

CHAPTER 5500 - ZONING

ARTICLE I

SHORT TITLE

Section 1.01. This Ordinance shall be known and may be cited as the Zoning Ordinance of the Village of Clayton.

ARTICLE II

CONSTRUCTION OF LANGUAGE

Section 2.01. The following rules of construction apply to the text of this Ordinance.

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or structure includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicated the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either. . . or", the conjunction shall be interpreted as follows:
 - a. "And" indicated that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

ARTICLE III

DEFINITIONS

Section 3.01. For the purpose of enforcing the provisions of this Ordinance, certain terms and words used herein are defined as follows:

ACCESSORY BUILDING: A supplementary building or a portion of a main building, the use of which is incidental to that of the main building.

ADULT FOSTER CARE FACILITY: An establishment which provides supervision, assistance, protection or personal care, in addition to room and board to adults as defined in Act 237 of Public Acts of 1972, Section 2.

ALLEY: A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS: Any change in the location or use of a building, or any change or modification in the supporting members of a building such as bearing walls, columns, beam hoists, girders and similar components, or any substantial changes in the roof or exterior walls, or any change in the type of occupancy, the consummated act of which may also be referred to herein as "altered" or "reconstructed".

AUTOMOBILE SERVICE STATION: A building or structure designed or used for the retail sale of fuel, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats.

BASEMENT: That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.

BEDROOM: A room in a dwelling unit used for or intended to be used solely for sleeping purposes by human beings.

BLOCK: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, crossing or terminating; or between the nearest such street and railroad right-of-way; unsubdivided acreage, lake, river or live stream; or between any other barrier to the continuity of development.

BUILDING: An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels.

BUILDING SETBACK LINE: The line which pertains to and defines the minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance.

CONVALESCENT OR NURSING HOME: A convalescent home or nursing home is a home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for. Said home shall also conform to, and qualify for license under, applicable State laws (even though State law may provide for different size regulations).

DISTRICT: A portion of the incorporated area of the municipality which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRIVE-IN RESTAURANT: A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:

- (1) Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means which eliminates the need for the customer to exit the motor vehicle.
- (2) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged or permitted.

DWELLING: A house or building, or portion thereof, which is occupied wholly as the home, residence or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, mobile home, automobile chassis, tent or portable building be considered as a dwelling. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

- (1) DWELLING, MULTIPLE: A multiple dwelling is a building used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including mobile homes.
- (2) DWELLING, ONE-FAMILY: A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking and kitchen accommodations for one (1) family only. Also known as a single family dwelling.

- (3) DWELLING, TWO-FAMILY: A detached two-family dwelling is that occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.
- (4) DWELLING UNIT: A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, mobile home, motor home, automobile chassis, tent or other portable building be considered a dwelling in residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.
- (5) EFFICIENCY UNIT: An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than three hundred and fifty (350) square feet of floor area.

ESSENTIAL SERVICES: Means the erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith, not including buildings, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety or general welfare (not including buildings other than are primarily enclosures or shelters of the above essential service equipment). Same shall be permitted as authorized by law and other ordinances, the intent here being to exempt such erection from the application of this Ordinance.

FAMILY: One (1) or more persons living together in one (1) dwelling unit and interrelated by bonds of marriage, blood, or legal adoption (additionally may include up to a total of three (3) persons not so related who are either domestic servants or gratuitous guests, comprising a single housekeeping unit.)

FARM: The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

FLOOR AREA:

- (1) FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area" of a building, which is what this normally is referred to as, shall include the basement floor area when more than one-half (1/2) of the

basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition). Any space devoted to off-street parking or loading shall not be included in "floor area". Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

- (2) FLOOR AREA, USEABLE: The measurement of usable floor area shall include that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

GARAGE, PRIVATE: A space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot.

GRADE: The building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.

HEIGHT, BUILDING: The vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall.

HOME OCCUPATION: For the purpose of this Ordinance, a home occupation shall be defined as a gainful occupation or profession customarily carried on by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes, and therefore not involving the conduct of a retail business, manufacturing business or a repair shop of any kind on the premises. Home occupations shall not include the employment of any additional persons in the performance of such services nor shall there be any mechanical or electrical equipment used, other than is usual for purely domestic or hobby purposes. Home occupations shall include: personal services such as or similar to those provided by the professions of a doctor, dentist, osteopath, chiropractor, chiropodist, optometrist, architect, artist, engineer, lawyer, accountant, music teacher, barber shop, beauty parlor and dressmaker. The conducting of a clinic, hospital, tea room, tourist home, animal hospital or any similar use on the premises shall not be deemed to be a home occupation.

HOTEL: A building containing apartments, each composed of bedroom, bathroom and closet space but without cooking facilities. The apartment units, with the exception of the units occupied by the management staff, being used only for the accommodation of transients and no cooking being permitted therein.

JUNK YARD: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junk Yard" includes automobile wrecking yards and includes an open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

LOADING SPACE: An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT: A lot is a parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this Ordinance, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision.

- (1) LOT, DEPTH: The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line.
- (2) LOT, DOUBLE FRONTAGE: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.
- (3) LOT INTERIOR: An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.
- (4) LOT, WIDTH: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

LOT LINES: Any line dividing one (1) lot from another or from the right-of-way, and thus constitute property lines bounding a lot.

- (1) LOT LINE, FRONT: In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which

is designated as the front street in the plat and/or in the request for a zoning compliance permit.

- (2) LOT LINE, REAR: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- (3) LOT LINE, SIDE: Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

LOT OF RECORD: A lot or record is a lot the dimension and configuration of which are shown on a map recorded in the office of the Register of Deeds for Lenawee County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Land Surveyor (so registered and licensed in the State of Michigan) and likewise so recorded on a file with the County.

LOT, CORNER: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.

MOBILE HOME: Any vehicle designed, or constructed so as to permit its being transported upon the public streets or highways and constructed in such a manner as will permit occupancy thereof as a residence or sleeping place for one or more persons.

MOBILE HOME PARK: A specifically designated parcel of land designed and developed to accommodate two (2) or more mobile home sites for residential use. Also known as a trailer court or trailer coach park.

MOTELS: A building or a group of buildings in which overnight lodging is provided and offered to the public for compensation and catering primarily to the public traveling by motor vehicles.

NON-CONFORMING BUILDING: A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions (e.g., setbacks, height, lot coverage, parking) of this Ordinance in the zoning district in which it is located.

NON-CONFORMING USE: A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and does not conform to the use regulations of the zoning district in which it is located.

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles.

PARKING SPACE: An area for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible for the storage or parking of self-propelled vehicles.

PRINCIPAL USE: The main use to which the premises are devoted and the principal purpose for which the premises exist.

PUBLIC UTILITY: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under municipal or state regulation to the public; transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal.

SETBACK: The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

SIGN: Any device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons not on the premises on which the sign is located.

STORY: That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

(1) MEZZANINE: A "Mezzanine" floor may be used in this definition of a full story when it covers more than fifty (50) per cent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

(2) HALF: A half story is that part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clear height of at least seven (7) feet and six (6) inches.

STREET: The public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

USE: The purpose for which land or premises of a building thereon is designed, arranged, intended, or for which it is occupied, maintained, let, or leased.

VARIANCE: A variance is a modification of the literal provisions of the Zoning Ordinance which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

YARD, REQUIRED SIDE-REAR-FRONT: An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- a. FRONT: An open space extending the full width of a lot and of a depth measured horizontally at right angles to the front property line, and the nearest point of the main building.
- b. REAR: An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear property line.
- c. SIDE: An open space extending on each side of the lot from the required front yard to the required rear yard, and of a width measured horizontally at right angles to the respective side property line.

ARTICLE IV

ZONING DISTRICTS AND MAPPING INTERPRETATION

Section 4.01. DISTRICTS: The Village of Clayton is hereby divided into zones or districts as shown on the official Zoning Map and shall include the following:

R-1	Agricultural - Residential
C-1	Commercial
M-1	Industrial

Section 4.02. MAP: The boundaries of these districts are shown upon the Official Zoning Map of the Village of Clayton and made a part of this Ordinance. The Zoning Map shall be maintained and kept on file with the Village Clerk, and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the said Zoning Map and all such notations, references and other information shown thereon were fully set forth or described herein.

Section 4.03. INTERPRETATION OF DISTRICT BOUNDARIES: Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map the following rules shall apply.

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits;
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Plan or in other circumstances not covered by subsections 1 through 6 above, the Board of Appeals shall interpret the district boundaries.

Section 4.04. ZONING OF ANNEXED AREAS: Whenever any area is annexed to the Village of Clayton, it shall immediately upon such annexation, be automatically classified as an R-1 District until a Zoning District for said area has been adopted by the Village Council.

Section 4.05. ZONING OF VACATED AREAS: Whenever any street, alley or other public way within the Village shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zoning District as the property to which it is attached.

ARTICLE V

R-1, AGRICULTURAL-RESIDENTIAL DISTRICT

Section 5.01. STATEMENT OF PURPOSE. The following reasons are given in evidence to support the purposes for which this zoning district is intended to accomplish.

1. To encourage the construction of, and the continued use of the land for single-family dwellings.

2. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
3. Land with agricultural value can continue to be worked until its conversion to urban uses.

Section 5.02. PERMITTED PRINCIPAL USES. The following uses are permitted in an R-1, Agricultural-Residential District. Any use not expressly permitted is prohibited.

1. Single family detached buildings.
2. Farms as regulated by the Clayton Village Code.
3. Publicly owned and operated museums, libraries, parks, playfields, playgrounds, recreational facilities and conservation.
4. Public, parochial or other private elementary, intermediate schools and/or high schools offering courses in general education.
5. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

Section 5.03. PERMITTED USES AFTER SPECIAL APPROVAL. The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Village Council.

1. Nursery schools, day nurseries and child care centers (not including dormitories) providing that for each child so cared for, there shall be provided and maintained a minimum of seventy-five square feet of outdoor play area. Such play space shall have a total minimum area of not less than two thousand (2000) square feet and shall be screened from any adjoining lot in any residential district.
2. Cemeteries, provided that the minimum site size shall be five (5) acres and the perimeter of the site shall be fenced as designated in Section 11.11.
3. Churches, subject to the requirements set forth in Section 11.16.
4. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
5. Golf course, which may or may not be operated for profit,

subject to the following conditions:

- a. Development features including the principal and accessory buildings and structure shall be so located and related to as minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.
6. Roadside stands, only for the marketing of agricultural products produced on the premises.
7. Home Occupations as defined in Article III.
8. Radio and television towers including all commercial radio, television, and other transmitting or relay antenna towers, subject to the following conditions:
 - a. The setbacks for all towers shall be a distance equal to the height of such tower.
 - b. The Structural Plans shall be approved by the Building Inspector.
 - c. The towers shall observe all state, county and local safety and health regulations including those established by the Federal Aeronautics Administration.
9. Convalescent and/or nursing home, adult foster care home when the following conditions are met:
 - a. The site shall be so developed as to create a land to building ration on the parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1500) square feet of land area.
 - b. No building shall be closer than ten (10) feet from any property line.
10. Mortuary establishments subject to the following:
 - a. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession, provided further that such assembly area shall be provided in addition to any required off-street parking area.
 - b. A caretaker's residence may be provided within the main building of mortuary establishments.

11. Mobile Home Parks subject to the requirements of Section 11.19.

ARTICLE VI

C-1, LOCAL COMMERCIAL DISTRICT

Section 6.01. STATEMENT OF PURPOSE. The C-1, Commercial District, is intended to permit retail business and service uses. In order to promote such business developments so far as it is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy truck traffic. The intent of this District is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations.

Section 6.02. PERMITTED PRINCIPAL USES. The following provisions apply in all C-1, Local Commercial Districts. Any use not expressly permitted is prohibited.

1. Office buildings resulting from any of the following occupations: executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; sales and governmental service.
2. Medical or dental office, including clinics and medical laboratories.
3. Banks, credit unions, savings and loan associations.
4. Business or private schools operated for a profit.
5. Photographic studios.
6. Mortuary establishments.
7. Retail establishments for the sale of alcoholic beverages, baked goods, bicycles, books, confection, drugs, flowers, groceries, hardware, hobby equipment, jewelry, music, notions, paints, periodicals, sundry small household articles, tobacco, and similar establishments.
8. Personal service establishments performing services on the premises, such as barber and beauty shops; watch, radio, television, clothing and shoe repair, tailor shops, locksmith and similar establishments.
9. Laundry or dry cleaning customer outlets, coin-operated laundromats, self-serve dry cleaning centers and the like. Dry cleaning or laundry plants serving more than one customer service outlet are prohibited.

10. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of a drive-in or open front store are prohibited.
11. Public utility buildings and uses but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
12. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.

Section 6.03. PERMITTED USES AFTER SPECIAL APPROVAL. The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Village Council.

1. Automobile service stations subject to the requirements of Section 11.14.
2. Private service clubs, fraternal organizations and lodge halls subject to the following:
 - a. The minimum lot area shall be one (1) acre.
3. Eating and drinking establishments of a drive-in or carry-out character as defined in Article III.
4. Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building.
5. Business service establishments performing services on the premises such as office machine and typewriter repair; printing.
6. Any service establishment of an office, showroom, or workshop nature within a completely enclosed building of a taxidermist, decorator, furniture sales, upholsterer, caterer, exterminator, building contractor, (including electrical, glazing, heating, painting, paper hanging, plumbing, roofing, ventilating and plastering), excluding outside storage yards and similar establishments that require a retail adjunct.
7. Indoor ice skating and roller skating rinks.
8. Establishments containing indoor tennis courts, handball courts, swimming pools, gymnasiums, health clubs, and similar uses.
9. Other uses similar to the above, subject to the following restrictions:
 - a. All goods produced on the premises shall be sold at retail on the premises where produced,

- b. All business or servicing shall be conducted within a completely enclosed building.
10. Automobile car wash establishments when completely enclosed within a building, including steam-cleaning, but not rust-proofing; provided further that off-street storage space for at least ten (10) cars waiting to be washed per car wash lane is provided for manual or self-serve establishments and at least twenty-five (25) storage spaces for automatic establishments.
 11. Open air business uses as follows in conformance with Section 11.17.
 - a. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other garden supplies and equipment.
 - b. Retail sale of fruits and vegetables.
 - c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's amusement park or similar recreation uses.
 - d. Bicycle, trailer, motor vehicle used car lots, mobile home, boat or farm equipment sale or rental services.
 - e. Outdoor display and sale of lumber, building materials, garages, swimming pools and similar uses.
 12. Hotels and motels.
 13. Theaters, dance halls, assembly halls or other similar places of assembly.
 14. Passenger bus stations.
 15. Drive-in theaters, provided that there shall be no vehicular access to any residential street, that suitable screening is provided to insure that there shall be no highlight or other illumination directed upon any residentially zoned or developed property; and so that the picture is not visible from a major thoroughfare; and that any such drive-in theaters shall be located no closer than one thousand (1000) feet to any residentially zoned or developed property.

Section 6.04. AREA, HEIGHT, AND PLACEMENT-REGULATIONS. Area, Height and Placement Requirements, unless otherwise specified are provided in Article VIII, "Schedule of Regulations".

ARTICLE VII

M-1, INDUSTRIAL DISTRICT

Section 7.01. STATEMENT OF PURPOSE. The intent of this Article is to permit industrial uses to locate in desirable areas of the Village, which uses are primarily of a manufacturing, assembling and fabricating character, including large scale or specialized industrial operations requiring good access by road, and needing special sites or public and utility services. Reasonable regulations apply to users in this district so as to permit the location of industries which will not cause adverse effects on residential and commercial areas in the Village.

Section 7.02. PERMITTED PRINCIPAL USES. The following provisions apply in the M-1, Industrial District. Any uses not expressly permitted are prohibited.

1. Wholesale and Warehousing. The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment, petroleum bulk stations and terminals; tobacco and tobacco products; beer, wine and distilled alcoholic beverages; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this District; truck terminals.
2. Industrial Establishments:
 - a. The assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering, animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances; radio and phonographs; pottery and figurines or other ceramic products using only pulverized clay.
 - b. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fibre, glass, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planing mills) and yarns.
 - c. Tool and die shops; metal working machine shops including the use of grinding or cutting tools; manufacturing of tools, dies, jigs, and fixtures; publishing, printing or forming of box, carton and cardboard products.

- d. Laboratories - research or testing.
 - e. Central dry cleaning plants and laundries.
3. Public Utility Uses: Electric transformer station and sub-station electric transmission towers; municipal buildings and uses; gas regulator and municipal utility pumping stations.
 4. Retail and Service Establishments:
 - a. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of a drive-in or open front store are prohibited.
 - b. Truck tractor and trailer sales, rental and repair.
 - c. Dog kennels.
 - d. Automobile service stations in accordance with Section 11.14.
 5. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

Section 7.03. PERMITTED USES AFTER SPECIAL APPROVAL. The following uses may be permitted subject to the conditions hereinafter imposed, a site plan review in accordance with Section 11.15 and subject to approval of the Village Council.

1. Industrial establishments:
 - a. The assembly and/or manufacture of automobiles, automobile bodies, parts and accessories, cigar and cigarettes, electrical fixtures, batteries and other electrical apparatus and hardware, treatment and/or manufacture of chemicals.
 - b. Processing, refining, or storage of food and food stuffs.
 - c. Breweries, bump shops, distilleries, machine shops, metal buffing, plastering and polishing shops, mill-work lumber and planing mills, painting and sheet metal shops, undercoating and rustproofing shops, and welding shops.
 - d. Automobile bumpshops, tire vulcanizing and recapping shops.
 - e. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses, including living quarters of a watchman or a caretaker.

2. Open storage yards of construction contractors' equipment and supplies, building materials, sand, gravel or lumber.
 - a. Such uses shall be located at least two hundred (200) feet from any residential district.
 - b. If it is deemed essential by the Planning Commission to prevent loose materials from blowing into adjacent properties a fence, tarpaulin or obscuring wall of no less than five (5) feet shall be required around the stored material.
 - c. No required yard spaces shall be used for the storage of equipment or material.
3. Junk Yards, subject to any Federal, State, County, or Village regulations.

Section 7.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement Requirements unless otherwise specified as are provided in Article VIII "Schedule of Regulations".

ARTICLE VIII

SCHEDULE OF REGULATIONS

Section 8.01. AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS

-	19	Minimum Lot Size Per Dwelling Unit		Maximum Building Height		Maximum Coverage Of Lot by All Buildings in Per Cent of Lot Area	Minimum Yard Setback in Feet				a, b, Minimum Floor Area Per Dwelling Unit C
		Area in Sq. Ft.	Width In Feet	In Stories	In Feet		Front	Side Yard Least One	Total Two	Rear	
R-1, Agricultural-Residential		12,000	80	2-1/2	35	30	25 ^d	10 ^d	20 ^d	25 ^d	720
C-1, Local Commercial		-	-	2-1/2	35	--	15 ^f	e	e	15	
M-L, Industrial		-	-	2-1/2	35	--	50 ^f	20	40	50	

Section 8.02. FOOTNOTES TO SCHEDULE OF REGULATIONS.

- a. In all residential and industrial districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping plant materials or vehicle access drives. All yards abutting upon a public street shall be considered as front yards for setback purposes. In all commercial districts, the same requirements shall apply except that only the first fifteen (15) feet of required front/yard setback may not be utilized for parking and loading purposes.
- b. In determining required yard spaces for all land uses in zoning districts, the determination of such yard spaces shall be the distance from the building or structure on the lot and the nearest lot line.
- c. Required minimum floor area for each dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages.
- d. All accessory farm buildings for uses other than those usually incidental to the dwelling shall be located not less than fifty (50) feet from any lot line or property boundary.
- e. In any commercial district, side yards are not required except where a commercial district borders on a side street and a residential district exists in the same block there shall be provided a setback of twenty (20) feet for all buildings. Where a residential district exists adjacent to a business district and on the same side of the street, there shall be provided setback of twenty (20) feet for all buildings, parking, and loading areas.
- f. Loading space shall be provided in the side or rear yard, except that this regulation shall not be applicable to loading space provided totally within a building or structure which has three enclosures opening other than towards the front property line.

ARTICLE IX

NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES AND NON-CONFORMING USES OF STRUCTURES AND PREMISES.

Within the districts established by this Ordinance, should there exist lots, structures and uses of land and structures which were lawful prior to adoption of this Ordinance but were made unlawful by regulations imposed by this Ordinance, they shall be termed non-conforming. It is the intent of this Ordinance to permit these non-conformities to continue

until they are removed, but not to encourage their survival. It is further the intent of this Ordinance to permit no enlargement or extension of non-conforming uses, including the addition of other structures or uses prohibited elsewhere in the same district.

Section 9.01. NON-CONFORMING LOTS OF RECORD (SUBSTANDARD LOTS). In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.

Section 9.02. NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged, altered or rebuilt in a way which increases its non-conformity, unless otherwise specified by the Board of Appeals.
2. Should such structure be moved for any reason whatever, it shall hereafter conform to the regulations for the district in which it is located after it is moved.

Section 9.03. NON-CONFORMING USES OF LAND. Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this Ordinance;
2. No such non-conforming use shall be moved in a whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;
3. If any such non-conforming use of land ceases for any reason for a period of more than six (6) consecutive months any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

4. Only those additional structures which are in conformance to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

Section 9.04. NON-CONFORMING USES OF STRUCTURES. If lawful use involving individual structures or of structure and premises in combination exists at the effective date of adoption of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that approval is secured from the Board of Appeals and that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a non-conforming use;
4. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision;

Section 9.05. REPAIRS AND MAINTENANCE. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

Section 9.06. CHANGE OF TENANCY OR OWNERSHIP. There may be a change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

ARTICLE X

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 10.01. PARKING REQUIREMENTS. In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

1. Area for Parking Space. For the purpose of this Section, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle; including access aisles, except that one hundred and eighty (180) square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.
2. Fractional Requirements. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half be disregarded and fractions over one-half shall require one (1) parking space.
3. Location of Parking Space for One. The off-street parking facilities required for one family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
4. Location of Parking Space for Other Land Uses. The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. In Industrial Districts the front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
5. Seating Capacity of Seats. Seats shall mean that each twenty four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
6. Similar Uses and Requirements. In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.

7. Existing Off-Street Parking at Effective Date of Ordinance. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than required under the terms of this Ordinance.
8. Collective Provisions. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table under Section 10.02.
9. Joint Use. Parking spaces already provided to meet off-street parking requirements for places of public assembly, stores, office buildings and industrial establishments, lying within five hundred (500) feet of a church as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking, may be used to meet not more than fifty (50) percent of the off-street parking requirements of a church.

Section 10.02. TABLE OF OFF-STREET PARKING REQUIREMENTS. The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
<u>A. Residential</u>	
1. One-Family	Two (2) for each dwelling unit
2. Housing for the Elderly	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
3. Mobile Home Park	Two (2) for each trailer or mobile home site and one (1) for each employee of the trailer or mobile court. Plus one (1) for every four (4) sites adjacent to a recreation area.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
B. <u>Institutional</u>	
1. Churches, Temples or Synagoges	One (1) for each three (3) seats in the main unit of worship.
2. Homes for the Aged and and Convalescent Homes	One (1) per six hundred (600) square feet gross floor area.
3. Elementary and Junior High Schools	One (1) for each one (1) teacher and administrator, in addition to the requirements of the auditorium.
4. Senior High Schools	One (1) for each one (1) teacher, administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
5. Private Clubs and Lodge Halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health code
6. Golf Courses Open To the General Public, Except Miniature or "Par-3" Courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
7. Theaters and Auditoriums (Indoor)	One (1) for each four (4) seats plus one (1) for each two (2) employees.
8. Theaters (Drive-In)	One (1) per each vehicle plus a ten (10) percent reservoir of the total vehicle capacity.
C. <u>Business and Commercial</u>	
1. Auto Wash	One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided on the premises to accommodate twenty-five (25) percent of the hourly rate of capacity.
2. Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
3. Bowling Alleys	Five (5) for each one (1) bowling lane.
4. Dance Halls, Pool or Billiard Parlors, Roller or Ice Skating Rinks, Exhibition Halls, and Assembly Halls without Fixed Seats.	One (1) for each three (3) seats
5. Drive-in Establishments	One (1) for each forty (40) feet of gross floor area, with a minimum of twenty-five (25) parking spaces.
6. Establishments for Sale and Consumption on the Premises of Beverage, Food or Refreshments	One (1) fore each seventy-five (75) square feet of gross floor area.
7. Carry-out Restaurant	One (1) for each one hundred and fifty (150) square feet of gross floor area.
8. Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician, or Similar Trade, Shoe Repair and Other Similar Uses	One (1) for each one thousand (1000) square feet of gross floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).
9. Automobile Service Stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
10. Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing washing machines.
11. Miniature or "Par-3" Golf Courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee
12. Mortuary Establishments	One (1) for each one hundred (100) square feet of gross floor area.
13. Motel, Hotel, or Other Commercial Lodging Establishments	One (1) for each one (1) occupancy unit plus one (1) employce, plus extra spaces for dining rooms, ball rooms, or meeting rooms.
14. Motor Vehicle Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms	One (1) for each four hundred (400) square feet of gross floor area of sales room.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
15. Open Air Business	One (1) for each seven hundred (700) square feet of lot area.
16. Retail Stores Except as Otherwise Specified Herein	One (1) for each two hundred (200) square feet of gross floor area.
 <u>D. Offices</u>	
1. Banks	One (1) for each two hundred (200) square feet of gross floor area.
2. Drive-in Banks	Waiting space equivalent to six (6) spaces for each drive-in window.
3. Business Offices or Professional	One (1) for each four hundred (400) square feet of gross area.
4. Medical or Dental Clinics, Professional Offices of Doctors, Dentists or Similar Professions	One (1) for each two hundred (200) square feet of gross floor area.
 <u>E. Industrial</u>	
1. Industrial or Research Establishments	Five (5) plus one (1) for every one and one-half (1-1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
2. Wholesale Establishments	Five (5) plus one (1) every one (1) employee in the largest working shift, or one (1) for every two thousand (2,000) square feet of gross floor area, whichever is greater.

Section 10.03. OFF-STREET LOADING REQUIREMENTS. On the same premises with every building structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, restaurant, hospital, convalescent home, mortuary, dry cleaning, or other uses similarly involving the receipt of distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking areas.

Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by fifty (50), with fourteen (14) foot height clearance, and shall be provided according to the

following schedule:

<u>Gross Floor Area In Square Feet</u>	<u>Loading and Unloading Spaces Required In Terms of Square Feet of Gross Floor Area</u>
0-2,000	None
2,000-20,000	One space
20,000-100,000	One space plus one space for each 20,000 square feet in excess of 20,000 square feet
100,000-500,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	Fifteen spaces plus one space for each 80,000 square feet in excess of 500,000 square feet

Section 10.04. OFF-STREET PARKING CONSTRUCTION AND OPERATION. Wherever the off-street parking requirements above, require the building of an off-street parking lot, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector. Applications for a permit shall be submitted to the Building Inspector and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

<u>Parking Pattern</u>	<u>Maneu- vering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total Width of One Tier of Spaces Plus Maneu- vering Lane</u>	<u>Total Width of Two Tiers of Spaces Plus Maneuvering Lane</u>
0° (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	9 ft.	20 ft.	32 ft.	52 ft.
54° to 74°	18 ft.	9 ft.	21 ft.	39 ft.	60 ft.
75° to 90°	25 ft.	9 ft.	19 ft.	44 ft.	63 ft.

3. All such parkings lots shall be dust free and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain on adjoining private property.

4. All illumination for or on such parking lots shall be deflected away from adjacent residential areas and shall be installed in such a manner as to allow the reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than thirteen (13) feet above the parking lot surface.
5. Side yards shall be maintained for a space of not less than six (6) feet between the side lot lines of adjoining residential lots and the parking area.
6. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.
7. Wheel chocks shall be provided, so located as to prevent any vehicle from projecting over the lot line.

ARTICLE XI

GENERAL PROVISIONS

Section 11.01. CONFLICTING REGULATIONS. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

Section 11.02. SCOPE. No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of the Ordinance.

1. Permitted Height. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structure for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smoke-stacks, water tanks, or similar structures may be erected above the height limits herein prescribed. Accessory buildings and structures related to agriculture as well as public utility structures shall be exempt from these regulations.
2. Lot Limitations. In the R-1 Zoning Districts, only one principal building shall be placed on a lot of record.

3. Lots, Yards and Open Spaces. No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this Ordinance, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.
4. Porches, Patios and Terraces. An open, unenclosed porch, paved patio, or terrace may project into a required front or rear yard for a distance not to exceed ten (10) feet.
5. Projections into Yards. Architectural features, as defined not including vertical projections, may extend or project into a required side yard not more than two (2) inches for one (1) foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3) feet.
6. Required Street Frontage. Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public street or private easement which meets one of the following conditions:
 - a. A public street.
 - b. A permanent and unobstructed private easement of record having a width of at least thirty feet, except where an access easement of record of less width existed prior to the adoption of this Ordinance.

Section 11.03. ZONING OF STREET, ALLEY, AND RAILROAD RIGHTS-OF-WAY. All streets, alleys, and railroad right-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, or railroad rights-of-way. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

Section 11.04. ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS. In residentially zoned districts accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings. Detached accessory buildings shall not be erected in any required front yard.
2. No detached accessory building shall be located closer than ten (10) feet to any principal building nor shall

it be located closer than three (3) feet to any side or rear lot line.

Section 11.05. OCCUPANCY: TEMPORARY GARAGES, ACCESSORY BUILDINGS, BASEMENT APARTMENTS PROHIBITED. Buildings erected after the effective date of this Ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time.

Section 11.06. CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or design use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within two (2) years from the date of passage of this Ordinance.

Section 11.07. VOTING PLACE. The provisions of the Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Village or other public election.

Section 11.08. APPROVAL OF PLATS. No proposed plat of a new or redesigned subdivision shall hereafter be approved by the Village unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such a plat fully conforms with the statutes of the State of Michigan and any related ordinance of the Village as may be adopted.

Section 11.09. ESSENTIAL SERVICES. Essential services shall be permitted as authorized under any franchise or that which may be regulated by any law of the State of Michigan or any ordinance of the Village, it being the intention hereof to exempt such essential services from the application of this Ordinance.

Section 11.10. SIGNS. All signs erected or located in any Zoning District shall comply with the following regulations:

A. Signs, General

1. A building permit shall be required for the erection, construction or alteration of any sign, except as hereinafter provided, and all such signs shall be approved by the Zoning Administrator as to their conforming to the requirements of the zoning district wherein said sign or signs are to be located and the requirements of this section.
2. There shall be no flashing, oscillating or intermittent, red, blue or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two or more streets. All illuminated signs shall be so placed as to prevent the rays and illumination

therefrom from being cast upon neighboring residences within a residential district and shall be located not less than one hundred (100) feet from such residential district.

3. No sign, except those placed and maintained by the Village, County or State shall be located in, overhand or encroach upon any public right-of-way.
4. Signs advertising real estate for sale, rent or lease are permitted in all districts when located on the building or land intended to be sold, rented or leased, provided they are used only during the construction of a building or buildings or the offering for sale, rent or lease of real estate. Temporary subdivision signs not exceeding one hundred (100) square feet in area may be permitted subject to their approval by the Board of Appeals for a twelve (12) month period, subject to renewal, providing such signs conform to the conditions established by said Board of Appeals to secure harmony with this Ordinance and there are buildings or home sales continuing in the subdivision being advertised.
5. No building permit shall be required for a sign described above provided said sign is not larger than sixteen (16) square feet in area.
6. No sign otherwise permitted shall exceed the maximum height limitation of the zoning district in which located.

B. Signs in Residential Districts are permitted as follows:

1. For each dwelling unit, one name plate sign displaying the street name and number and name of occupant, not exceeding one (1) square foot in area.
2. For Permitted Principal uses other than dwellings and for Uses Permitted after Special Approval, one bulletin or announcement board not exceeding thirty-two (32) square feet in area. No sign so permitted shall be located nearer to the front lot line than one-half the required front yard setback nor nearer the side lot line than the required side yard setback.
3. No sign shall be illuminated by other than continuous indirect white light, nor shall contain any visible moving parts.

Section 11.11. FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS. All fences of any type or description shall conform to the following regulations:

1. The erections, construction or alteration of any fence, wall or other type of protective barrier shall be approved

by the Zoning Administrator as to their conforming to the requirements of the zoning districts wherein they are required because of land use development, and to the requirements of this Section.

2. No fence shall hereafter be erected, along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet, or less than three (3) feet in height above the grade of the surrounding land.
3. No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver or a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.

Section 11.12. ANIMALS. No livestock shall be kept or maintained in any zoning district or parcels of land located within a proprietary or assessor's plat or on parcels of less than two (2) acres in area, except that for each dwelling unit the occupant may keep for his personal use domestic pets provided they are not kept or used for commercial or breeding purposes and do not constitute a kennel.

Section 11.13. OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.

Section 11.14. AUTOMOBILE SERVICE STATIONS AND PUBLIC GARAGES. No automobile service station existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this Ordinance.

1. An automobile service station shall be located on a lot having a frontage along the principal street of not less than one hundred (100) feet, and having a minimum area of not less than fifteen thousand (15,000) square feet.
2. An automobile service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than twenty-five (25) feet from any side or rear lot line adjoining a residentially zoned district.

3. All driveways providing ingress to or egress from an automobile service station shall be not more than thirty (30) feet wide at the property line. No driveway or curb opening shall be located nearer than twenty (20) feet to any intersecting street right-of-way, or adjacent to residential property. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway giving access to or from the same automobile service stations.
4. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
5. Where an automobile service station adjoins property located in any residential district, buffer wall of suitable material or planting strip shall be erected and maintained along the interior line. This wall or planting strip shall be at least four (4) feet but not greater than six (6) feet in height.
6. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property.
7. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited for a period greater than ten (10) days.
8. There shall be no more than one (1) freestanding sign per street frontage, each face not exceeding one hundred and fifty (150) square feet in area, which shall display only the name of the user or occupant of the premises.

Section 11.15. SITE PLAN REVIEW. Whenever required in a zoning district of this Ordinance, a site plan must be submitted to the Village Council showing all buildings, parking areas, and landscaping at a scale sufficient to permit study of all elements of the plan. Typical elevations and floor plans of the building must also be provided. In addition, the proposed site plan of the development shall show all adjacent properties, including existing buildings, located within two hundred (200) feet of the proposed site in the same block. The plans shall meet the required standards and design and indicate no adverse effects which cause injury to adjoining property or the Village as a whole. Plans so approved shall regulate the development on said premises, unless modified in the same manner as the plans were originally approved. Such review is necessary to secure proper relationships between parking areas, access drives, abutting public thoroughfares, landscaping, building, siting, and open space.

For single-family residential subdivisions twenty-five (25) acres or larger in total area, and for mobile home parks, commercial, or industrial developments or any combination thereof, fifteen (15) acres or larger in total area, the developer shall provide an environmental impact statement. This statement shall address itself to the probable impact the proposed development would have on the immediate environment and the community. It shall include data relating to any of the following points as considered appropriate by the Village Council.

1. Attendance at public schools;
2. Increases in vehicular traffic;
3. Changes in the number of legal residents;
4. Increases in municipal service costs;
5. Load on public utilities or future demands for them;
6. Public safety;
7. Changes in tax revenues;
8. Changes in surface drainage;
9. Increased consumption of ground water;
10. Increased refuse disposal;
11. Pollution of water or air;
12. Land erosion or loss of tree cover;
13. Disturbance to other aspects of the natural ecology;
14. Blocking of views;
15. Harmony with the character of surrounding development.

Section 11.16. CHURCHES, SYNAGOGUES, AND HALLS OF WORSHIP. Where churches are allowed, they shall meet the following requirements:

1. Minimum lot width of one hundred fifty (150) feet.
2. Minimum site size of one (1) acre.

Section 11.17. OPEN AIR BUSINESSES. Open air businesses shall be subject to the following regulations:

1. The minimum area of the site shall be ten thousand (10,000) square feet.
2. The minimum street frontage shall be one hundred (100) feet.
3. Where the site abuts property in any residentially zoned district, a buffer wall or planting strip shall be provided along the interior line.
4. Exterior lighting shall be installed in a manner which will not create a driving hazard and shall be hooded or shielded so as to be deflected away from adjacent property.
5. All open air business shall comply with all applicable Village and County health regulations.

Section 11.18. SWIMMING POOLS. All inground swimming pools erected in the Village shall comply with the following requirements:

1. Application. The application for a building permit to erect a swimming pool shall include the name of the owner, a plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction and safety measures deemed necessary by the Zoning Administrator.
2. Pool Location. Minimum side yard setback shall comply with the Schedule of Regulations of this Ordinance. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than four (4) feet between the outside wall of the pool and the rear property line or less than the established easement width at the rear property line or less than four (4) feet between the pool wall and any building on the lot.
3. Fence. For the protection of the general public, all swimming pools shall be completely enclosed by a fence not less than four (4) feet and not more than fifteen (15) feet from the outside perimeter of the pool wall. All openings in any such fence shall be equipped with a self-latching gate.