15 days before the application will be considered.

(3) If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one occupant of a structure except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial structure shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

(4) The notice shall:

(a) Describe the nature of the conditional land-use request.

(b) Indicate the property which is the subject of the conditional land-use request.

(c) State when and where the public hearing on the conditional land-use request will be considered.

(d) Indicate when and where written comments will be received concerning the request.

(E) (1) The Planning Commission shall, within two weeks after the public hearing at which the application was considered, advise the applicant, the Zoning Administrator, and the Village Clerk of its findings regarding vehicular traffic circulation; geological considerations, air, water and land pollution; waste disposal; and other problems which can be anticipated from the proposed activity, and of its approval, with any condition the Commission may find necessary, or of its disapproval, with its reasons in writing.

(2) The Commission may direct the applicant to comply with any condition which it deems necessary to provide for the public health, safety, and welfare of present or prospective occupants of the conditional use and of any lands contiguous to the proposed use or deemed necessary for the prevention of any nuisance condition.

(F) The Zoning Administrator shall, upon receipt of notice of approval and upon application by the applicant, accompanied by a receipt duly executed by the Village Treasurer attesting to the payment of all required fees, issue a zoning permit for the approved conditional use, provided he or she has found satisfactory compliance with all conditions imposed by the approval.

(Ord. § 11.02, passed 1-7-1997) Penalty, see § 156.999

§ 156.117 NON-DISCRETIONARY CONDITIONAL USE.

An applicant shall be granted a conditional use permit for the following uses provided the application meets the associated standards for the use. To determine the appropriateness of a non-discretionary conditional use, the Planning Commission shall consider only these associated standards.

(A) *Temporary living quarters.* Nothing in this chapter shall prohibit the use of a mobile home upon a lot while construction is diligently pursued upon a residence meeting all requirements affecting the provisions of water and sanitary sewer services and complied with and approved by the Zoning Administrator; and provided further, that all the construction shall have been completed within one year from the issuance of the building permit; and further provided, that nothing in this section or this chapter shall permit the occupancy of a cellar which does not constitute residential structure sufficient to permit the issuance of an occupancy permit, except as otherwise specifically provided.

(B) *Temporary field office.* Nothing in this chapter shall prevent the use of a travel trailer, a mobile home, or other similar structure, in any district for one month; provided, however, the structure is not used for overnight sleeping accommodations and adequate arrangement for sanitary facilities are made; and provided further, that the temporary field office has been certified as such and conforming to this chapter by the Zoning Administrator.

(Ord. § 11.03, passed 1-7-1997)

§ 156.118 GENERAL STANDARDS FOR GRANTING CONDITIONAL USE PERMITS.

Conditional use permits shall be approved by the Planning Commission only upon Planning Commission determination that the proposed use will comply with all requirements of this chapter including the applicable standards for specific uses set forth in §§ 156.121 through 156.125 and the following general standards:

(A) The location of the proposed conditional use within the zoning district will minimize the impact of the traffic generated by the proposed use on surrounding uses. The Planning Commission shall presume that this standard has not been met if the proposed conditional use is not located immediately adjacent to a major street, as identified in the Village Land Use Plan, by resolution of the Village Planning Commission land-use plan. This presumption may be set aside by the presentation of substantial evidence indicating that the traffic generated by the proposed use will have a minimal impact despite the failure to meet this locational standard.

(B) The site design of the proposed conditional use will minimize the impact of site activity on surrounding properties. In determining whether or not this requirement has been met, the Planning Commission will consider:

(1) The location and screening of outdoor storage or activity areas and mechanical equipment in relationship to surrounding development.

(2) The location and screening of vehicular circulation and parking areas in relationship to surrounding development.

(3) The hours of operation of the proposed conditional use. In granting the conditional use permit, the Planning Commission may set such restrictions upon the hours of operation as it deems appropriate to ensure minimal impact on surrounding uses.

(4) The bulk, placement and materials of construction of the proposed use in relationship to surrounding uses.

(C) The site design of the proposed conditional use will be such as to provide the maximum feasible enhancement of the neighborhood environment of the surrounding area. In determining whether or not this requirement has been met, the Planning Commission shall consider:

(1) The provision of landscaping amenities over and above those required by specific stipulations of this chapter. The Planning Commission may require provision of additional landscaping amenities over and above the specific stipulations of this chapter, but additional landscaping may not be required in an amount which would exceed in cost 50% of the total site development cost which would be necessitated by the site improvements specifically stipulated by this chapter. In determining site development costs, the Planning Commission may accept the presentations of the conditional use permit applicant or may require cost estimates by an independent registered landscape architect obtained at the applicant's expense.

(2) The bulk, placement and materials of construction of the proposed use in relation to surrounding uses.

(D) The location of the proposed use will not be detrimental to the orderly development of surrounding areas.

(E) The establishment and operation of off-street parking areas in such parts of a residential district that is immediately adjacent to a business or industrial district and is intended to service said business or industry may be authorized by the Planning Commission subject to the conditional use provisions of §§ 156.115 *et seq.*, and subject to the following requirements:

(1) Entrance and exit drives shall be at a distance of at least 20 feet from any adjoining property line in a residential district.

(2) All requirements of this section shall be complied with together with any other requirements deemed necessary or desirable by the Planning Commission for the protection of the parking area and the residential district in which such parking areas are to be located.

(Ord. § 11.04, passed 1-7-1997)

§ 156.119 CONDITIONS AND SAFEGUARDS.

(A) Conditions and requirements stated as part of conditional use permit authorization shall be a continuing obligation of conditional use permit holders. The Zoning Administrator shall make periodic investigations of developments authorized by conditional use permit to determine compliance with all conditional use permit requirements.

(B) In authorizing a conditional use permit, the Planning Commission may require that a performance guarantee be furnished by the developer to ensure compliance with such requirements. Terms and conditions of the performance guarantee shall meet the requirements of § 156.144.

(C) Continuance of a conditional use permit by the Planning Commission shall be withheld only upon a determination by the Zoning Administrator to the effect that:

(1) The conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period.

(2) Violations of conditions pertaining to the granting of the permit continue to exist more than 30 days after an order to correct has been issued.

(D) All plans, specifications and statements submitted with the application for a conditional use permit shall become, with any changes ordered by the Planning Commission, a part of the conditions of any conditional use permit issued by the Village Planning Commission pursuant thereto.
(Ord. § 11.05, passed 1-7-1997)

§ 156.120 IMPOSING CONDITIONS BY PLANNING COMMISSION.

(A) The Planning Commission may impose conditions to conform with the standards of another local, county or state agency, such as but not limited to the Genesee County Water and Waste Department, Genesee County Drain Commission, Genesee County Road Commission, State Highway Commission or Natural Resources Department. They may do so when the conditions:

(1) Would insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;

(2) Would protect the natural environment and conserve natural resources and energy;

(3) Would insure compatibility with adjacent uses of land; and

(4) Would promote the use of land in a socially and economically desirable manner.

(B) The Planning Commission may impose conditions and may collect a performance guarantee consistent with the requirements with § 156.144 to insure conformance. When so doing, findings shall be made and documented as part of the review process, including but not limited to:

(1) The Planning Commission may require that fencing, screening, buffering or landscaping be provided between a residential and nonresidential zoning district if the fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other such similar impacts on adjoining residential parcels;

(2) The Planning Commission may require that an on site storm water detention basin be provided if:

(a) The development has significant associated impervious surfaces such as roads, sidewalks, driveways, parking lots, patios, roofs, etc. that could increase surface runoff and decrease filtration of rainwater into the onsite soils;

(b) The development could increase runoff onto adjoining parcels or result in the pooling of water on site or on adjoining parcels after heavy rains;

(3) The Planning Commission may require that any parking areas or points of ingress/egress be constructed with a paved dustless surface if the surface would mitigate negative effects of dust, dirt and loose material or other similar impacts on adjoining parcels;

(4) The Planning Commission may require that outdoor lighting associated with a use or activity be erected with satisfactory shielding materials, if shielding the lighting would prevent unnecessary glare from entering the windows of adjoining residential lots;

(5) The Planning Commission may impose conditions to require changes in the design and layout of the site including but not limited to the location, height or bulk of the building, the dimensions of the parking lot or the location of fences or trash receptacles, if absent the conditions the layout or design of the site could impede emergency vehicle access on site or on adjoining parcels.

(6) That absent the conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

(Ord. § 11.06, passed 1-7-1997)

§ 156.121 REVOCATION OF CONDITIONAL USE PERMIT; APPEAL TO ZONING BOARD.

(A) *Revocation.* If the Zoning administrator shall find that any of the conditions imposed by the Planning Commission in its approval of a conditional use permit are not adhered to by the applicant, the Zoning Administrator shall notify the applicant of the violation by registered mail. If the violation continues to exist for more than 30 days after an order to correct has been issued, the applicant shall be considered in violation of § 156.999, and the Zoning Administrator can revoke the conditional use permit.

(B) *Appeal.* A person with a vested interest in and aggrieved by an administrative decision related to a conditional use permit may appeal the decision to the Zoning Board of Appeals in accordance with the requirements listed in § 156.162.

(Ord. §§ 11.07, 10.08, passed 1-7-1997; Ord. passed 6-10-1998)

§ 156.122 AUTOMOBILE SERVICE STATIONS.

(A) *Purpose.* It is the purpose of this section to provide standards for automobile service stations and commercial garages. Generally, automobile service stations will be located adjacent to major streets.

(B) *Permitted uses.* The following uses may be permitted in conjunction with automobile service stations:

- (1) Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
- (2) Tire servicing and repair, but not recapping or regrooving;
- (3) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- (4) Radiator cleaning and flushing;
- (5) Washing and polishing, and sale of automotive washing and polishing materials;
- (6) Greasing and lubrication;
- (7) Replacing or repairing of carburetors, fuel pumps, oil pumps, and lines;
- (8) Emergency wiring repairs;

(9) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;

(10) Adjusting and repairing brakes;

(11) Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for service stations' customers, as accessory and incidental to principal operation;

(12) Provision of road maps and other informational material to customers; provision of restroom facilities.

(C) *Site development standards.* The Planning Commission shall only issue conditional use permits for automobile service stations which comply with the following site development standards:

(1) The minimum site size shall be 15,000 square feet, and, in addition, gasoline service stations shall have 500 square feet of site area for each additional pump over four, and 1,000 square feet of site area for each additional service bay over two.

(2) The minimum site width shall be 130 feet.

(3) All points of entrance or exit for motor vehicles shall be no closer than 30 feet from the intersection of the right-of-way lines of adjacent streets. Points of entrance or exit for motor vehicles shall be no closer than 20 feet from any adjacent property line. The minimum driveway width at the curb line shall be 22 feet and the maximum driveway width at the curb line shall be 30 feet. The minimum width of access drive shall be 16 feet. The angle of intersection of the centerline of any driveway with the centerline of the street shall not be less than 60 degrees unless separated acceleration and deceleration lanes are provided.

(4) All equipment including hydraulic hoist, pits, and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed with a building. There shall be no outdoor storage of merchandise such as tires, lubricants and other accessory equipment except that outdoor trash storage may be provided in a properly screened container consisting of an opaque wall at least six feet high with a sturdy, 100% view-obscuring gate.

(5) All activities, except those required to be performed at the fuel pump shall be carried on inside a building. All vehicles upon which work is performed shall be located entirely within a building.

(6) There shall be no aboveground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gas.

(7) The automobile service station shall provide one parking space for each person employed at the station during any given period of the day. Each required parking space shall be no less than 200 square feet in area. No outdoor storage or parking of vehicles other than those used by employees while on duty.

(Ord. § 11.09, passed 1-7-1997)

§ 156.123 PRIVATE RECREATIONAL AREAS WITH CAMPING AND RECREATION VEHICLE SITES.

(A) *Purpose.* It is the purpose of this section to provide for the development of private recreational vehicle parks and recreational areas with camping and recreational vehicle sites. This section establishes regulations for uses which are designed to protect nearby property owners.

(B) *Uses permitted.*

(1) Picnic areas.

(2) Softball and baseball diamonds.

(3) Football and soccer fields.

(4) Swimming pools with appropriate safety enclosures.

(5) Other indoor and outdoor recreational facilities as determined by the Planning Commission.

(6) Camping sites for tents, campers or recreational vehicles.

(C) *Development and operating regulations.*

(1) Camping sites shall be rented to individual occupants for a period not to exceed 30 days.

(2) (a) A buffer at least 50 feet wide shall be developed along all property lines. This buffer strip shall be graded with a continuous berm at least four feet above the grade of the adjacent property line and the highest elevation within any adjacent campsite. The berm may be interrupted along not more than 20% of its length to provide required access.

(b) The buffer strip shall be planted with grass or other suitable ground cover and with the following trees and shrubs:

1. Two deciduous trees plus two additional deciduous trees for every 30 feet or recreation-area perimeter. Each required tree shall have a minimum caliper of one and one-half inches at planting.

2. Six evergreen shrubs with a spread at planting of at least three feet and a height at planting of at least two feet for every 30 lineal feet of recreation-area perimeter.

(3) The site plan for the recreation area shall clearly identify each camp or recreational vehicle site. A total of not more than one site shall be permitted for each 3,000 square feet of recreation park area.

(4) The proprietor of the tent, camper and recreational vehicle park shall be deemed to be in violation if any person shall use any tent, or park any camper or recreational vehicle in violation hereof.

(5) All camping sites for tents, campers and recreational vehicles shall have a central water supply system with potable water under pressure piped to within 300 feet of each travel trailer tent or camper site and with fire hydrants available within 150 feet of each campsite. If a public water supply system is available within 300 feet of any portion of the land, then the water supply systems shall be connected thereto.

(6) There shall be an enclosed toilet and sewage facility approved by the Michigan State and County Health Department with hot and cold running water available not farther than 300 feet from every campsite within the park. If public sewer shall be available within 500 feet of any such park, the park sewer system shall be connected thereto.

(7) No vehicle, tent, recreational vehicle, or camper shall be allowed within the park except upon an approved camper site.

(8) The proprietor of any recreational vehicle, tent, or camper park shall not permit any person not properly parked and registered upon an approved campsite within the park to use any facilities of the park.

(9) No structure within the camping park shall have any office or other commercial facility connected thereto or part thereof, unless that office or commercial facility shall be specifically an only for the use of the users of the park and approved by the Planning Commission.

(Ord. § 11.10, passed 1-7-1997)

§ 156.124 JUNKYARDS.

(A) *Purpose.* It is the purpose of this section to regulate the establishment of junkyards and salvage yards for the protection of adjacent and nearby property owners.

(B) *Development and operating regulations.*

(1) All junkyards shall be established and maintained in accordance with all applicable State of Michigan statutes.

(2) All junkyards shall be walled around their entire periphery with an opaque, solid masonry wall built to a height sufficient to obscure all materials and operations contained within the yard but in no case less than six feet. Walls enclosing junkyards shall be set back a distance of 50 feet from all property lines.

(3) Junk and other debris shall not be stacked in any manner such that it could be visible outside the site. Junkyards shall not be located in areas which are by virtue of their low elevation or other reasons the site is impossible to screen from view from adjacent properties or public streets.

(4) Adequate standing and parking facilities shall be provided on the site so that no loaded vehicle at any time stands in a public right-of-way awaiting entrance to the site.

(5) No burning of scrap products shall at any time be permitted except in an incinerator located no less than 100 feet from any property line. The emission of smoke, dirt, dust and fly ash shall be controlled through the use of electrostatic precipitators or other equipment of equal or better efficiency, which shall meet with all air pollution control regulations of the State of Michigan and Genesee County.

(Ord. § 11.11, passed 1-7-1997)

§ 156.125 TEMPORARY HOUSING.

(A) *Purpose.* It is the purpose of this section to allow temporary permits for use of an attached or detached accessory structure as a dwelling to provide supervision of an aged individual or an individual with a medical hardship.

(B) *Development and operating regulations.* Temporary housing units may be permitted in the RA, R-1 and R-2 Residential Zoning Districts by issuance of a conditional use permit subject to the following requirements:

(1) All health requirements affecting the provisions of water and sanitary sewer services are complied with and approved by the building inspector.

(2) No accessory structure shall be occupied unless there is a clear unoccupied space of at least ten feet on all sides thereof.

(3) No accessory structure shall at any time be located between the established setback line and the lot line.

(4) The accessory structure must be permanently attached to a foundation.

(5) The lot size and setback requirements shall meet those required for living quarters for employees in the district in which it is to be located.

(6) The combined lot coverage of all residences and accessory structures will not exceed the allowed lot coverage in the district in which it is to be located.

(7) The person residing in the accessory structure on whose behalf the conditional use permit is granted must be an immediate member of the family residing in the principal residence through blood, marriage or adoption, or have a unique relationship with a resident of the principal residence as determined by the Planning Commission.

(8) The maximum floor area of an accessory structure shall be 576 square feet.

(9) The Zoning Administrator shall conduct an annual review of all housing units granted temporary permits to determine if all of the conditions for which the permit was granted continue to be met. If all of the conditions are no longer being met on behalf of the person for whom the permit was issued, the temporary permit shall be considered void and the temporary housing use discontinued. (Ord. § 11.12, passed 1-7-1997)

§ 156.126 CIRCUSES, CARNIVALS, OR OTHER TRANSIENT AMUSEMENT ENTERPRISES.

Circuses, carnivals, or other transient amusement enterprises may be permitted in any district, upon approval by the Planning Commission based upon review procedures as outlined in this subchapter and a finding that the location of an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, morals, and the general welfare; provided, however, the Planning Commission may require the posting of a bond running to the village in an amount sufficient to hold the village free of all liabilities incident to the operation of the activity and to indemnify any adjoining land owner for any damages resulting from the operation of the activity, and which damages shall be provable before a court having jurisdiction over the premises on which the damages occurred and payable through such court. (Ord. § 11.13, passed 1-7-1997)

SITE PLAN REVIEW**§ 156.140 PURPOSE.**

These site plan review procedures are instituted to provide an opportunity for the Village Planning Commission to review the proposed site plan to ensure full compliance with all applicable requirements of this chapter and to set additional requirements in unusual circumstances where the Planning Commission deems the standards to be necessary to protect the public health, safety and general welfare. The site plan review shall consider drainage, pedestrian and vehicular circulation, off-street parking, structural relationships, public utilities, landscaping, accessibility and other site design elements which may have an adverse effect upon the public health, safety and general welfare. (Ord. § 12.01, passed 1-7-1997)

§ 156.141 PROCEDURES.

(A) Building permits are issued to regulate compliance with the village's building code. Zoning permits are issued to regulate compliance with this zoning chapter and are required before issuance of building permits involving new construction or expansion of a building. Before any building permit or zoning permit shall be issued for any development other than single-family homes, duplexes or associated accessory structures, the Planning Commission shall approve the proposed site plan. An application for site plan approval shall be made, by an owner of an interest in the land for which the site plan is proposed, to the Village Clerk, accompanied by the necessary fees and documents are provided herein. A plot plan is a relatively simple drawing submitted to document compliance with the zoning chapter as part of a zoning permit application. A site plan is a more detailed drawing required as part of site plan review. An applicant for site plan approval does not need to also submit a plot plan.

(B) The application shall be accompanied by 14 copies of a site plan. The 14 copies shall be distributed by the Village Clerk as follows: one shall be attached to the application and kept on file at the village office, one shall be provided to the Zoning Administrator for review, one shall be provided to the Fire Department for review, one shall be provided to the Police Department for review, one shall be provided to the Village Engineer for review and nine shall be provided to the Planning Commission for review. The site plan shall be drawn to a scale of one inch equals 20 feet, or to another scale

adequate to determine compliance with all requirements of this chapter and provide the Planning Commission with any information required to determine the appropriateness of the proposed conditional use. The site plan shall contain the following:

- (1) Statistical data including: Number of dwelling units by size of dwelling units (e.g., one-bedroom, two-bedrooms, and three-bedrooms), if any, and total gross acreage involved. In the case of mobile-home parks, the size and location of each mobile-home site shall be shown. In all other cases, the location, types, horsepower, fuel, dimension and other data of all machinery to be used on the proposed site shall be shown.
- (2) The location of principal and accessory buildings on the lot and the relationship of each structure to another.
- (3) Vehicular traffic and pedestrian circulation features within and without the site, including driveways, entrances, or streets within 150 feet of the site.
- (4) The location and dimensions of all off-street parking spaces including maneuvering lanes, service lanes, off-street loading spaces, and other service areas within the development.
- (5) The location, dimensions, and proposed use of all on-site recreation areas, if any.
- (6) The location of all proposed landscaping, fences, or walls.
- (7) The height and dimensions of all structures.
- (8) Front, rear, and side elevations of any typical structure proposed for development.
- (9) The location and capacity of private or public water and sanitary services and solid waste disposal facilities servicing the site.
- (10) The location, dimensions, and lighting of all signs.
- (11) The location, intensity, and orientation of all lighting.
- (12) The location, dimensions and height of buildings on immediately adjacent lots.
- (13) A location map at a larger scale, indicating the relationship of the site to the surrounding land area of not less than one square mile.
- (14) The hours of operation of the proposed use.

(15) The location where any hazardous material will be stored, generated, or handled and provisions to protect against leaking or spills of the material.

(C) The site plan shall be referred within 14 days after receipt by the Clerk to the Planning Commission for its review and evaluation.

(D) The Planning Commission shall review and communicate its approval or required site plan modifications to the applicant and the Zoning Administration within not more than 45 days after receipt of the site plan. In cases where modifications have been recommended, the applicant shall resubmit a site plan incorporating those modifications to the Planning Commission for their review.

(1) The Planning Commission shall approve a site plan only upon a finding that the site plan will, upon the facts known at the time of submission of the site plan, comply with the requirements of this chapter and will not cause undue hardship or create unsafe or hazardous health or safety conditions, or create a nuisance condition to the detriment of adjoining land users or the general public.

(2) Any required modification shall be directed to the specific elimination of unsafe or hazardous health or safety conditions or the prevention of nuisance conditions, and shall be so noted.

(E) Upon receipt of the modified site plan, the Planning Commission shall evaluate the changes which have been made and if deemed acceptable shall communicate its approval of the site plan to the applicant and the Zoning Administrator within not more than 45 days after receipt of the modified site plan.

(F) In those instances where the Planning Commission and/or Zoning Administrator determine it necessary, the village may submit a site plan for review by a professional consultant. The cost of this consultant review shall be paid by the applicant, provided an estimate of the review cost is obtained from the consultant and provided to the applicant in advance. Upon receiving estimate of the consultant review cost, the applicant may withdraw the application if he or she wishes.

(G) Following a determination of approval or denial of a site plan, the applicant shall be notified by regular mail of the decision of the Planning Commission or Zoning Administrator. The notice shall identify any conditions attached to approval, and in the case of denial, it shall identify the basis for denial. A record of the decision shall be filed with the Village Clerk, including:

- (1) A copy of the submitted site plan.
- (2) A copy of the Planning Commission's determination mailed to the applicant.
- (3) A copy of any meeting minutes related to the site plan.
- (4) A copy of any other relevant records related to the site plan.

(H) Any person aggrieved by the decision of the Zoning Administrator or Planning Commission in granting or denying a site plan may appeal the decision to the Zoning Board of Appeals. The appeal must be filed within 21 days of the decision and state the basis for the appeal.

(Ord. § 12.02, passed 1-7-1997) Penalty, see § 156.999

§ 156.142 STANDARDS FOR SITE PLAN APPROVAL.

All approved site plans shall comply with the appropriate district regulations, parking requirements, general provisions and other requirements of this ordinance as they apply to the proposed site plan. In addition, each site plan shall comply with the following requirements:

(A) Sidewalks and other walkways, driveways, parking areas, loading areas and maneuvering lanes will be designed to promote traffic safety, minimize turning movement conflicts, eliminate the stacking of cars within the public right-of-way, minimize vehicle/pedestrian conflicts, provide adequate access for fire, police, ambulance and other emergency services personnel, minimize the number of driveways with access onto major streets, promote adequate spacing between driveways, ensure adequate geometric design of streets and promote shared access.

(B) Adequate transition areas or buffers will be provided between land uses to minimize off-site conflicts due to noise, light, smoke, odor or other nuisances and to maintain physical attractiveness.

(C) Utility service is adequate to serve the needs of the development. Water pressure and capacity are adequate to meet usage and fire fighting needs. Sewer lines are adequate to handle the increased flow projected by the land use, and the village has adequate treatment capacity at the County Wastewater Treatment plant. Storm water facilities are adequate to handle any increased water run-off, which will be minimized through the use of storm water retention and detention facilities when appropriate. The site shall be design to ensure that there is no increase in runoff on to adjacent sites or that existing drainage patterns are harmed.

(D) Physical improvements including sidewalks, drives and parking areas shall be built to adequate standards to minimize premature deterioration.

(E) Sites at which hazardous substances are stored, used or generated shall be designed to prevent spill or discharges to the air, surface of the ground, groundwater, streams, drains or wetlands. Secondary containment for above ground storage of hazardous material shall be provided.

(Ord. § 12.03, passed 1-7-1997) Penalty, see § 156.999

§ 156.143 CONDITIONS.

(A) The Planning Commission or Zoning Administrator may condition approval of a site plan on conformance with the standards of another local, county or state agency, such as but not limited to the County Drain Commission, County Health Department and the Department of Environmental Quality. They may do so when such conditions:

- (1) Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- (2) Would protect the natural environment and conserve natural resources and energy.
- (3) Would ensure compatibility with adjacent uses of land, and
- (4) Would promote the use of land in a socially and economically desirable manner.

(B) The Planning Commission or Zoning Administrator may conditionally approve a site plan on conformance with fencing, screening, buffering or landscaping requirements of § 156.041 above and may collect a performance guarantee consistent with the requirements of § 156.144 below, to ensure conformance. When so doing, the following finding shall be made and documented as part of the review process:

(1) That the fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels;

(2) That absent the conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

(Ord. § 12.04, passed 1-7-1997)

§ 156.144 PERFORMANCE GUARANTEES.

In the interest of insuring compliance with the zoning chapter provisions, protecting the natural resources and the health, safety and welfare of the residents of the village and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission or Zoning Administrator may require the applicant to deposit a performance guarantee as set forth herein. Performance guarantees shall be required in instances where an occupancy permit is requested prior to

completion of all improvements on an approved site plan. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this chapter, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

(A) Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.

(B) Where the Planning Commission or Zoning Administrator requires a performance guarantee, the performance guarantee shall be deposited with the Village Treasurer prior to the issuance of a building permit. The village shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account.

(C) An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.

(D) In the event the performance guarantee deposited is a cash deposit or certified check, the village shall rebate to the applicant 50% the deposited funds when 60% of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining 50% of the deposit funds when 100% of the required improvements are completed as confirmed by the Zoning Administrator. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee may be applied by said applicant to assure compliance with zoning chapter standards and the specifications of the approved site plan.

(E) Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.

(F) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the village, the village shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the village to complete the improvements for which it was posted, the applicant shall be required to pay the village the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the village use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after the completion shall be applied first to the village's administrative costs in completing the improvement with any balance remaining being refunded to the

applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the village to ensure completion of an improvement associated with the proposed project prior to the village's conditional approval, the applicant shall not be required to deposit with the village a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the village and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the village regarding the performance guarantee.

(Ord. § 12.05, passed 1-7-1997)

§ 156.145 CHANGES TO APPROVED SITE PLANS.

(A) All work conducted related to a project with an approved site plan shall be in conformance to that site plan. Minor changes to the site plan may be approved by the Zoning Administrator, as long as the change does not result in:

- (1) A significant change in the use, intensity or character of the development;
- (2) A significant increase in lot coverage;
- (3) A reduction in required open space, off-street parking or loading areas or drainage retention or detention capacity;
- (4) A reduction in pavement widths or utility pipe size;
- (5) Changes that effect conditions place on the site plan or were identified as a basis for approval.

(B) Major changes to a site plan require review and approval as required if the plan were new.
(Ord. § 12.06, passed 1-7-1997)

§ 156.146 EXPIRATION OF SITE PLAN APPROVAL.

Approval of a proposed site plan shall expire within one year of approval if a building permit has not been applied for and construction begun based on the site plan.

(Ord. § 12.07, passed 1-7-1997)

ADMINISTRATION AND ENFORCEMENT**§ 156.160 ZONING BOARD OF APPEALS.**

(A) *Composition.* The Village Council may serve as the Zoning Board of Appeals (ZBA) or may appoint members to a separate body. If the Village Council established a separate Zoning Board of Appeals, it shall appoint five members. The initial terms of the members' shall be one year for two members, two years for two members and three years of one member. After the initial establishment of the Zoning Board of Appeals, each member shall be appointed for three-year terms.

(B) *Voting requirements.* In all decisions related to this chapter, a majority vote of the members of the Zoning Board of Appeals is required, including approval of dimensional variances, reversal of an administrative decision, or interpretation of the chapter.

(C) *Meeting notice requirements.* Notices of all meetings of the Zoning Board of Appeals shall be posted at least five days prior to the meeting at the village hall. Any applicant for a variance, appeal, interpretation, or other review by the Zoning Board of Appeals, shall receive notice by first class mail not less than five or more than 15 days before the meeting. When an application deals with a specific parcel of land such as a variance, surrounding property owners within 300 feet shall receive notice not less than five or more than 15 days before the meeting.

(Ord. §§ 19.01, 19.02, 19.03, passed 1-7-1997)

§ 156.161 VARIANCE REVIEW PROCEDURES.

(A) *Intent.* These variance review procedures are instituted to provide an opportunity for the relaxation of the terms of the zoning chapter through a dimensional variance, where the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, or his or her predecessors in title, a literal enforcement of the chapter would result in practical difficulty for the property owner. As used in this chapter, a dimensional variance is authorized only for height, area, and size of structure, size of yards and open spaces or the relaxation of requirements such as parking for permitted uses; establishment or expansion of a use otherwise prohibited shall not be allowed by use variance, nor shall a use variance be granted because of the presence of nonconformities in the Zoning District or uses in an adjoining zoning district.

(B) *Procedures.*

(1) An application for the approval of a dimensional variance shall be made, by an owner of an interest in the lot, to the Village Clerk accompanied by the necessary fees and documents as provided in this chapter.

(2) The application shall be accompanied by a plot plan drawn to a suitable scale containing the following information:

(a) Dimensional elements for which a variance is requested.

(b) Dimensional relationships of the subject lot to the structures on all adjacent lots.

(3) The application shall be accompanied by an affidavit by the applicant explaining how the request complies with the standards outlined below for dimensional variances.

(4) The ZBA shall consider the application for a variance at its next regular meeting, which provides sufficient time for notice, as required heretofore, or within not more than 35 days after receipt of the application by the Village Clerk, and hear and question any witness appearing before the ZBA.

(5) (a) The ZBA shall approve, with or without conditions, or disapprove the application and shall communicate its action, in writing, to the applicant, the Village Council, the Zoning Administrator, and the Planning Commission within one week from the time of the meeting at which it considered the application.

(b) The ZBA shall not approve an applicant for a dimensional variance unless it has found positively that the applicant has demonstrated practical difficulty by documenting that:

1. The strict enforcement of the zoning chapter would unreasonably prevent the property owner from using the property for a permitted purpose, or would render conformance unnecessarily burdensome.

2. The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same zoning district.

3. The conditions and circumstance unique to the property were not created by the owner, or his or her predecessor in title, within the time following the effective date of the provisions alleged to adversely affect the property.

4. The requested variance would do substantial justice to the applicant, as well as other property owners in the district and lesser relaxation would not give substantial relief while being more consistent with justice for others.

5. The requested variance will not be contrary to the spirit and intent of the zoning chapter.

(6) The Zoning Administrator shall, upon receipt of the notice of approval and upon application by the applicant, accompanied by a receipt duly executed by the Village Treasurer attesting to the payment of all required fees issue a zoning permit or such other approval permitting the variance, subject to all conditions imposed by the approval.

(Ord. § 19.04, passed 1-7-1997)

§ 156.162 APPEALS PROCEDURES.

(A) *Intent.* These appeals procedures are instituted to hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official or body charged with the enforcement of the village zoning chapter.

(B) *Procedures.* An appeal shall be filed with the officer from whom the appeal is taken and with the ZBA specifying the grounds for the appeal.

(1) The officer or body from whom the appeal is taken shall forthwith transmit to the ZBA all papers constituting the record upon which the appeal is taken.

(2) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer or body from whom the appeal is taken certifies to the ZBA after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would in his or her 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 ZBA, or by the circuit court, on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(3) The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the village, acting under the authority of this zoning chapter.

(4) The ZBA shall hold the hearing of the appeal at their next regularly scheduled meeting, but no more than 35 days after receipt of the application and give notice as required under this chapter and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The ZBA may reverse or affirm, wholly, or partly, or may modify the order, requirement, decision, or determination, as in its opinion, ought to be made in the premises, and to that end shall have all the power of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The decision of the ZBA shall be final, however, any person having an interest affected by any such ordinance shall have the right to appeal to the circuit court on questions of law and fact.

(5) Any action by the Board shall be stated in writing.
(Ord. § 19.05, passed 1-7-1997)

§ 156.163 INTERPRETATION OF ZONING ORDINANCE AND MAP.

(A) *Authority.* The Zoning Board of Appeals shall have the authority to interpret the provisions of this chapter when a requirement, standard, or other text is unclear. When determining if a particular use is included in the definition of a type or group of uses permitted in a district, it shall not interpret a use specifically listed in one district as being inferred as permitted in another district.

(B) *Interpretation of zoning district boundaries.* In interpreting the boundaries of zoning district boundaries, the Zoning Board of Appeals shall assume, unless there is information indicating otherwise, that zoning district boundaries to follow lot lines, the centerline of creeks, streets, or alleys, railroad right-of-ways, section lines one-quarter or one-eighth section lines, or corporate boundary lines as they existed when the zoning boundary line was established.
(Ord. § 19.06, passed 1-7-1997)

§ 156.164 ZONING AMENDMENT PROCEDURES.

(A) *Initiation of amendments.*

(1) Any proposal for an amendment to the zoning chapter text or map be initiated by any qualified voter, resident in the village upon the filing with the Village Clerk of a petition containing the proposed text or map change and endorsed by village electors numbering not less than 5% of the number of village electors voting for the office of the governor at the last election at which a governor was elected, and accompanied by any necessary documents.

(2) Any proposal for an amendment to the zoning chapter map may be initiated by any owner of an interest in the lot as to the rezoning of the lot, upon the filing with the Village Clerk of a petition proposing the zone change, accompanied by a map at a scale of not less than one inch equals 50 feet showing the subject parcel in relation to adjoining parcels of land, and the necessary fees for the zone change.

(3) Any proposal for an amendment to the zoning chapter text or map may be initiated by the Village Council or the Village Planning Commission, upon filing with the Village Clerk a resolution, duly adopted and proposing an amendment.

(B) *Procedures.*

(1) The Village Clerk shall give notice of the time and place of the Village Planning Commission meeting at which the amendment will be heard by a publication in a newspaper of general circulation in the village.

(a) The notice shall be published not less than 15 days from the date of the hearing.

(b) The notice shall include the places and times at which the tentative text and any maps of the zoning chapter may be examined.

(2) (a) The Village Clerk shall give similar notice of the time and place of the hearing to each public utility company owning or operating any public utility or railroad within the districts or zones affected, which have registered their name and mailing address with the Village Clerk for the purpose of receiving the notice

(b) The notice shall be given by certified mail not less than 15 days before the public hearing.

(3) The property owner shall, in the case of the proposed rezoning of any lot, conspicuously post on the lot a notice provided by the Village Clerk stating the time, place, date, and purpose of the hearing at which the rezoning will be considered, and shall send the same notice to all property owners and residents within 300 feet of the subject property and the applicant at least 15 days prior to the public hearing.

(4) Following the hearing, the Commission shall submit their recommendation, along with a summary of the comments submitted at the public hearing in a report to the Village Council.

(5) Following their receipt of the report, the Village Council may:

(a) Make a decision.

(b) Send the request back to the planning commission for further study.

(c) Hold their own public hearing prior to making their decision.

(6) (a) If prior to voting on a rezoning, the Village Council is presented with a protest petition signed by one of the following:

(1) The owners of a least 20% of land, excluding publicly owned land, proposed to be rezoned.

(2) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the rezoning, excluding publicly owned land.

(b) Then a zoning text or map amendment shall require a two-thirds majority vote to be approved.

(7) Following adoption of the zoning amendment, one notice of adoption shall be published in a newspaper of general circulation in the village within 15 days of adoption. The notice will include:

(a) A summary of the regulatory effect of the amendment or the actual text of the amendment.

(b) The effective date of the ordinance.

(c) The place and time where a copy of the ordinance may be purchased or inspected.
(Ord. § 20.01, passed 1-7-1997)

§ 156.165 ADMINISTRATION AND ENFORCEMENT OF ZONING; PERMITS.

(A) Administrative Official.

(1) The Zoning Administrator designated by the Village Council shall administer and enforce this chapter. He or she may be provided with the assistance of other persons as the Village Council may direct.

(2) If the Zoning Administrator shall find that any of the provisions of this chapter are being violated, he or she shall notify, in writing, the person responsible for the violation, or the owner of record of the lot upon which the violation is taking place, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of the illegal use of any lot or structures; removal of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(B) Zoning permits required. No structure shall be erected, moved, or added to, and no existing structure or parcel of land shall change use without a zoning permit therefor, issued by the Zoning Administrator. No zoning permit shall be issued by the Zoning Administrator except in conformity with the provisions of this chapter, unless he or she receives a written approval for a conditional use permit from the Village Planning Commission, or a reversal on appeal, or variance from the Zoning Board of Appeals in accordance with the provisions as provided by this chapter.

(C) *Zoning permit application.* All applications for zoning permits shall be accompanied by a plot plan drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of structures already existing, if any; and the locations on the lot of structures already existing, if any; and the location and dimensions of the proposed structure or alteration. The application shall include such other information as lawfully may be required by the Zoning Administrator or, including data on existing or proposed structures or alteration; existing or proposed uses of the structure and lot; the number of families, housekeeping units, or rental units the structure is designed to accommodate; conditions existing on the lot; and such other information as may be necessary to determine conformance with, and provide for the enforcement of, this chapter.

(1) One copy of the plans shall be returned to the applicant by the Zoning Administrator or Building Inspector after he, she or they shall have marked such copy either as approved, or disapproved, and attested to same by his or her signature on such copy. One copy of the plans, similarly marked, shall be retained by the Zoning Administrator.

(2) No nonconforming structure or use shall be maintained, renewed, changed, or extended until a zoning permit shall have been issued by the Zoning Administrator. The zoning permit shall state specifically wherein the nonconforming use differs from the provisions of this chapter.

(3) The Zoning Administrator shall maintain a record of all zoning permits, and a copy shall be furnished upon request to any person.

(D) *Expiration of zoning permit.*

(1) If the work described in any zoning permit has not begun within six months from the date of issuance thereof, said permit shall expire, except as otherwise provided herein; it shall be canceled by the Zoning Administrator and written notice thereof shall be given to the persons affected

(2) If the work described in any zoning permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be canceled by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained.

(E) *Construction and use to be as provided in applications, plans, permits.* Zoning permits shall be issued by the Zoning Administrator on the basis of plans and applications approved, where necessary, the Planning Commission or the Zoning Board of Appeals and authorize only the use, arrangement, and construction set forth in the approved plans or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this chapter, and punishable as provided under applicable provisions of this chapter.

(Ord. § 20.02, passed 1-7-1997)

§ 156.166 SCHEDULE OF FEES, CHARGES, AND EXPENSES.

(A) Fees, charges, and expenses shall be assessed as part of the application for conditional use permits, variances, appeals, zoning permits, and amendments to defray expenses incurred in processing the application.

(B) The Village Council shall establish a schedule of fees, charges, and expenses, and establish a procedure for their collection.

(1) The schedule of fees, charges, and expenses shall be conspicuously posted in an appropriate public building.

(2) The schedule of fees, charges, and expenses may be altered or amended by resolution duly adopted by the Village Council.

(C) No action shall be taken on any application or appeal until all applicable fees, charge, and expenses have been paid in full.
(Ord. § 20.04, passed 1-7-1997)

§ 156.999 PENALTY.

A violation of the provisions of this chapter or failure to comply with any of its requirements, including violations of conditions and safeguards required as conditions for the grants of variances, or appeals, or conditional use permits, shall constitute a municipal civil infraction and shall be handled in accordance with the village municipal civil infraction ordinance.

(A) Each day the violations continue shall be considered a separate offense.

(B) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains the violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(C) Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. § 20.03, passed 1-7-1997)

