

**ZONING ORDINANCE**  
Village of Springport, Michigan

This ordinance text publication is prepared by the Village of Springport, Michigan and contains amendments through \_\_\_\_\_ The Zoning Map is also included.

**VILLAGE OF SPRINGPORT**

**ZONING ORDINANCE**

WHEREAS, the Village Planning Commission recommended to Council the adoption of the Village of Springport Zoning Ordinance; and

WHEREAS, the Village Council held a public hearing on the Village of Springport Zoning Ordinance, at which time the citizens of Springport were asked to make comments on the proposed revision;

NOW THEREFORE THE VILLAGE OF Springport ORDAINS that the Village of Springport Zoning Ordinance in the form of a new Zoning Ordinance be adopted; and FURTHER that the new Zoning Ordinance become effective twenty (20) calendar days after passage of this Ordinance.

The above Ordinance amending the Zoning Ordinance was voted on by the Council and declared adopted, the Council voting thereon as follows:

Yes:

No:

, President

, Clerk

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**ARTICLE I**

**SHORT TITLE**

**SECTION 1.00.** This Ordinance shall be known and may be cited as the Zoning Ordinance of the Village of Springport.

## ARTICLE II

### CONSTRUCTION OF LANGUAGE AND DEFINITIONS

**SECTION 2.00 - CONSTRUCTION OF LANGUAGE.** 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 Ordinance 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; the 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 indicates 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" indicates that all the connected items, conditions, provisions or events shall apply.
  - (b) "Or" indicates that all the connected items, conditions, provisions or events may apply singly or in any combination.
  - (c) "Either. . or" indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily



assigned to them.

**SECTION 2.01 - DEFINITIONS.** 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 and which is located on the same lot as the main building, but such use shall not include any building used for dwelling, lodging, or sleeping, quarters for human beings.

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, beams, hoists, girders and similar components, or any occupancy, the consummated act of which may also be referred to herein as "altered" or "reconstructed".

Appeal: An entreaty or demand for hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

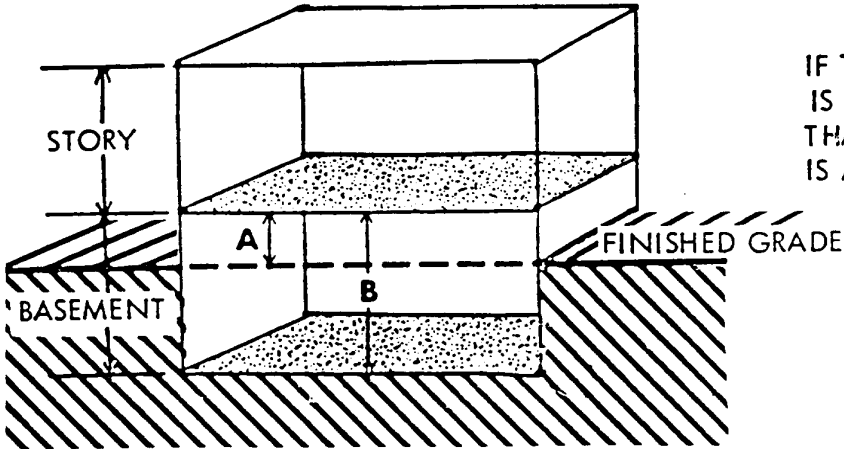
Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

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.

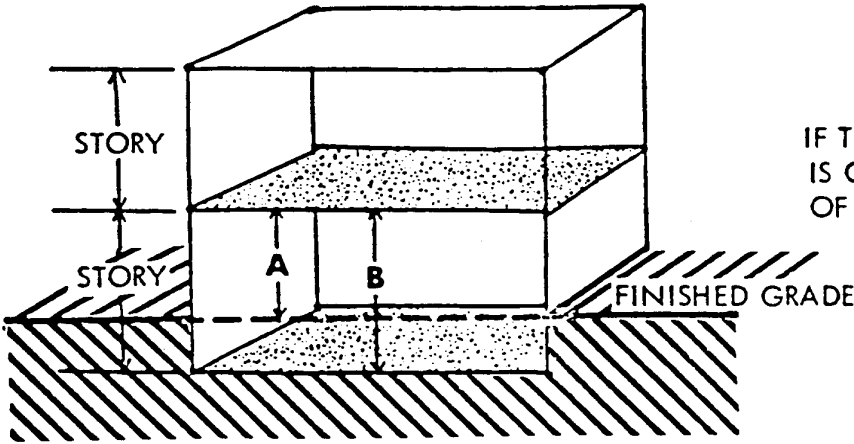
Automobile Wash Establishment: A building or portion thereof, the primary purpose of which is that of washing vehicles.

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. (See Illustration entitled "Basement and Story Definition").

# BASEMENT & STORY DEFINITION



IF THE AVERAGE OF "A" IS EQUAL TO OR LESS THAN  $1/2$  OF "B", THIS IS A BASEMENT.



IF THE AVERAGE OF "A" IS GREATER THAN  $1/2$  OF "B", THIS IS A STORY.

Bed and Breakfast: A residence that offers transient sleeping accommodations for rent and provides a breakfast meal to the tenant at no additional charge.

Bedroom: A room in a dwelling unit used for or intended to be used 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 of the foregoing and any other barrier to the continuity of development.

Boarding House: A dwelling where meals, or lodging and meals, are provided for compensation to three (3) or more persons by prearrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished as other than a motel, hotel, convalescent home or nursing home.

Board of Appeals: The term "Board of Appeals shall mean the Village of Springport, Jackson County, State of Michigan, Zoning Board of Appeals.

Building: A structure erected on-site, a mobile home structure, a premanufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Building, Main or Principal: A building in which is conducted the principal use of the lot upon which it is situated.

Building and/or Zoning Compliance Permits: The written authority issued by the Zoning Administrator of the Village permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this Ordinance.

Child Care Center: A facility, other than a private residence receiving one or more children for care for periods of less than twenty-four (24) hours a day.

Clinic: A building or a group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like.

Commercial Use: A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises.

Commission: This term, and the term "Planning Commission" shall mean the Village of Springport Planning Commission.

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 the applicable State laws (even though State law may provide for different regulations).

Dish Antennas: An earth based station, the purpose of which is to receive communications or other signals from orbiting satellites or other extra-terrestrial sources, together with other equipment related to such purposes. A dish antenna shall be considered as an accessory building or structure for the purpose of determining required yard spaces and maximum lot coverage. Such structures shall be restricted to placement in the rear yard only, and the setback shall be equal to the heights of the structure. Installation of such structures in the side yard, or rooftop locations may be permitted after approval of a variance.

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:

- (a) 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.
- (b) The consumption of foods, frozen desserts, or beverages within a motor vehicles parked upon the premises or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

Dwelling. Single Family: A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

- (a) It complies with the minimum square footage requirements of The BOCA Building Code and the Village of Springport Zoning Ordinance for the zone in which it is located.
- (b) It has a minimum width across the front, side and rear elevation of 20 feet and complies in all respects with the Village BOCA building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction are different than those

imposed by the Village BOCA building code, then and In that event such federal or state standard or regulation shall apply.

- (c) It is firmly attached to a permanent foundation constructed on the site in accordance with the Village BOCA building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a manufactured home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or devise 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 manufactured 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) The dwelling is connected to a public sewer and water supply.
- (f) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, In closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
- (g) The dwelling Is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined In the first instance by the Village Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Springport Planning Commission within a period of 15 days from the receipt of notice of said Zoning Administrator's decisions. An aggrieved party to the Springport Planning Commission decision within a period of 15 days from the

receipt of notice of said Springport Planning Commission decision may appeal said decision to the Springport Village Council. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of manufactured home parks within 2,000 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 said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of manufactured home parks throughout the Village. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- (h) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- (i) The dwelling complies with all pertinent building and fire codes. In the case of a manufactured home, all construction and all plumbing, electrical apparatus and insulation within and connected to said manufactured 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 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (j) The foregoing standards shall not apply to a manufactured home located in a licensed manufactured home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Village pertaining to such parks.
- (k) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Village building code provisions and requirements.

Dwelling, Two-Family: A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in this Ordinance.

Dwelling, Multiple-Family: A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards

set forth in this Ordinance.

Manufactured Homes which do not conform to the standards of this Ordinance shall not be used for dwelling purposes within the Village unless located within a manufactured home park or a manufactured home plat zoned for such uses, or unless used for temporary residence purposes as hereinafter provided.

Efficiency Unit: An efficiency unit is a dwelling unit consisting of one (1) or more rooms exclusive of hallways or closets directly off the principal room providing not less than four hundred (400) square feet of floor area.

Essential Services: Means the erection, construction, alteration or maintenance by public utilities or public authorities, or underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, 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 being to exempt such erection from the application of this Ordinance.

Family: Family shall mean one or more persons related by blood or marriage occupying a dwelling unit and living as single, nonprofit housekeeping unit.

A collective number of Individuals living in one house and under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor include a group of Individuals whose association is temporary and resort-seasonal in character or nature.

Family Day Care Home: A private dwelling in which up to six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day. Each child under the age of seven, who normally lives in the dwelling, shall be counted in the total number of children being cared for.

100-Year Floodplain - The evaluation of which determines the height to which uses will be regulated or to the elevation to be floodproofed.

Floodway - The channel of the river and those portions of the adjoining lands which are reasonably required to carry and discharge the regulatory flood.

Floor Area:

- (a) 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.
  
- (b) Floor Area, Useable: The measurement of useable 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 the half story, the useable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more. (See illustrations entitled "Basic Structural Terms" and "Floor Area Terminology").

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, or of his family or domestic employee.

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.

Group Day Care Home: A private dwelling or residence in which up to twelve (12) minor children are given care and supervision for periods of less than twenty-four hours a day.

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



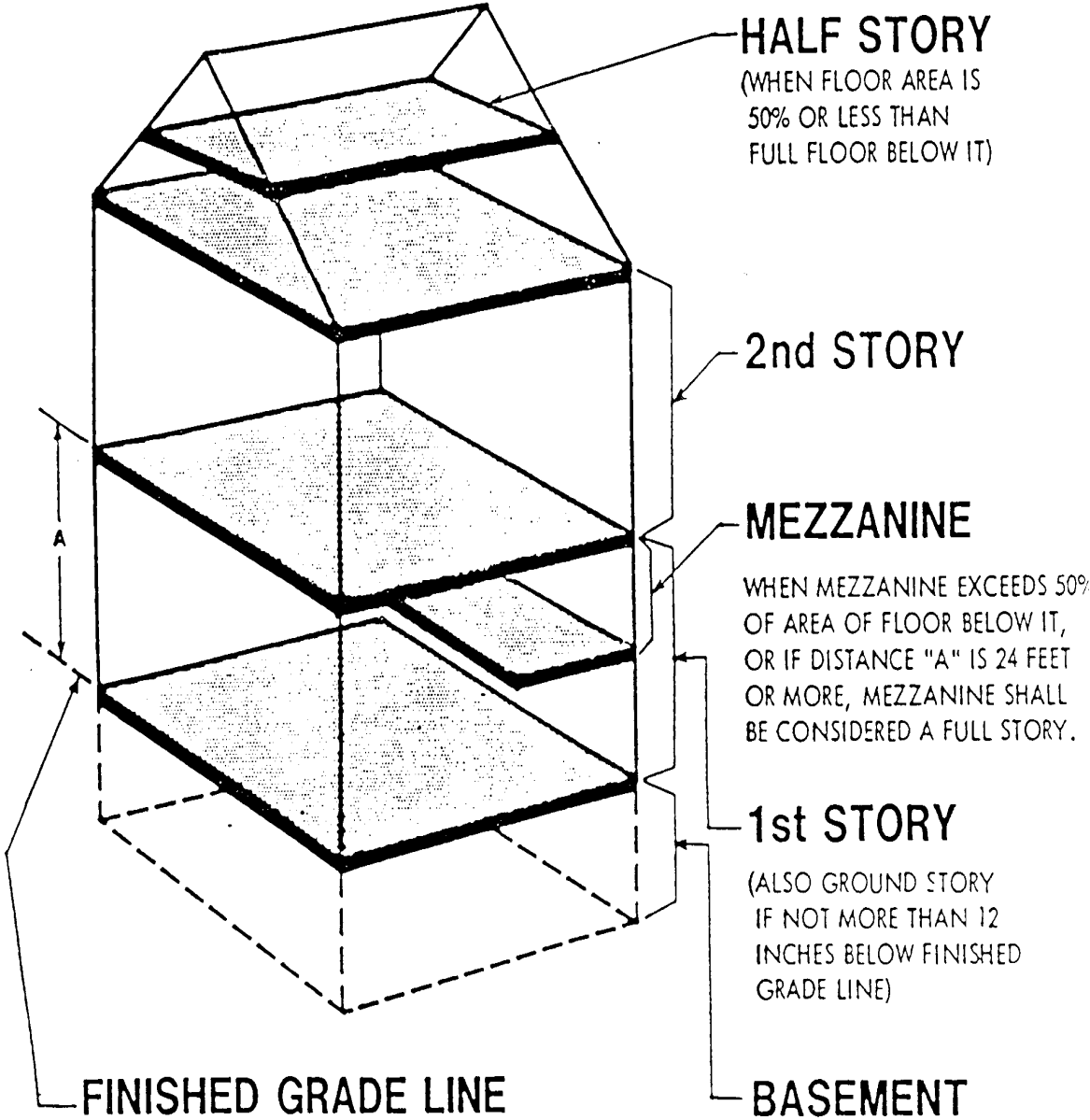
from the average ground level of the terrace at the building wall. (See illustration entitled "Building Height Requirements".)

Home Occupation: Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards, and the like, involved in or resulting from such occupation, professions or hobby. Provided further, that no article or service is sold or offered for sale on the premises, except as such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, out-door storage, or signs not customarily in residential areas. Day care centers, tea rooms, veterinarian's office, tourist home, animal hospitals, kennels, millinery shops shall not be deemed to be home occupations.

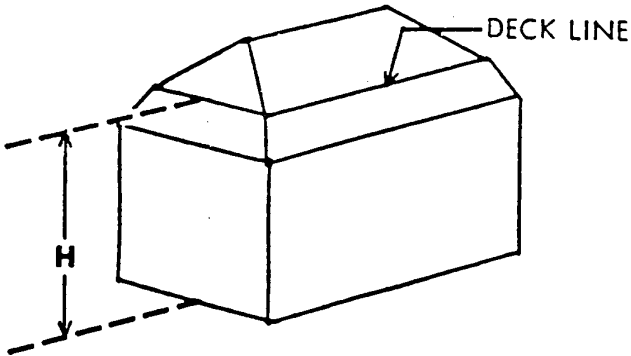
Hospital: A building structure or institution in which sick or injured persons, primarily in-patients, are given medical or surgical treatment and operating under license by the Health Department of the State of Michigan.

Housing for Elderly: Housing designed or Intended to accommodate persons aged 65 or older.

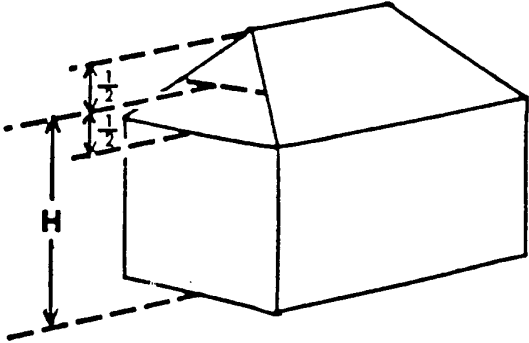
# BASIC STRUCTURAL TERMS



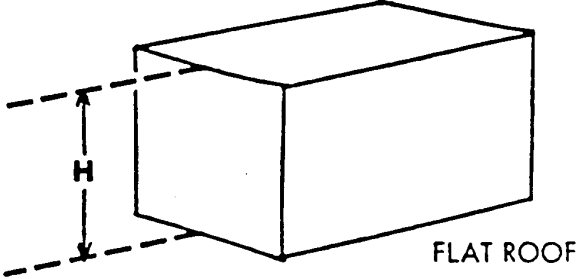
# BUILDING HEIGHT REQUIREMENTS



MANSARD ROOF

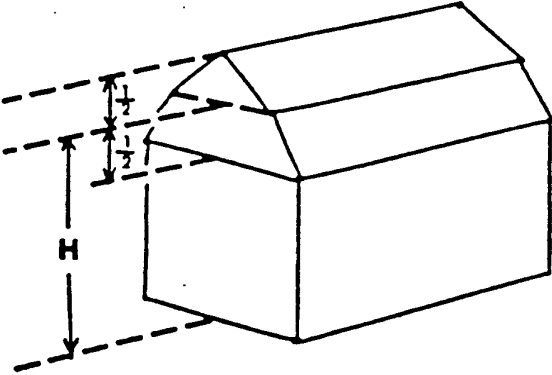


HIP ROOF

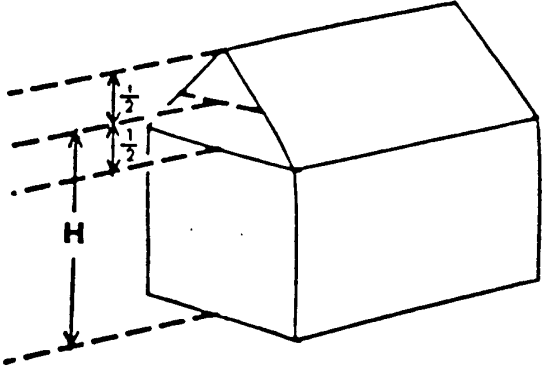


FLAT ROOF

GAMBREL ROOF



GABLE ROOF



Hotel: A building occupied as a more or less temporary abiding place for Individuals, who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than ten (10) sleeping rooms.

Kennel: Any lot or premises on which three (3) or more dogs or cats are kept either permanently or temporarily boarded. All kennels shall comply with all applicable Village, County and State regulations.

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 piece or 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.

- (a) 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.
- (b) 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.
- (c) Lot, Interior: An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.
- (d) 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.

- (a) 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

comer 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.

- (b) 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. In any case, when this definition does not apply, the Village Planning Commission shall designate the rear lot line.
- (c) 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 of 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 Jackson County, or a lot or parcel described by metes and bounds, the accuracy of which is attested 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 comer 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. (See illustration entitled "Corner, Interior and Double Frontage Lots".)

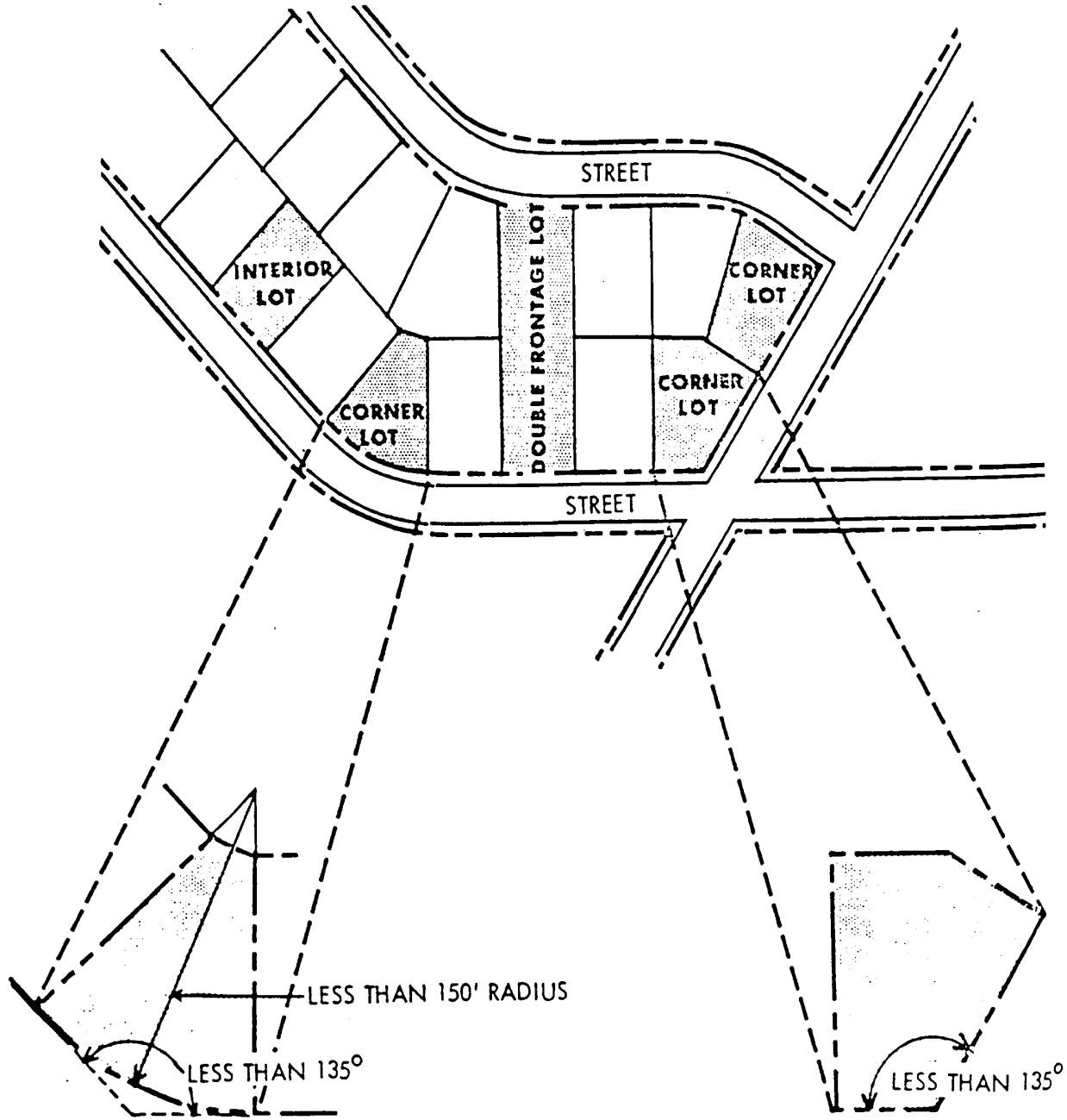
Manufactured Home: A structure, transportable in 1 or more sections, which is built on a chassis and/or a structural frame, and designed to be used as a detached single family dwelling unit with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Manufactured home does include mobile home, but does not include a recreational vehicle.

Manufactured Home Park: A parcel or tract of land under the control of a person upon which 3 or more manufactured homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building,

structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

Motels - Motor Courts: 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.

# CORNER, INTERIOR AND DOUBLE FRONTAGE LOTS



Motor Home: A motorized vehicular unit primarily designed for travel and/or recreational usage, which may contain facilities for overnight lodging. This term does not apply to mobile homes.

Non-Conforming Building: A non-conforming building is 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) or this Ordinance in the zoning district in which it is located.

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted access and egress.

Outlot: A lot or parcel of land dedicated to public or private uses other than a dwelling site.

Open Air Business Uses: Open air business uses shall include the following business uses:

- (a) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (b) Retail sale of fruit and vegetables.
- (c) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
- (d) Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale; rental or repair services.
- (e) Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

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.

Planned Residential Development: An optional means of development allowing a mixture of types of residential units, i.e. single family, two-family and multiple family, in conformance to a comprehensive physical plan.

Porch, Enclosed: A covered entrance to a building or structure which is totally



enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Public or Private Park: A parcel of land for use as a recreation area, play area, picnic area, or nature area, without commercial trade.

Public Authority: 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 minimum horizontal distance required to exist between the front line of the building, excluding steps or unenclosed porches and the front street or right-of-way line. The required setback area is that area encompassed by the respective lot lines and setback lines (see illustration "Lot Terms".)

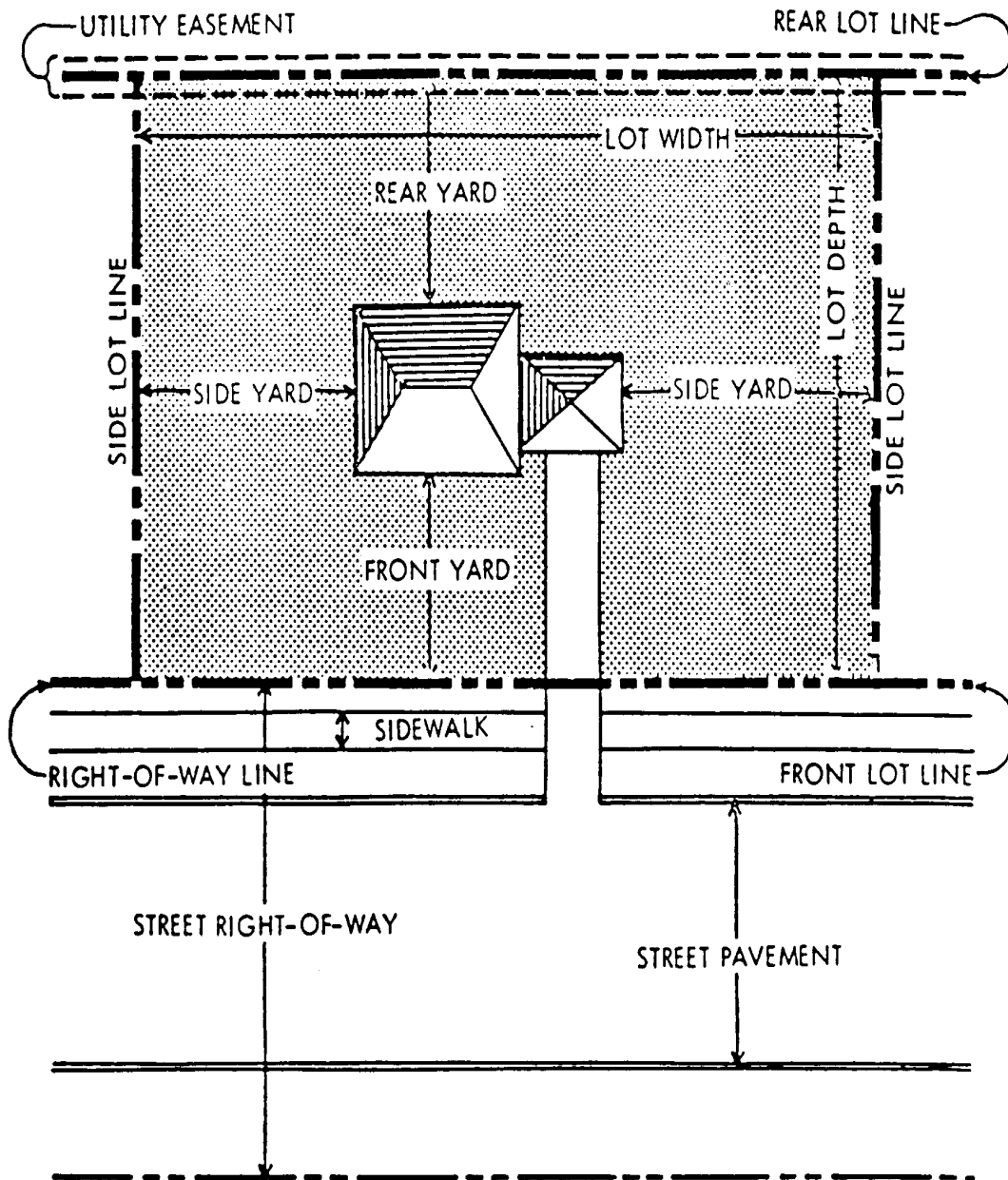
Story: That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

- (a) Mezzanine: A "Mezzanine" floor may be used in this definition of a full story when it covers more than 50 percent 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.
- (b) Basement: For the purpose of this Ordinance, a basement shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.
- (c) 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.

Swimming Pool: The term "swimming pool" shall mean any structure, container, or man-made pond located whether above or below grade, designed to hold water to a depth greater than twenty-four (24) inches intended for swimming or bathing. A swimming pool shall be considered as an accessory building or structure for the purpose of determining the required yard spaces and maximum lot coverage. Construction specifications submitted for approval of a building permit shall be in conformance with accepted standards and requirements of the U.S. Soil Conservation Service, State Health Department, or other appropriate engineering guidelines.

# LOT TERMS



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

- (a) Accessory: A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.

Utility Room: A utility room is a room in a dwelling, not located in the basement, the use of which is primarily for storage or for housing a heating unit, or for laundry purposes.

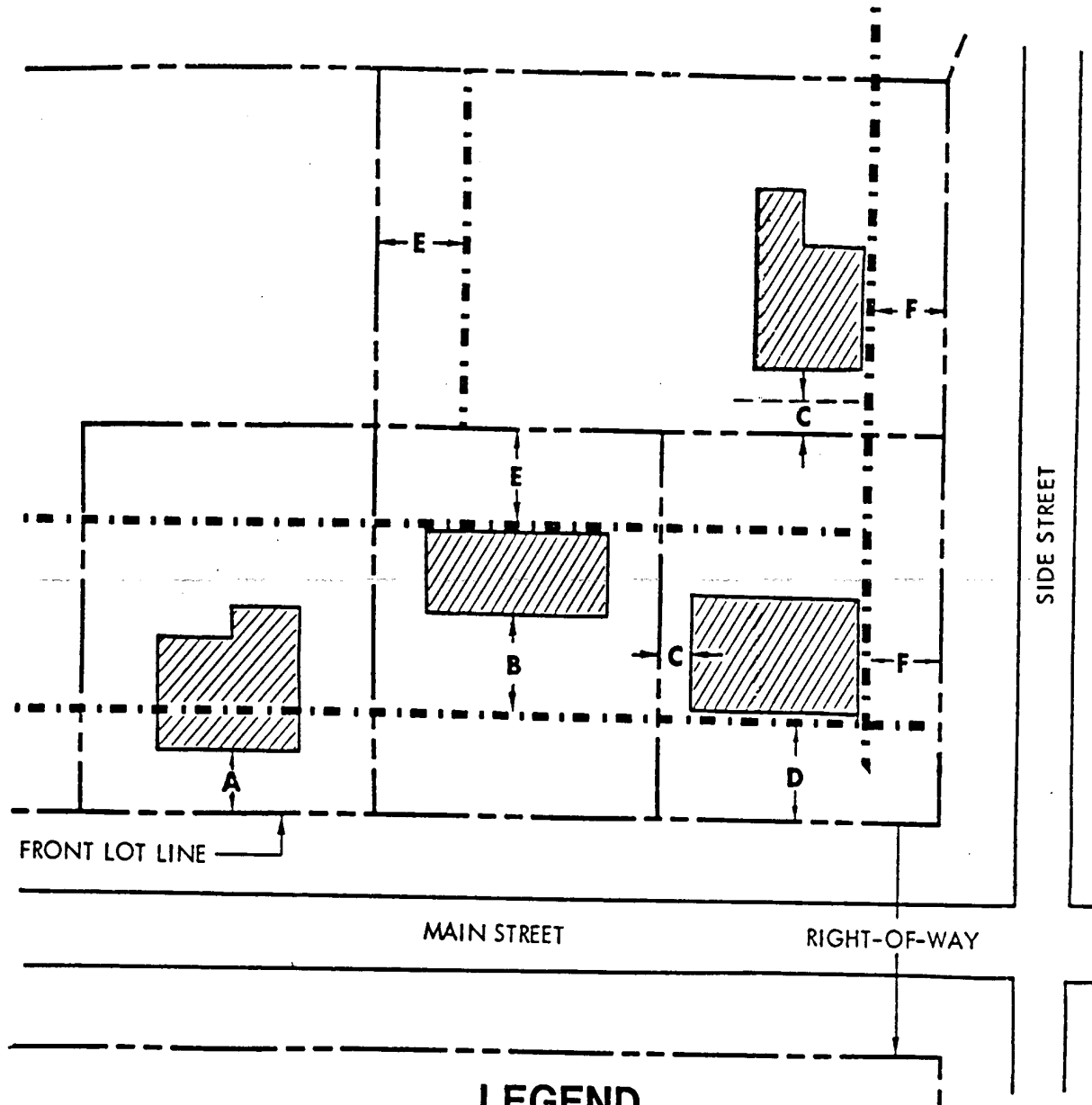
Variance: A variance is a modification of the literal provisions of the Zoning Ordinance which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

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. This regulation shall not exclude eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level. (See illustration entitled "Lot Terms".)

- (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, lot line, or right-of-way.
- (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, lot line, or right-of-way, except as otherwise provided in this Ordinance.
- (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, lot line, or right-of-way.

Zoning Administrator: This term shall refer to the Zoning Administrator of the Village of Springport, or his authorized representative.

# YARD REQUIREMENTS



## LEGEND

- |  |   |
|--|---|
| <b>A</b> ——— DEFICIENT FRONT YARD                                | <b>D</b> ——— MINIMUM FRONT YARD REQUIRED ALSO BUILDING SETBACK LINE   |
| <b>B</b> ——— FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REQUIRED | <b>E</b> ——— MINIMUM REAR YARD REQUIRED                               |
| <b>C</b> ——— MINIMUM SIDE YARD REQUIRED                          | <b>F</b> ——— MINIMUM YARD REQUIRED ON SIDE STREET WHEREON HOMES FRONT |

## ARTICLE III

### ZONING DISTRICTS AND MAP

**SECTION 3.00 - DISTRICTS ESTABLISHED.** The Village of Springport is hereby divided into the following districts:

- AG-1 Agricultural District
- R-1 One-Family Residential District
- R-2 One-Family Residential District
- RM-1 Multiple-Family Residential District
- C-1 Local Commercial District
- C-2 Central Business Commercial District
- C-3 General Commercial District
- I-1 Industrial District
- O/R, I Office, Research and Industrial District
- PL Public Land District

**SECTION 3.01 - MAP.** The boundaries of these districts are shown upon the Official Zoning Map of the Village of Springport and made a part of this Ordinance. All notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as fully described herein.

**SECTION 3.02 - AUTHORITY.** This Ordinance is adopted pursuant to Public Act 207 of 1921, as amended, of the State of Michigan. Said enabling act covering City and Village zoning is herein made a part of this Ordinance by reference.

**SECTION 3.03 - 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 Village limits shall be construed as following Village limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow

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 Zoning Board of Appeals shall interpret the district boundaries.
8. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of way, it is intended that such district boundaries do extend to the center of any public right-of-way.

**SECTION 3.04 - INTERPRETATION.** In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations, or permits, the provisions of this Ordinance shall control. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

## ARTICLE IV

### AG-1, AGRICULTURAL DISTRICT

**SECTION 4.00 - INTENT.** The intent of this district is to set aside land suitable for agricultural development and agricultural related uses.

**SECTION 4.01 - PERMITTED USES.** The following provisions apply in all Agricultural Districts. Any use that is not expressly permitted is prohibited.

1. General and specialized farming and agricultural activities except feedlots, but including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, furbearing animals, and other farm animals, and plants, trees, shrubs, and nursery stock.
2. Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.
3. Single-family detached dwellings.
4. Family Day Care Home.
5. Group Day Care Home.
6. Home occupations only in accordance with the regulations specified in Article XIV, Section 14.08.
7. Kennels.
8. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
9. On-site signs only in accordance with the regulations specified in Article XIV, Section 14.15.
10. Essential services and structures of a non-industrial character, but not including maintenance depots and warehouses.
11. Accessory uses or structures.

**SECTION 4.02 - SPECIAL LAND USES.** The following special land uses shall be permitted, subject to the conditions hereinafter imposed, and subject to the review and approval by the Village of Springport Planning Commission.



1. Quarries
2. Golf courses.
3. Group or organized camps, camping grounds, and general or specialized resorts.
4. Airports.
5. Public and private nurseries, primary or secondary non-profit schools, and colleges and universities.
6. Convalescent homes, nursing homes, hospitals, sanitariums, and orphanages.
7. Riding academies and stables.
8. Churches and other buildings for religious worship.
9. Cemeteries.
10. Golf driving ranges.
11. Travel trailer parks.
12. Feedlots.
13. Animal hospitals.
14. Sanitary land fills.
16. Day Care Center.

**SECTION 4.03 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.** Area, Height, Bulk and Placement Requirements unless otherwise specified are provided in Article XIII SCHEDULE OF REGULATION.

## ARTICLE V

### R-1 and R-2, ONE FAMILY RESIDENTIAL DISTRICTS

**SECTION 5.00 - INTENT.** The R-1 and R-2 One Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low density one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

**Section 5.01 - PERMITTED USES.** The following provisions apply in all One Family Residential Districts. Any use not expressly permitted is prohibited.

1. One-family detached dwellings.
2. Publicly owned and operated museums, libraries, parks, playfields, playgrounds, recreation facilities and conservation.
3. Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit, with a minimum site size of ten (10) acres.
4. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.
5. Family Day Care Home.

**SECTION 5.02 - SPECIAL LAND USES.** The following special land uses shall be permitted, subject to the conditions hereinafter imposed, and subject to the review and approval by the Village of Springport Planning Commission.

1. Cemeteries, provided the perimeter of the site shall be fenced as designated in Section 14.09.
2. Churches, subject to the following requirements:  
  
Buildings of greater than the maximum height allowed in ARTICLE XIII - SCHEDULE OF REGULATIONS may be allowed provided front, side and rear yards be increased by one (1) foot for each foot of building height that exceeds the maximum height allowed.
3. 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.

4. Temporary building for use incidental to construction work for a period not to exceed one (1) year. Such building shall not be used for a dwelling.
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 structures shall be so located and related as to 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. Planned Residential Development
7. Home Occupations as defined in Article XIV, and as provided in Section 14.08.
8. Two-family dwellings shall be permitted in the R-2 district provided the following conditions are met:
  - (a) Minimum lot size shall be 12,000 square feet.
  - (b) Minimum lot width shall be 80 feet.
9. Bed and Breakfast (Subject to regulations in Section 14.14).
10. Group Day Care Home.

**SECTION 5.03 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.** Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article XIII SCHEDULE OF REGULATIONS.

## ARTICLE VI

### RM, MULTIPLE FAMILY RESIDENTIAL DISTRICT

**SECTION 6.00. - INTENT.** This district is designed to permit a high density of population and a high intensity of land use in those areas which abut or are adjacent to such other uses or amenities which support, compliment, or serve such a density or intensity.

**SECTION 6.01. - PERMITTED USES.** The following provisions apply in all RM. Multiple Family Residential Districts. Any use not expressly permitted is prohibited.

1. All Permitted Uses in the R-1 and R-2 Districts subject to the terms and conditions provided therein.
2. Multiple Family dwelling units including townhouses (single-family attached dwellings), apartments and row or terrace dwellings.
3. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

**SECTION 6.02. - SPECIAL LAND USES.** The following special land uses shall be permitted, subject to the conditions hereinafter imposed and subject to the review and approval by the Village of Springport Planning Commission.

1. Hospitals, provided the following conditions are met:
  - (a) The proposed site shall have at least one property line abutting a collector street. All ingress and egress to the off-street parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto said collector street.
  - (b) In the event one or more boundaries of the proposed site lies opposite or contiguous to a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least one hundred (100) feet for buildings containing two (2) stories, the building shall be set back from the initial one hundred (100) foot setback an additional one (1) foot for each foot of additional height above two (2) stories.
  - (c) The minimum distance from any street line shall not be less than forty (40) feet for buildings containing two (2) stories or less, while buildings above two (2) stories shall be set back an additional one (1) foot for each five (5) feet of height above two (2) stories.

- (d) The minimum distance from any non-residential lot line shall not be less than twenty-five (25) feet.
  - (e) Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6) feet in height and said wall shall be further subject to the requirements of Section 14.09.
  - (f) Development Plan shall show any future construction and projected maximum patient census.
  - (g) Noise producing activities, such as ambulance and delivery areas shall be located not less than five hundred (500) feet from any residential area.
2. Housing for the elderly. All housing for the elderly shall be provided as a planned development and may provide for the following:
- (a) Cottage-type dwellings and/or apartment-type dwelling units.
  - (b) Common services containing but not limited to central dining rooms, recreational rooms, central lounge, and workshops.
  - (c) All dwellings shall consist of at least four hundred (400) square feet per unit (not including hallways and closets).
  - (d) Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed fifty (50) percent of the total site exclusive of any dedicated public right-of-way.
3. Convalescent homes when the following conditions are met:
- (a) There shall be provided on site, not less than seven hundred and fifty (750) square feet of open space for each bed in the home. The seven hundred and fifty (750) square feet of land area shall provide for a landscape setting, yard requirements and accessory uses, but shall not include the area covered by the main buildings, off-street parking, service drives or loading spaces.
  - (b) No building shall be closer than forty (40) feet to any property line. Accessory building shall be permitted only within side or rear yards with the following setbacks controlling: fifteen (15) feet when adjacent to a nonresidential district, and twenty-five (25) feet when adjacent to a residential district.

4. Orphanages when the following conditions are met:
  - (a) There shall be provided on the site, not less than twelve hundred (1200) square feet of open space for each bed in the home. The twelve hundred (1200) square feet of land area shall provide for a landscape setting, yard requirements and accessory uses, but shall not include the area covered by main building, accessory buildings, off-street parking, service drives or loading spaces.
  - (b) No building shall be closer than forty (40) feet to any property line. Accessory building shall be permitted only within side or rear yards with the following setbacks controlling: fifteen (15) feet when adjacent to a nonresidential district, and twenty-five (25) feet when adjacent to a residential district.
  
5. Colleges, universities and other such institutions of high learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:

Buildings of greater than the maximum height allowed in ARTICLE XII - SCHEDULE OF REGULATIONS may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
  
6. Funeral Homes subject to the following conditions:
  - (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 a funeral home.
  
7. Adult foster care facilities subject to the following conditions:
  - (a) Floor Area: The following minimum floor space for sleeping rooms shall be provided.
    - (1) Sleeping rooms for one (1) persons, 80 square feet.
    - (2) Sleeping rooms for two (2) or more persons, 75 square feet per person.
  - (b) The Village of Springport Planning Commission shall find that there

is reasonable floor area remaining for the family occupying the balance of the structure.

- (c) No more than twenty (20) foster care persons shall be so housed; no more than six (6) over the age of sixty-five (65).
  - (d) The use shall be subject to the requirements of ARTICLE XIII - SCHEDULE OF REGULATIONS.
  - (e) Parking: There shall be provided the following space for off-street parking: Two (2) spaces for the dwelling unit plus one (1) space for each three (3) beds.
  - (f) The structure and use shall meet all other applicable codes and ordinances of the Village of Springport and the State of Michigan.
8. Mobile Home Parks subject to all requirements of the Village of Springport Mobile Home Park Ordinance.
  9. Planned Residential Developments in accordance with the requirements of Section 14.12.
  10. Bed and Breakfast. (Subject to regulations in Section 14.14).
  11. Group Day Care Home.

**SECTION 6.03 - SITE PLAN REVIEW.** For all uses permitted In an RM, Multiple Family Residential District, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 14.05.

**SECTION 6.04 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.** Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article XIII SCHEDULE OF REGULATIONS.

## ARTICLE VII

### C-1, LOCAL COMMERCIAL DISTRICT

**SECTION 7.00 - INTENT.** The Local Commercial Zoning District is intended to provide the Springport Community with a mixed-use residential/office/retail zone. The services are geared for the local market. Use intensity is regulated to minimize the intensity of traffic and parking congestion on the surrounding residential neighborhoods and preserve the residential quality of the existing structures.

#### **SECTION 7.01 - PERMITTED USES.**

1. Residential use above the first floor subject to R-2 area and density regulations
2. Bed and breakfast
3. Home Occupations (subject to the provisions of Section 14.08)
4. Office buildings resulting from any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and governmental services.
5. Photographic studios
6. Art studios
7. Retail establishments for the sale of alcoholic beverages, bicycles, books, confections, flowers, furniture, hobby equipment, jewelry, music, notions, periodicals, sundries, small household articles, tobacco, and other similar miscellaneous items. The gross floor area on any lot shall not exceed 4,000 square feet.
8. Churches
9. Funeral homes
10. Personal service establishments performing services on the premises such as barber and beauty shops, watch, radio, television, clothing and shoe repair, tailoring, locksmithing and other similar uses.
11. Eating and drinking establishments where food and beverage are consumed while the patrons are seated within a completely enclosed building. Drive-in, pick-up, or open front establishments are prohibited.



12. Public utility buildings
13. Child day care centers.
14. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.

**SECTION 7.02 - SPECIAL LAND USES.**

1. Medical and dental offices including clinics and laboratories.
2. Banks, credit unions, and savings and loan associations.
3. Hardware, convenience food stores, groceries, drug stores and bakeries with gross floor areas not greater than 4,000 square feet.
4. Private service clubs, fraternal organizations and lodge halls.
5. Business or private schools operated for profit.
6. Automobile service stations. (Subject to the provisions of Section 13.21)
7. Laundry or dry cleaning customer outlets, coin-operated laundromats, and self-serve dry cleaning centers.

**SECTION 7.03 - SITE PLAN REVIEW.** For all uses permitted in a C-1, Local Commercial District, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 14.05.

**SECTION 7.04 - AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.** Area, Height, Bulk, and Placement requirements unless otherwise specified are as provided in ARTICLE XIII SCHEDULE OF REGULATIONS.

**ARTICLE VIII**

**C-2, CENTRAL BUSINESS DISTRICT**

**SECTION 8.00 - INTENT.** This district is intended to encompass the retail, service, and administrative establishments which form the central business district and which provide retail convenience and comparison goods and personal and professional services for the trade area. Heavy volumes of traffic in this district necessitate an efficient system of arterial streets and highways and adequate parking facilities. The nature and high density and intensity of commercial and related uses in this district eliminate the necessity for lot and yard requirements.

**Section 8.01 - PERMITTED USES.** The following provisions apply in all C-2, Central Business Districts. Any use not expressly permitted is prohibited.

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as but not limited to: foods, liquor, furniture, clothing, dry goods, notions, drugs, or hardware.
2. Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers and dry cleaners.
3. Restaurants and taverns where the patrons are served while seated within a building occupied by such establishment, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in or open-front store.
4. Offices and office buildings of an executive, administrative or professional nature.
5. Public and quasi-public buildings such as, but not restricted to:
  - (a) Churches.
  - (b) Municipal offices.
  - (c) Municipal off-street parking lots.
  - (d) Library and museums.
  - (e) Fraternal organizations, clubs, and lodge halls.
6. Banks, with drive-in facilities permitted when said drive-in facilities are incidental to the principal function.

7. Theaters or similar uses.
8. Offices and showrooms of plumbers, electricians, decorator, or similar trades, in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise, and provided that the ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display. All storage of materials on any land shall be within the confines of the building or part thereof occupied by said establishment.
9. Business schools, or private schools, operated for profit. Examples of private schools permitted herein include, but are not limited to the following: dance schools, music and voice schools, and art studios.
10. Newspaper offices and printing plants.
11. Hotels and motels.
12. Bus passenger stations.
13. Other uses similar to the above uses.
14. Computer Sales and Service.
15. Accessory structures and uses customarily incidental to the above permitted uses.

**SECTION 8.02 - SPECIAL LAND USES.** The following special land uses shall be permitted, subject to the conditions hereinafter imposed and subject to the review and approval by the Village of Springport Planning Commission.

1. One, two and multiple-family dwelling units within an existing commercial building subject to the approval of the Planning Commission and subject to the following conditions:
  - (a) It is the intent herein to provide for the conversion of the upper floors of existing commercial buildings and to extend their economic life by permitting the construction of one, two, and multiple-family residential dwelling units.
  - (b) Dwelling units or sleeping rooms shall not be located below the second floor.

- (c) A minimum floor area of four hundred (400) square feet for one bedroom and efficiency apartment shall be provided.
- 2. Bed and Breakfast. (Subject to regulations in Section 14.14).
- 3. Wireless Communications Facilities.

**SECTION 8.03 - SITE PLAN REVIEW.** For all uses permitted in a C-2, Central Business District, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 14.05.

**SECTION 8.04 - AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.** Area, Height, Bulk, and Placement requirements unless otherwise specified are as provided in ARTICLE XIII SCHEDULE OF REGULATIONS.

## ARTICLE IX

### C-3, GENERAL COMMERCIAL DISTRICT

**SECTION 9.00 - INTENT.** This district is intended to provide sufficient space in appropriate locations for a wide variety of commercial service and administrative establishments generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists.

**SECTION 9.01 - PERMITTED USES.** The following provisions apply in all C-3, General Business Districts. Any use not expressly permitted is prohibited.

1. Any retail business or service establishment permitted in the C-1 and C2 Districts as Permitted Uses and as Special Land Uses without any floor area restrictions.
2. Auto wash when completely enclosed in a building.
3. Printing and printing services.
4. Other highway-oriented commercial uses that are similar to the above uses.
5. Other structures and uses customarily incident to the above permitted uses.
6. Planned shopping center based upon the following criteria:
  - (a) A planned shopping center when used in this context means a commercial development which has been designed, developed and operated as a unit and can satisfy the following criteria: a site of three to six acres; a supporting population of at least five stores and floor area of 10,000 to 50,000 square feet in size.
  - (b) A planting strip of at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall or barrier, constructed to be visually impervious, not less than five (5) feet high shall be constructed along those property lines which abut a residential district.

- (c) No main or accessory building shall be situated less than fifty (50) feet from any perimeter property line.
  - (d) A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
  - (e) All signs shall be affixed to the face of the building and shall be a uniform design throughout except for one group pole sign advertising the name of the shopping center and/or individual business within the shopping center.
  - (f) Because of the nature of the parking and ingress and egress to shopping centers, carry-out restaurants shall be permitted.
  - (g) All off-street parking shall be within its own area, as specified in Section 14.03 and an internal system of roads and walks which will effectively separate pedestrian and vehicular traffic.
  - (h) Site plan review in accordance with Section 14.05.
7. Commercial recreation facilities such as bowling alleys, theaters, or similar uses provided the following conditions are met:
- (a) No main or accessory building shall be situated less than fifty (50) feet from any adjoining residentially zoned property. A wall or barrier of suitable material not less than five (5) feet high shall be constructed and maintained along those property lines abutting a residential district.
  - (b) Site Plan review in accordance with Section 14.05.

**SECTION 9.02 - SPECIAL LAND USES.** The following special land uses shall be permitted, subject to the conditions hereinafter imposed and subject to the review and approval by the Village of Springport Planning Commission.

- 1. Outdoor sales space including but not limited to the following uses: new and secondhand automobiles, mobile homes, campers, boats, rental of trailers and/or automobiles, farm implements, building materials, all subject to the following:

- (a) The lot area shall be graded and paved with portland concrete, bituminous concrete or bituminous aggregate in a manner approved by the Village Council or its authorized representative.
  - (b) Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
  - (c) All lighting shall be shielded from adjacent residential districts.
2. Business in the character of a drive-in or open front store, subject to the following conditions:
- (a) A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
  - (b) Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
  - (c) All lighting shall be shielded from adjacent residential districts.
3. Veterinary hospitals or clinics subject to the following conditions:
- (a) All activities shall be conducted within a totally enclosed main building.
  - (b) All buildings shall be setback a minimum of two hundred (200) feet from abutting residential districts on the same side of the street.
4. Plant materials, nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment, and garden supplies subject to the following conditions:
- (a) The storage and/or display of any material and/or products shall meet all setback requirements of the structure.
  - (b) The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses, and shall be shielded or screened as specified by the Village Planning Commission.

5. Bed and Breakfast. (Subject to regulations in Section 14.14).
6. Wireless Communications Facilities.

**SECTION 9.03 - SITE PLAN REVIEW.** For all uses permitted in a C-3, General Commercial District, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 14.05.

**SECTION 9.04 - AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.** Area, Height, Bulk, and Placement requirements unless otherwise specified are as provided in ARTICLE XIII SCHEDULE OF REGULATIONS.



## ARTICLE X

### I-1, INDUSTRIAL DISTRICT

**SECTION 10.00 -- INTENT.** This district is designed to provide suitable space for light industrial uses which operate in a safe, non-objectionable and efficient manner, and which are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial zoning districts.

**SECTION 10.01 - PERMITTED PRINCIPAL USES.** In order to protect adjoining non-industrial zoning districts, any of the following uses will be permitted only when the manufacturing, compounding, or processing is conducted entirely within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, final product storage, or processing shall be totally obscured by a six (6) foot wall and/or barrier or suitable material on those sides abutting any residential or commercial district, in accordance with Section 14.09.

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 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 previously pulverized clay.
  - (b) The assembly, fabrication, manufacture, or treatment of such products from the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, felt, fiber, 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 involving 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.
  - (f) Automobile bump shops, machine shops, painting and sheet metal shops, undercoating and rustproofing shops, and welding shops.
3. Public Utility Uses. Electrical transformer station and substation; electric transmission towers; municipal buildings and uses; gas regulator and municipal utility pumping stations, radio and television transmission towers.
4. The following 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.
  - (e) Greenhouses.
5. 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 Village Council to prevent loose materials from blowing into adjacent properties, a fence, tarpaulin or obscuring wall of no less than six (6) feet shall be required around the stored material.
  - (c) No required yard spaces shall be used for the storage of equipment or material.
6. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

**SECTION 10.02 - SPECIAL LAND USES.** The following special land uses shall be permitted, subject to the conditions hereinafter imposed and subject to the review and approval by the Village of Springport Planning Commission.

- 1. Wireless Communications Facilities.

**SECTION 10.03 - SITE PLAN REVIEW.** For all uses permitted in an I-1, Industrial District, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 14.05.

**SECTION 10.04 - AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.**

Area, Height, Bulk, and Placement requirements unless otherwise specified are as provided in ARTICLE XIII SCHEDULE OF REGULATIONS.

**SECTION 10.05 -- INDUSTRIAL PERFORMANCE STANDARDS.** Any use established in the 1-1, Light Industrial District shall not be permitted to carry on any activity, operation, use of land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazard to humans or human activity.

- 1. Noise: Shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. Noise as measured at the street or property line may not exceed sixty (60) decibels with a center frequency of 125 cycles per second.
- 2. Odor: The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of one volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot zones is prohibited.
- 3. Gases, Smoke, Dust, Dirt, and Fly Ash: The emission of gases, smoke, dust, dirt, and fly ash shall in no manner be unclean,

destructive, unhealthful, hazardous, or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable State and County health laws as pertaining to air pollution and smoke abatement.

4. Glare and Heat: Arc welding, acetylene torch cutting, or similar processes causing glare and heat shall be performed behind solid walls or frosted glass not less than fifteen (15) feet high as measured from the ground level adjacent to the structure concerned.
5. Fire and Safety Hazards: The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all State rules and regulations, and as established by the Fire Prevention Act, Act 207, Public Acts of 1941, as amended. Further, all storage tanks of liquid materials above ground shall be located not less than one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or other types of retaining walls which will contain the total capacity of all tanks so enclosed.
6. Vibration: Machines or operations which cause vibration shall be permitted, but no operation shall cause a displacement exceeding .003 of one (1) inch as measured at the property line with a frequency of 10 cycles per second.

## **ARTICLE XI**

### **ORI, OFFICE, RESEARCH, INDUSTRIAL DISTRICT**

**SECTION 11.00 - INTENT.** Uses permitted in this district are intended to accommodate planned office, research and light assembly uses which are characterized by generating limited levels of noise, heat, glare, or air pollutants outside of the district. The district encourages a compatible mixture of office, research and light assembly use completely confined with a building(s). The district regulations are designed to ensure compatibility with surrounding land uses.

**SECTION 11.01 - PERMITTED PRINCIPAL USES.** Subject to a site plan review, the following uses are permitted within a completely enclosed building.

1. Office activities for any of the following occupations: executive, managerial, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales that are adjunct to and supportive of other permitted uses.
2. Data processing and computer centers which include the sales, service and maintenance of electronic data processing equipment.
3. Educational, research, technical training, testing and design facilities required to carry on the research and development of new products and processes.
4. Warehousing, storage, shipping and receiving of materials manufactured or consumed on the premises.
5. Light assembly uses shall include only small volume, non-routine production of products or equipment and shall not include or permit mass production or assemblage of produces or equipment.
6. Machining shall be limited only to research and development activities, repair, demonstration and/or training.

**SECTION 11.02 - SPECIAL LAND USES.** The following special land uses shall be permitted, subject to the conditions hereafter imposed and subject to the review and approval of the Springport Village Planning Commission. Special land use approval procedures and standards are found in Section 13.16

herein.

1. Machining not limited to research and development.
2. Light assembly fabrication or manufacture of premanufactured (finished or unfinished products).
3. Trade, industrial or technical schools.
4. Wireless Communications Facilities.

**SECTION 11.03 - SITE PLAN REVIEW.** For all uses permitted in an ORI, Office, Research, Industrial District, a site plan shall be submitted to the Planning Commission in accordance with Section 14.05.

**SECTION 11.04 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.** Area, height, bulk and placement requirements, unless otherwise specified as are provided in ARTICLE XIII -SCHEDULE OF REGULATIONS.

**SECTION 11.05 - REQUIRED CONDITIONS.** All uses within the Office, Research, Industrial district shall be subject to the following conditions:

1. All storage of goods, supplies, or material shall be within an enclosed building.
2. All uses shall conform to the industrial performance standards in Section 10.05.
3. All loading docks and material handling areas shall not be located within required front yards or in required yards adjacent to residentially zoned parcels.
4. Parking lots and loading areas shall be screened from adjacent residential structures by a landscaped berm or obscuring wall at least three feet above the grade of such area at the nearest point of the residence.
5. Building widths in excess of 100 feet shall require an increase of one foot of required setback dimensions for every five feet of building dimension over 100 feet for that yard most affected by the excess building length.

## **ARTICLE XII**

### **PL, PUBLIC LAND DISTRICT**

**SECTION 12.00 - INTENT.** This district is designed to classify publicly-owned uses and land and permit the normal principal and incidental uses required to carry out governmental functions and services.

#### **SECTION 12.01 - PERMITTED USES.**

1. Outdoor public recreational uses, such as: playgrounds, playfields, golf courses, boating areas, fishing sites, camping sites, parkways and parks. No structure shall be erected or maintained upon dedicated park land which is not customarily incidental to the principal use of the land.
2. Natural open space, such as: public conservation lands, public wildlife sanctuaries, and forest preserves.
3. Developed open space, such as: arboreta, botanical and zoological gardens.
4. Educational services, such as: public primary and secondary schools, and institutions of higher education.
5. Cultural services, such as: museums and art galleries.
6. Public-service institutions, such as: hospitals, sanatoria, homes for the elderly, children's homes and correctional institutions.
7. Essential services, buildings containing essential services, electrical substations and receiving and transmission towers.
8. Municipal airports.
9. Civic center.
10. Government offices and courts.

**SECTION 12.02 - SITE PLAN REVIEW.** For all uses permitted in a PL, Public Land District, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 14.05.

**ARTICLE XIII**

**SCHEDULE OF REGULATIONS**

**SECTION 13.00 - AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.**

(see attached table)

**SECTION 13.01 - FOOTNOTES TO SCHEDULE OF REGULATIONS.**

- a. In all residential districts and the C-1 district, 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 (except the C-1) and industrial 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. In all residential subdivisions, the width of side yards, which abut upon a street or road on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard setback for said homes which front upon said side street. If no other residential lots front on the same side or on the opposite side of the same block, the width of the side or on the opposite side of the same block, the width of the side yard may be reduced to ten (10) feet.
- d. Required minimum floor area for each dwelling unit shall not include area of basements, utility rooms, breezeways, porches, or attached garages.
- e. Minimum land area required for each dwelling unit in the RM District shall be:

<u>Dwelling Unit Size</u>	<u>Area in Square Feet</u>
<u>Condo</u>	<u>Apartment</u>



Efficiency or one-bedroom unit	3,000	4,200
Two-bedroom unit	4,200	5,400
Three-bedroom unit	5,400	7,200
Four or more bedroom units	7,200	7,200

**SCHEDULE OF REGULATIONS**  
**SECTION 13.00 - AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS**  
**VILLAGE OF SPRINGPORT, JACKSON COUNTY**

Zoning District		Minimum Lot Size Per Dwelling Unit		Maximum Building Height		Maximum Coverage of Lot by All Buildings in Percent of Lot Area	Front	Setback in Feet <sup>a,b,c</sup> Side Yard		Rear	Minimum Floor Area Per Dwelling Unit <sup>d</sup>
		Area in Sq. Ft.	Width In Feet	In Stories	In Feet			Least One	Total Two		
AG	Agriculture	1.0 acres	150	2-1/2	35	20	60'	10	30	50	1,200
R-1	One Family Residential	9,600	80	2-1/2	28	30	30'	5	15	20	960
R-2	One Family Residential	7,500	66	2-1/2	28	35	30'	5	15	20	720
RM	Multiple Family Residential	e	---	2-1/2	28	40	50'	25	50	50	f
C-1	Local Commercial	5,000	50	2-1/2	28	35	30	g	g	h	---
C-2	Central Business	---	---	2-1/2	28	100	---	g	g	h	---
C-3	General Commercial	10,000	80	2-1/2	28	60	30	g	g	h	---
I-1	Industrial	20,000	100	2-1/2	28	50	50	40	40	50	---
O/R,I	Office, Research and Industry	80,000	150	2-1/2	28	50	50	40*	40*	50*	---

\* Unless abutting a residentially-zoned property where a 100-foot setback is required.

- f. Required minimum floor area for each dwelling unit in the RM District shall be:

<u>Dwelling Unit Size</u>	<u>Area in Square Feet</u>	
	<u>Condominium</u>	<u>Apartment</u>
Efficiency unit	400	-
One-bedroom unit	600	600
Two-bedroom unit	750	800
Three-bedroom units	950	1,000

- g. In any commercial district or public land, 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, parking, and loading areas. 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.
- h. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings the rear building setback and loading requirements may be computed from the center of said alley.
- i. Where a front yard of greater or less depth than thirty (30) feet exists in front of a dwelling or dwellings in existence at the time of passage of this Ordinance, on one side of a street in any block, the depth of the front yard of any building subsequently erected on that side of the street on that block shall not be less and need not be greater than the average depth of the front yard of such existing dwelling, but this shall not be deemed to require a greater depth than forty (40) feet or permit a less depth than twenty (20) feet in any case.

## ARTICLE XIV

### GENERAL PROVISIONS

**SECTION 14.00 - CONFLICTING REGULATIONS.** Wherever any provisions 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 14.01 - 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 this Ordinance.

1. Permitted Area and Placement. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located.
2. 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. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. Public utility structures shall be exempt from these regulations.
3. Lot Limitations. In One-Family Zoning Districts, only one principal building shall be placed on a lot of record with the exception of parcels of record described and designated as "out lots", which may be so arranged or subdivided as to provide for one or more principal building when the land area allocated to each building is equal to or greater than the lot area required for the district and the building and land complies with all other requirements on land subdivided according to the Plat Act.
4. 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.

5. 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.
6. 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.
7. 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 maintained by the Village, or
  - (b) A permanent and unobstructed private easement or record having a width of at least thirty (30) feet.
8. Appearance. Any case where a building or accessory building in an I-1, Industrial District is erected or placed within two hundred (200) feet of the front lot line of any parcel of land fronting upon any public street, the front walls of said building or accessory building within said distance of two hundred (200) feet shall not be constructed of tarred paper, tin, corrugated iron, or any form of pressed board or felt or similar material with the limits herein specified.
9. Dwellings in Non-Residential Districts. No dwelling shall be erected in the C-3, I-1 O/RI, or PL Zoning Districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in said districts in conformance with the specified requirements of the particular district.

**SECTION 14.02 - NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NOW CONFORMING STRUCTURES AND NON-CONFORMING USES OF STRUCTURES AND PREMISES.**

1. Intent. It is the intent of this Ordinance to permit legal non-conforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the district involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, or extended, except as provided in Paragraph 6 below, nor shall non-conformities be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment of a building or premises or additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

To avoid undue hardship, nothing within this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been subsequently begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

2. Non-Conforming Lots of Record (Substandard Lots), In any district in which one-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a one-family dwelling and customary accessory buildings 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 Zoning Board of Appeals.
3. Non-Conforming Structures. Where a lawful structure exists at the

effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, 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:

- (a) No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity.
- (b) 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.

4. Non-Conforming Uses of Land. Where at the effective date of adoption or amendment 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:

- (a) 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;
- (b) 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;
- (c) 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 said land is located.

5. Non-Conforming Uses of Structures. If lawful use involving individual structures and premises in combination exists at the effective date of adoption or amendments 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:

- (a) 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;
- (b) 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;

- (c) 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;
- (d) 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 a premises in combination, shall not thereafter be used except in conformity with regulations of the district in which it is located. Structures occupied, by seasonal uses shall be excepted from this provision;
- (e) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this section is defined as damaged to an extent of more than one hundred (100) percent of assessed value at time of destruction.

6. Repairs and Maintenance. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding one hundred (100) percent of the current assessed valuation of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

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 upon order of such official.

7. Non-Conforming Use - Building Damaged by Fire, Etc. Any non-conforming use or non-conforming building which has been destroyed or



damaged by fire, explosion, act of God, or by public enemy to the extent of one hundred (100) percent of its assessed valuation, exclusive of the foundation at the time such damage occurred, shall thereafter be made to conform with the provisions of this Ordinance. Where such destruction or damage has occurred, removal of the non-conforming use of a building also shall eliminate the non-conforming use status of the land on which said building is located. If such damage is less than one hundred (100) percent of its assessed valuation before said damage occurred, exclusive of the foundation, then such structure may be restored to the same non-conforming building as existed before such damage, provided that such restoration shall be subject to the approval of the Board of Appeals. Said restoration shall be commenced within one (1) year of the date of such partial destruction and shall be diligently carried on to completion.

8. 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.

**SECTION 14.03 - OFF-STREET 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. Collective Parking.
  - A. The collective provision of off-street parking for two or more structures or uses is permitted provided that the number of spaces provided collectively is not less than the sum of the requirements for various individual uses.
  - B. The total of such off-street parking facilities required for joint or collective use may be reduced by the Zoning Administrator in accordance with the following rules and standards:
    1. Uses for which the collective off-street parking facilities are to serve do not operate during the same hours of the day or night.
    2. Not more than fifty (50) percent of the off-street parking facilities required for theaters, churches, bowling alleys, dance halls, and establishments for sale and consumption of alcoholic beverages, food, or refreshments may be supplied by off-street parking facilities provided for other buildings.

3. The required off-street parking for a particular use may be reduced by its proportionate share of any publicly-owned parking lot within three hundred (300) feet of street travel, or for which it has been assessed.

3. Off-Street Loading.

- A. Uses involving the receipt or distribution by vehicles of materials or merchandise shall provide and permanently maintain adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets or alleys, and thus, help relieve traffic congestion.
- B. Every such building or structure housing such a use and having over 5,000 square feet of gross floor area shall be provided with at least one truck standing, loading, and unloading space on the premises not less than 12 feet in width, 25 feet in length, and 14 feet in height. One additional truck space of these dimensions shall be provided for every additional 20,000 square feet or fraction thereof of gross floor area in the building.
- C. Off-street loading space and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. The requirement for paving may be waived by Planning Commission.
- D. When required off-street loading in a non-residential district abuts a residential district, there shall be located a landscaped buffer strip fifteen (15) feet wide and parallel to the mutual boundary. The buffer strip shall be composed of trees and/or foliage. In lieu of a buffer strip, the Planning Commission may permit or require a solid fence or wall between six (6) and eight (8) feet in height shall be located along the mutual boundary.
- E. Loading spaces shall not be construed as supplying off-street parking space.

4. Collective Loading.

- (a) The collective provision of off-street loading space for two or more structures or uses is permitted provided that the loading space collectively is not less than the sum of the requirements for the various individual uses.

5. Parking Space Requirements.

The minimum number of off-street parking spaces required for any structure or use which is established, constructed, altered, or expanded is set forth in this subsection, Schedule of Parking Space 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 similar in character to the use not listed shall apply. When units of measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

6. Schedule of Parking Space Requirements.

<u>Use</u>	<u>Required Spaces</u>
1. One-family dwellings	Two (2) parking spaces for each family dwelling unit
2. Multiple dwellings	One and one-half (1 1/2) parking spaces per dwelling unit.
3. Auto courts, motels, tourist homes	One (1) parking space for each individual living or sleeping unit, plus two (2) spaces for operating personnel.
4. Boarding and lodging houses, fraternities, private clubs	Two (2) parking spaces for each (3) beds.
5. Hotels	One (1) parking space for each two (2) sleeping rooms, plus one (1) additional space for each (2) employees.
6. Auditoriums (incidental to schools), churches, theaters, buildings for similar uses with fixed seats	One (1) parking space for each four (4) seats, plus additional spaces equal in number to fifty percent of the number of employees.
7. Auditoriums (other than incidental to schools), lodge halls, or buildings of similar	One (1) parking space for each six (6) persons permitted in such edifice as determined in the capacity limitations,

uses without fixed seats

8. Convalescent home orphanage, or similar use One (1) parking space for each four (4) beds plus one (1) space for each two (2) employees.
9. Hospitals, sanitariums One (1) parking space for each three (3) patient beds; plus one (1) space for each staff or visiting doctor; plus one (1) space for each two (2) employees.
10. Clinics Four (4) spaces for each doctor plus one (1) space for each employee.
11. Elementary and junior high schools One (1) parking space for each two (2) employees (including teachers and administrators).
12. High schools and colleges One (1) parking space for each two (2) employees (including teachers and administrators) plus one (1) for each ten (10) students in addition to the requirements of the auditorium.
13. Stadium and sports areas One (1) parking space for each four (4) seats.
14. Dance halls, pool and billiard rooms, exhibition One (1) parking space for each three (3) persons permitted in such edifice as determined in the capacity limitations, thereof, by the Fire Marshall.
15. Bowling alleys Five (5) parking spaces for each alley plus one (1) space for each employee.
16. Mortuaries or funeral One (1) parking space for each twenty-five (25) sq. ft. of floor area in the slumber rooms, parlors, chapels, or individual funeral service rooms.
17. General office building One (1) parking space for each 400 sq. ft. of floor area plus one (1) parking space for each professional person working within the building.
18. Bank, professional office One (1) parking space for each 200 sq.

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| building   | ft. of floor area plus one (1) parking space for each professional person working within the building.   |
| 19. Retail stores, except as otherwise specified herein  | One (1) parking space for each 150 sq. ft. of floor area excluding auto parking space within or on the building.   |
| 20. Establishment for sale and consumption inside a building of alcoholic beverages, food, or refreshments   | One (1) parking space for each four (4) patron seat, plus one (1) parking space for each two (2) employees.  |
| 21. Drive-in and drive-through restaurants   | One (1) parking space for each 50 sq. ft. of eating area, plus one (1) parking space per employee, plus ten (10) stacking spaces for each drive-through window.  |
| 22. Drive-through banks and other drive-through establishments   | Four (4) stacking spaces for drive-through window or transaction station, in addition to the requirements for the remainder of the use.                          |
| 23. Gasoline filling and service stations  | One (1) parking space for each repair and service stall, plus one (1) space for each employee in the two (2) shifts which have the greatest number of employees. |
| 24. Furniture and appliance stores, personal services (except beauty parlors and barber shops), household equipment or furniture repair shops, clothing or shoe repair or service shops, hardware stores | One (1) parking space for each 400 sq. ft. of floor area.  |
| 25. Beauty shops and barber shops  | Two (2) parking spaces for each beauty and/or barber shop chair.   |
| 26. Automotive sales and service garages   | One (1) parking space for each 200 sq. ft. of floor area.  |
| 27. Warehouses, wholesale  | One (1) parking space for each 800 sq.   |

stores	ft. of floor area.
28. Libraries, museums, post offices	One (1) parking space for each 800 sq. ft. of floor area plus one (1) parking space for each two (2) employees.
29. Fruit and vegetable stands	Five (5) parking spaces, plus one (1) parking space for each twenty-five (25) sq. ft. of floor area.
30. Industrial establishments, including manufacturing, research and testing labs, creameries, bottling works, printing and engraving shops	One (1) parking space for each employee expected to work on the two (2) shifts which have the greatest number of employees every day, plus ten (10) parking spaces for visitor parking purposes.
31. Auction for the sale of livestock	Two (2) sq. ft. of parking area for each one (1) sq. ft. of buildings, pens, and all enclosed area on the premises of the auction facility.

**SECTION 14.04 - OFF-STREET PARKING LAYOUT, STANDARDS,**

**CONSTRUCTION AND MAINTENANCE.** Wherever the off-street parking requirements in Section 14.03 require the building of an off-street parking lot it 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 Zoning Administrator. Applications for a permit shall be submitted to the Zoning Administrator 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. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
3. Off-Street parking areas shall be drained in a manner so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property, toward buildings, or across public walkways.
4. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

**SECTION 14.05 - SITE PLAN REVIEW.** Whenever required in this Ordinance, a site plan must be submitted and approved by the Planning Commission before a permit for

construction can be issued. Plans so approved shall regulate the development on said premises unless modified in the same manner as the plans were originally approved.

1. Application and Fee. Any person may file a request for a site plan review by the Planning Commission by filing with the Zoning Administrator the completed application and payment of a fee established by resolution of the Village Council. The applicant shall submit at least four (4) copies of the site plan with the application.
2. Planning Commission Review of Site Plan. Upon receipt of such application from the Clerk, the Planning Commission shall within forty-five (45) days approve or disapprove such site plan, advising the applicant in writing of the recommendation, including any changes or modifications needed to achieve conformity to the standards specified in this Ordinance.
3. Required Data for Site Plans. Site plans submitted to the Planning Commission shall be in accordance with the following requirements:
  - (a) The site plan shall be of a scale of not less than 1 " equals 50' if the subject property is less than three (3) acres and 1" equals 100' if three (3) acres or more and of such accuracy that the same can be readily interpreted.
  - (b) The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
  - (c) The site plan shall show the scale; north point, boundary dimensions; topography (at least two foot contour intervals); and natural features, such as, wood lots, streams, rivers, lakes, drains, and similar features.
  - (d) The site plan shall show existing man-made features, such as buildings; structures; high tension towers; pipe lines; and existing utilities, such as, water and sewer lines, excavations, bridges, culverts, drains and easements, and shall identify adjacent properties and their existing uses.
  - (e) The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and

number of each unit type.

- (f) The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
  - (g) The site plan shall show the proposed location, use and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed locations of connections to existing utilities and proposed extensions thereof.
  - (h) A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
4. Standards for Site Plan Review. In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance as well as the provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant.
  5. Approval of Site Plan. After the site plan is reviewed and approved by the Planning Commission, one (1) copy shall be retained on permanent file with the Planning Commission and two (2) copies shall be filed with the Zoning Administrator along with written notification of such approval. If the site plan is disapproved by the Planning Commission, written notification of such denial shall be given the applicant within ten (10) days after such action. The applicant may thereafter file an amended site plan which shall be reviewed in the same manner as hereinafter set forth.
  6. Expiration of Site Plan Certificate. The site plan certificate shall expire, and be of no effect, three hundred and sixty-five (365) days after the date of issuance thereof, unless within such time the Building Inspector has issued a building permit for any proposed work authorized under a said site plan certificate.
  7. Amendment, Revision of Site Plan. A site plan, and site plan certificate, issued thereon, may be amended by the Planning Commission upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in Section 14.05 of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Planning Commission.



**SECTION 14.06 - STORAGE OF MATERIALS.** The location or storage of abandoned, discarded, unusable, or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

1. On any lot in any residential or commercial district, the owner or tenant shall locate and store such materials within a completely enclosed building.
2. On any lot in any industrial district, the owner or tenant shall locate and store materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.

**SECTION 14.07 - VISIBILITY AT INTERSECTIONS.** On any corner lot, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are twenty-five (25) feet distant from the point of intersection, measured along the street right-of-way line.

**SECTION 14.08 - HOME OCCUPATIONS.** Home occupations which are clearly incidental to the principal residential use are permitted in any Residential District. Typical home occupations include hairdressing, accounting, home gardening, real estate and insurance sales, appliance and motor repair, and professional offices. The following conditions for home occupations shall be met.

1. The occupation shall utilize no more than twenty-five (25) percent of the total floor area of any one story of the residential structure so used.
2. The home occupation shall involve no employees other than members of the immediate family residing on the premises.
3. All home occupation activities shall be conducted indoors, except gardening.
4. No structural alterations or additions which will alter the residential character of the structure shall be permitted to accommodate a home occupation.
5. Only customary domestic or household equipment, or equipment judged by the Zoning Administrator not to be injurious or a nuisance to the surrounding neighborhood shall be permitted.
6. There shall be not external evidence of such occupations except a small

announcement sign as specified herein.

7. No unrelated commodity shall be sold on the premises in connection with a home occupation.
8. No home occupation shall be permitted which is injurious to the general character of the residential district and which creates a congested or otherwise hazardous traffic or parking conditions.
9. A family day care home as defined by this Ordinance shall be permitted as a home occupation within any Residential District, provided all provisions of Section 8.1. are met. (As amended 11/22/83)

**SECTION 14.09 - FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS.**

Fences which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:

1. 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.
2. All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences are prohibited, except in the Industrial Districts. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.

**SECTION 14.10 - 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 14.11 - SWIMMING POOLS.** All swimming pools erected in the Village shall comply with the following requirements:

1. Fence. For the protection of the general public, all swimming pools shall be completely enclosed by a fence not less than four (4) feet high. All openings in any such fence shall be equipped with a gate which shall be securely locked with a tamper-proof lock when the pool is not in use.

**SECTION 14.12 - PLANNED RESIDENTIAL DEVELOPMENTS.** All Planned Residential Developments (PRD) shall be regulated as set forth in this Section, the approved plan, any special conditions imposed by the Village Council and other applicable provisions of this Ordinance.

1. For purposes of computing and controlling population density, the following standards shall apply:
  - (a) The entire gross area of the Planning Residential Development, including street right-of-way, parks, schools, and other public or private open space shall be included in the computation of area. Subaqueous or submerged bottom land of lakes or streams shall be excluded In computing the area of a parcel except that when land abutting said lakes or streams is substantially developed in park or open space for the use of residents of the PRD, the surface area of said lakes or streams may be used to compute density.
  - (b) Maximum density permitted shall be twenty-four (24) bedrooms per acre in PRD's, subject to the following:
    - (1) Not less than thirty-three and one-third ( $33\frac{1}{3}$ ) percent of the total number of bedrooms shall be in single-family dwellings.
    - (2) Single-family detached dwellings shall be assumed to have three (3) bedrooms for each dwelling, no more and no less.
    - (3) For purposes of computing density, a den, library, or other extra room shall not count as a bedroom unless a closet opens directly to said room.
2. In order to provide an orderly transition of density, where the project being proposed for use as a PRD immediately abuts a R-1 or R-2 District, the Village Council may require that the area immediately abutting and within three hundred (300) feet of said R-1 or R-2 District shall be developed in single-family lots, or shall be developed as open or recreational space.
3. Single-family dwellings shall be subject to the requirements of ARTICLE XIII, SCHEDULE OF REGULATIONS applicable to the R-1 or R-2 Districts, except as otherwise modified in the approved plan.
4. Multiple dwellings shall be subject to the requirements of ARTICLE XIII, SCHEDULE OF REGULATIONS except as otherwise modified in the approved plan.
5. Submittal of Proposed PFID Plan. An application shall be made to the Village Clerk for review and recommendation by the Planning Commission of the following:
  - (a) A boundary survey of the exact acreage being requested done by a registered land surveyor or civil engineer (scale: not smaller than 1"

equals 200').

- (b) A topographic map of the entire area at a two (2) foot contour interval. This map shall indicate all major stands of trees, bodies of water and unbuildable areas (scale: not smaller than 1' equals 200').
- (c) A recent aerial photograph of the area shall be provided (scale: not smaller than 1" equals 200').
- (d) A preliminary plat for the entire area carried out in such detail as to indicate the functional uses and dwelling unit types being requested; the proposed population densities; a traffic circulation plan; sites being reserved for schools, service activities, playgrounds, recreation areas, parking areas, and other open spaces and areas to be used for the public or by residents of the Planned Residential Development (scale: not smaller than 1 " equals 200').
- (e) An indication of the contemplated storm and sanitary sewer plan, and a preliminary topographic map indicating how the land area is proposed to be shaped.
- (f) A written statement explaining in detail the full intent of the sponsor, indicating the type of dwelling units contemplated, resultant population and providing supporting documentation such as: soil survey, studies supporting land use requests, and the intended scheduling of the development.

6. Review of Proposed PRD Plan. Upon receipt of an application as a preliminary submittal, the Zoning Administrator shall refer such request to the Planning Commission for its report and recommendation. Prior to making such report and recommendation, the Planning Commission shall hold a public hearing on the application. Following said public hearing and receipt of the Planning Commission's report and recommendation, the Village Council may approve said application and accompanying plan only upon finding that:

- (a) All applicable provisions of this Section and this Ordinance have been met. Insofar as any provision of this Section shall be in conflict with the provisions of any other section of this Ordinance, the provisions of this Section shall apply to the land embraced within a Planned Residential Development Area.
- (b) Adequate areas have been provided for all utilities, schools, walkways, playgrounds, recreation areas, parking areas, and other open spaces and areas to be used by the public or by residents of

the community.

- (c) Open space may include parks and recreation areas, wooded lots, schools, golf courses, water areas, and any use of a similar nature approved by the Village Council. Provided, however, that at least one (1) acre for each two hundred (200) bedrooms shall be preserved as park, recreation, or open space rather than as a golf course, water area, right-of-way, school, or similar limited use area.
- (d) There is or will be at the time of development an adequate means of disposing of sanitary sewage and of supplying the development with water and that the road system and storm water drainage system is adequate.
- (e) The plan provides for an efficient, aesthetic, and desirable use of the open areas and the plan is in keeping with the physical character of the Village and the area surrounding the development.
- (f) The applicant has made provision, satisfactory to the Village Council, to assure that those areas shown on the plan for use by the public or occupants of the development will be or have been committed for that purpose. The Village Council may require that conveyances or other documents be placed in escrow to accomplish this.
- (g) Provisions, satisfactory to the Village Council have been made to provide for the future financing of any improvements shown on the plan for open space areas, and common use areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the Village Council.
- (h) The cost of installing all streets and the necessary utilities has been assured by a means satisfactory to the Village Council.

7. Approval of Planned Residential Development by Village Council.

- (a) If the Village Council shall determine to grant the application and approve the plan, a permit shall be issued setting forth the conditions upon which the approval is based.
- (b) Once an area has been included within a plan for Planned Residential Development and such plan has been approved by the Village Council, no development may take place in such area nor may any use thereof be made except in accordance with said plan or in accordance with a Village Council approved amendment

thereto, unless the plan is terminated as provided herein.

- (c) An approved plan may be terminated by the applicant or its successors or assigns, prior to any development within the area involved, by filing with the Village and recording in the Jackson County Records an affidavit so stating. The approval of the plan shall terminate upon said recording.
  - (d) No approved plan shall be terminated after development commences except with the approval of the Village Council and of all parties in interest in the land.
  - (e) Within a period of two (2) years following approval by the Village Council, final plats and/or site plans for an area embraced within the Planned Residential Development must be submitted as hereinafter provided. If such plats and/or plans have not been submitted and approved within the two (2) year period, the right to develop under the approved plan may be terminated by the Village.
8. Before any zoning compliance permit shall be issued for buildings and structures within the area of Planned Residential Development, final plats and/or site plans for a project area shall be submitted to the Zoning

Administrator for review and recommendation by the Planning Commission of the following:

- (a) Said site plans and plats shall be fully dimensioned and shall show a fully scaled plan view of all buildings (except detached single-family dwellings), all public right-of-ways and private streets, areas within each project area and the proposed ultimate density thereof, parking areas, utilities, churches, schools, and areas to be set aside for the use of the public or by residents within the development (scale: 1" equals 50').
- (b) The proposed topography two (2) foot contour interval shall be superimposed on all plats and plans (scale: 1" equals 50').
- (c) Floor plans typical of all residential buildings except detached single-family, shall be submitted and the site plan shall indicate which floor plan is applicable to each such building.
- (d) Each final plat and/or site plan submitted within the Planned Residential Development shall, either individually or in combination with previously approved project areas, meet the standards of the Ordinance as to density.

9. Review and approval of plats shall comply with Act 591 of the Public Acts of 1996 and the Land Division Act of the Village in addition to the requirements of this Section.
10. Before approving of any final plat and plan, the Village Council shall determine:
  - (a) That all portions of the project area shown upon the approved plan for the Planned Residential Development for use by the public or the residents of lands within the Planned Residential Development have been committed to such uses in accordance with the Planned Residential Development contract.
  - (b) That the final plats and/or site plans are in substantial conformity with the approved plan for the PRD.
  - (c) That provisions have been made in accordance with the PRD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the PRD contract.
  - (d) That a dedication of public roads shall have been made so as to cause continuity of public access between the adjacent major thoroughfare and ingress and egress to all private development within the project area plan.
11. During construction of the Planned Residential Development, building permits for residential structures shall be issued in such a manner as to assure that on a cumulative basis not less than thirty-three and one-third (33-1/3) percent of the total number of bedrooms (for which permits are or have been issued) shall be in single-family dwellings. Occupancy permits shall not be issued for other than single-family dwellings until occupancy permits have been issued for not less than fifty (50) percent of the single-family dwellings which are necessary to maintain the above thirty-three and one-third (33-1/3) percentage of bedrooms. The Planning Commission may waive these requirements to the extent that a minimum number of model units could be displayed by the developer.
12. In order to assure the development of open space in conjunction with a PRD, the Village Council shall include in the contract recorded with the Register of Deeds, a schedule for the completion of dwelling units. The developer may suggest a schedule for review by the Village Council.
13. If development of approved final plats and/or site plans is not substantially completed in three (3) years after approval, further final submittals under

the Planned Residential Development shall cease until the part in question is completed or cause can be shown for not completing same.

14. Any changes or amendments requested shall terminate approval of the overall plan until such changes or amendments have been reviewed and approved as in the first instance. In instances where modifications are necessary to the plan, the Zoning Administrator may request that the plan be again submitted for review if, in his judgement, a substantial change is being made in the plan.

**SECTION 14.13 - SPECIAL LAND USES.** The formulation and enactment of this Ordinance is based upon the division of the Village of Springport into districts in each of which may be permitted specific uses which are mutually compatible and special land uses. Special land uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Section is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special land uses. The standards for approval and requirements provided for under the provisions of this Section shall be in addition to others required elsewhere in this Ordinance and at the same time provide to the Village and the developer some latitude to address site issues in an innovative manner.

1. Authority to Grant Permits. The Planning Commission as hereinafter provided shall have the authority to approve, deny, or approve with conditions as specified in Subsection 14.13.5, special land uses.
2. Application. Application for any special land use permit permissible under the provision of this Ordinance shall be made to the Planning Commission through the Village Clerk by filing an official special land use permit application form and submitting a site plan in accordance with Section 14.05.
3. Public Hearing. After a preliminary review of the site plan and an application for a special land use permit, the Planning Commission shall hold a hearing on the site plan and special land use permit.
  - (a) Notice of the hearing shall be published in a newspaper of general circulation in the Village and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons whose 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, except that the notice shall be given not less than 5 and not more than 15 days before the application will be considered. 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 1 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, 1 occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than 4 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. The notice shall:

- (1) describe the nature of the request;
- (2) indicate the property which is the subject of the request;
- (3) state when, where and at what time the public hearing on the request will be considered; and
- (4) indicate when and where written comments will be received concerning the request.

4. Required Standards and Findings for Making Determinations: The Planning Commission shall review the particular circumstances of the special land use request under consideration in accordance with the requirements of Section 14.05 - Site Plan Review and shall approve the special land use request only upon approval of the site plan and finding of compliance with the following standards:

- (a) The use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- (b) The use shall not inappropriately change the essential character of the surrounding area.
- (c) The use shall not interfere with the general enjoyment of adjacent property.
- (d) The use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
- (e) The use shall not be hazardous to adjacent properties, or involve uses, activities, materials or equipment which will be detrimental to

the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, glare, or dust.

- (f) The use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and facilities deemed essential to the use under consideration.
- (g) The use shall not place demands on public services and facilities in excess of current capacity.
- (h) The use shall meet the provisions of the zoning district provisions in which said special land use is located and other applicable standards contained in provisions of this or other applicable ordinances or laws.

5. Determination and imposition of conditions. A review of an application and site plan requesting a special land use permit shall be made by the Planning Commission in accordance with the procedures and standards specified in this Ordinance. If a submitted application and site plan do not meet the requirements of the Ordinance, they shall not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, such changes shall be allowed and shall be either noted on the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating said changes. If the facts in the case do not establish competent material and substantial evidence that the standards set forth in this Ordinance will apply to the proposed special land use, the Planning Commission shall not grant a special land use permit. The Planning Commission may impose conditions with the approval of a special land use permit application and site plan which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this or other applicable ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the Zoning Administrator.

These conditions may include conditions necessary to 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 to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

6. Approval, Granting of Permit. Upon holding a public hearing and the finding that the requirements of Subsections 14.13.2 through 14.13.5 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days approve, disapprove, or approve with conditions the special land use permit.

Approval and issuance of a special land use permit by the Planning Commission shall signify prior approval of the application and site plan, therefore including any modifications and any conditions imposed where necessary to comply with this Ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the special land use permit and shall be enforceable as such.

The decision to approve or deny a request for a special land use permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify: the basis for the decision, any changes to the originally submitted application and site plan necessary to ensure compliance with the ordinance, and any conditions imposed with approval. Once a special land use permit is issued, all site development and use of land on the property affected shall be consistent with the approved special land use permit, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner and the Planning Commission and is documented as such.

When the Planning Commission gives final approval, a special land use permit shall be issued to the applicant. The Planning Commission shall forward a copy of the permit to the applicant. Clerk, Zoning Inspector, and the Village Council. The Zoning Inspector shall not issue a zoning compliance permit until he has received a copy of the special land use permit approved by the Planning Commission.

7. Voiding of Special Land Use Permit. Any special land use permit granted under this ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within two hundred ten (210) days and completed within five hundred and seventy-five (575) days of the date of issuance.

A violation of requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Planning Commission to terminate and cancel such special land use permit.

8. Appeal: Any decision by the Planning Commission granting or denying a special land use permit may be appealed to the Springport Village Council. The Appeal may be taken by any person, firm or corporation and must be in writing and filed with the Springport Village Clerk within seven (7) days of any decision of the Planning Commission. The Springport

Village Council shall schedule an appeal hearing within twenty-one (21) days of receipt of any appeal, with notice as provided in Section 14-13.3.

#### **SECTION 14.14 - BED AND BREAKFAST REGULATIONS.**

1. It is required that the Bed and Breakfast establishments located in R2, R-M, C-1, C-2 and C-3 districts shall be the residence of the owner of the establishment or the residence of a Resident Manager and in either case the person(s) shall reside at all times in the Bed and Breakfast establishment.
2. Bed and Breakfast establishments located in R-1 zoning districts shall be the residence of the owner of the Bed and Breakfast and there shall be no more than two (2) rental rooms and no resident manager permitted.
3. It is required in all Bed and Breakfast establishments that all sleeping rooms as well as all hallways leading to and connecting the sleeping rooms shall contain smoke detectors. In addition, all Bed and Breakfast establishments shall have two (2) entrances (exits) to and from the outside.
4. There shall be a minimum of one (1) bathroom per four (4) sleeping rooms excluding the bathroom used by the owner/resident manager.
5. A current and permanent record of all guests at a Bed and Breakfast establishment shall be maintained and said records shall at all times be available to any State and Village Official including, but not limited to, the Zoning Administrator, Health Officers, Building Inspectors and Village Police, upon verbal request of the official.
6. No person shall remain as a tenant/guest, of any Bed and Breakfast establishment for any period of time in excess of fifteen (15) days.
7. Signs in residential districts shall be limited to one (1) flat faced, wall mounted identification sign not exceeding six (6) square feet in total size affixed to the front of the establishment. The signs so constructed may not contain any internal lighting and yard signs of any nature are expressly prohibited in residential districts.
8. In residential districts, no lighting shall be permitted which flashes, rotates, or directs light onto any adjacent property or public right of way.
9. Off-street parking shall be required as follows:
  - (a) One (1) parking space per rental room.

- (b) Two (2) parking spaces for the owner/manager.
  - (c) All parking spaces shall be provided on site (unless a variance is granted by the Planning Commission) and shall in all cases be approved by the Planning Commission prior to occupancy as a Bed and Breakfast.
10. Prior to the Building Inspector for the Village of Springport issuing an occupancy permit for a Bed and Breakfast, the Zoning Administrator for the Village of Springport shall inspect the Bed and Breakfast establishment to ensure that all zoning requirements and conditions for approval have been met.
  11. In the event that the Health Officer for the Village of Springport or the County or State Health Departments receive a complaint regarding a Bed and Breakfast establishment located within the Village of Springport, the owner and/or resident manager shall cooperate with said officials and shall immediately open the establishment to inspection by the appropriate official(s).
  12. All applications for Bed and Breakfast establishments shall be made to the Village Clerk and shall include a site plan showing proposed parking, lighting, signs (including location and size) as well as a floor plan of the proposed Bed and Breakfast establishment showing the location and size of the rental rooms, bathrooms, common rooms, owner/resident manager's living quarters and outside door(s) (entrances/exits) locations.
  13. Fees: The fee for the application shall be in accordance with the Village of Springport fee schedule for requests for zoning change and site plan reviews.

**SECTION 14.15 - SIGNS.** The construction and alteration of outdoor signs shall be regulated so that such signs by reason of their size, location, or manner of display will not endanger public health and safety, mislead traffic, obstruct vision, or disrupt the rural atmosphere of the Village.

1. General Conditions
  - A. No signs shall be constructed, altered, or relocated except in conformity with this Ordinance.
  - B. Signs may be located within required front yards but not required side yards and may not obstruct the views of motorists. No signs except those established by a governmental unit shall be located in or overhang a public right-of-way.

- C. Flashing, animated, or moving signs shall not be permitted. This provision is not intended to exclude those signs which give time and temperature, provided that no other animated messages are displayed.
- D. The light from illuminated signs shall be directed in a manner that will not interfere with vehicular traffic or neighboring properties.
- E. Signs used for advertising land or buildings for rent, lease, or sale shall be permitted in any district provided such signs are located on the property intended to be rented, leased, or sold. Such signs shall not exceed an area of sixteen (16) square feet.
- F. Directional signs which indicate the direction of traffic flow, but contain no advertising, may be erected on parking lots incident to the above uses, said signs shall be no more than two (2) square feet on a side, and may be illuminated.
- G. Temporary signs for political campaigns shall be permitted in any district provided they are removed within seven (7) days following the election.
- H. All signs shall pertain to the sale, rental or use of the premises on which located, or to goods sold or activities conducted thereon.
- I. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape or prevent ventilation.
- J. Temporary signs may be permitted only in Industrial and Commercial Districts upon the written approval of the Zoning Administrator. The Zoning Administrator may permit one (1) temporary sign to be erected per calendar year for a period not to exceed thirty (30) consecutive days. Said signs shall not exceed a surface area of thirty-two (32) square feet for a single face and sixty-four (64) square feet for a double face sign and shall not exceed the sign height requirements of the District in which the temporary sign is located. Failure to remove the temporary sign within the specified time period shall be considered a violation of this Ordinance.
- K. All illuminated signs fifteen (15) feet or more above ground level shall be extinguished at 10:00 p.m. or one-half (1/2) hour after the closing of business, whichever is later.
- L. Signs advertising building under construction may be erected for

the period of construction and shall not exceed a face area of twenty (20) square feet. Such signs shall be erected on the building or lot where such construction is being carried on and shall advertise only the architect, contractor, subcontractor, building, or materials and equipment used.

2. Signs Permitted in All Residential Districts.

- A. One (1) freestanding sign advertising the rental, lease, or sale of dwelling units or lots in a subdivision, multiple-family complex or mobile home park. Such signs are permitted for a period not to exceed two (2) years. Thereafter, extension may be permitted on an annual basis.
- B. One (1) freestanding sign per entrance identifying a subdivision, multiple-family complex or mobile home park not to exceed ten (10) square feet in area and not to exceed an overall height of four (4) feet above the ground level. Such signs are intended to be of a non-commercial, permanent nature.
- C. One (1) freestanding or wall-mounted sign identifying rental or management officials associated with residential developments.
- D. Schools and building housing governmental functions and utilities of the Village, county or state or any subdivision thereof, are permitted to erect a sign not to exceed twenty (20) square feet in area or an overall height of six (6) feet. Churches are permitted to erect a sign not to exceed thirty (30) square feet.
- E. One (1) freestanding or wall-mounted sign not to exceed six (6) square feet and identifying the name of the occupant of the residence or the Home Occupation.
- F. Freestanding signs shall not exceed twenty (20) square feet and ten (10) feet in height, unless otherwise specified.
- G. Wall-mounted signs shall not exceed twenty (20) square feet shall not project outward from the wall more than one (1) foot or above the cornice or roofline, unless otherwise specified.

3. Signs Permitted In All Industrial and Commercial Districts.

- A. One (1) freestanding and one (1) wall-mounted sign for an individual commercial, industrial, church, school or hospital use as located on a lot or group of lots developed as one lot.

- B. For multiple uses such as a shopping center or office complex located on a lot or group of lots developed as one lot, one (1) freestanding sign per lot or group of lot developed as one (1) lot and one (1) wall-mounted sign per each individual use.
- C. For an industrial, research, or office park, one (1) freestanding sign per park and one (1) freestanding or wall-mounted sign per each individual use to be located on the lot of that individual use.
- D. It shall be unlawful to erect any freestanding sign the height of which is greater than fifteen (15) above the level of the street upon which the sign faces at the point of the sign.

Freestanding signs shall not have a surface area exceeding fifty (50) square feet for a single face sign and one hundred (100) square feet for signs of two faces, unless permission for greater surface area is granted in the paragraph below.

In case of shopping centers, the total surface area of the sign identifying the shopping center and the businesses therein shall be a maximum of one hundred (100) square feet for a single face sign and two hundred (200) square feet for signs having two faces. Identification signs of individual businesses may be placed upon and supported by the same stanchion, post or other support as the shopping center identification sign, provided there is uniformity in design and square footage requirements are met.

- E. Wall-mounted signs shall not exceed twenty (20) square feet and shall not project outward from the wall more than one (1) foot or above the cornice or roof line. Signs erected on the vertical portion of a mansard roof are considered to be wall signs.
- F. In the case of an individual retail (over the counter sales) establishment, the owner may have the option to interchange the square footage allowed for freestanding and wall-mounted signs, provided that the total square footage for both signs does not exceed one hundred twenty (120) square feet in total area and no individual sign shall exceed one hundred (100) square feet. Shopping centers and multiple business complexes are excluded from this provision.

#### 4. Permits, Applications, Plans, Specifications, Revocation, Appeal.

- A. It shall be unlawful for any person to erect, repair, alter, relocate on the same or another premises or maintain within the Village any sign as defined in this Ordinance, without first obtaining a permit



from the Zoning Administrator. Said erection, repair, alteration or relocation shall be completed within one (1) year from the date of permit issuance.

- B. When any sign becomes insecure, in danger of falling or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Ordinance, the owners thereof or the person or firm maintaining same, shall upon written notice of the Zoning Administrator forthwith in the case of immediate danger and in any case within not more than ten (10) days, make such sign conform to the provisions of this Ordinance or shall remove it. If within ten (10) days the order is not complied with, the Zoning Administrator may remove such sign at the expense of the owner or lessee thereof.
- C. This section shall not be construed to prevent repair or restoration to a safe condition of any part of an existing sign when said sign is less than fifty percent (50%) destroyed or damaged and when said destruction or damage occurs by storm or other accidental emergency.

5. Definitions.

Sign: Is any exterior announcement, declaration, display, illustration and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, or business and also any banner, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not. The following definitions shall apply to specific types and surface areas of signs.

- A. Decorative Display: A temporary display designated for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
- B. Freestanding Sign: A sign permanently anchored in the ground, having one, and not more than two faces or surfaces upon which announcements, declarations, displays, etc., may be placed. In the case of a two-face or surface sign, the faces or surfaces shall be constructed back-to-back.
- C. Structural Trim: The molding battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.

- D. Surface: That part of the sign upon, against, or through which the message is displayed or illustrated.
- E. Temporary Sign: A sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display, which is not permanently anchored in the ground.
- F. Total Surface Area of the Sign: The sum total of all exterior surfaces of the sign (including structural trim), computed in square feet. In the case of a broken sign (a sign with open spaces between the letters, figures, number, or symbols) the total surface area shall be measured by multiplying the height of the individual letters or combination of letters by the distance between the outer edges of the two (2) furthestmost letters.
- G. Wall Sign: A sign which is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall.

## ARTICLE XV

### ADMINISTRATION AND ENFORCEMENT

**SECTION 15.00 - QUALIFICATIONS OF THE ZONING ADMINISTRATOR.** The Zoning Administrator shall be appointed by and serve at the pleasure of the Village Council. Duties, compensation, and responsibilities of the Zoning Administrator in addition to those specified in this Section or elsewhere in this Ordinance may be established by resolution of the Village Council.

**SECTION 15.01 - DUTIES OF ZONING ADMINISTRATOR.** The Zoning Administrator shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

The Zoning Administrator shall record all non-conforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Section 15.02.

Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.

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

**SECTION 15.02 -- ENFORCEMENT.** The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies of his department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance.

**SECTION 15.03 -- PLOT PLAN.** The Zoning Administrator shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan (a plot plan shall not be required where existing setbacks are not altered or the work is of an internal nature) in duplicate, drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.

3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

Plot plans shall be kept on file until the project is completed and a certificate of occupancy is issued.

**SECTION 15.04 - PERMITS.** The following shall apply in the issuance of any permit:

1. Permits Not to be Issued. No zoning compliance permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.
2. Permits For New Use of Land. No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different one.
3. Permits For New Use of Building. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
4. Permits Required. No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a zoning compliance permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Village of Springport, Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

**SECTION 15.05 - CERTIFICATES.** No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

1. Certificates Not to be Issued. No certificates of occupancy shall be issued for building, structure, or part thereof, or for the use of land, which is not in accordance with all provisions of this Ordinance.

2. Certificates Required. No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
3. Certificates Including Zoning. Certificates of occupancy as required by the Village Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.
4. Record of Certificates. A record of all certificates issued shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
5. Certificates for Dwelling Accessory Buildings. Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

**SECTION 15.06 - FEES.** The Village Council may from time to time establish, by resolution, fees that shall cover the cost of review, recommendation, inspection and supervision resulting from the enforcement of this Ordinance. Such fees shall be collected for the following:

1. Rezoning requests.
2. Site plan review requests.
3. Planned residential developments.
4. Zoning Board of Appeals.
5. Issuance of zoning compliance permits and certificates of occupancy.
6. All special land use requests.

## ARTICLE XVI

### ZONING BOARD OF APPEALS

**SECTION 16.00 - CREATION AND MEMBERSHIP.** The Village Council of Springport shall act as the Zoning Board of Appeals and shall perform duties and exercise powers as provided in Section 5 of Act 207 of Public Acts of 1921, as amended, in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done.

**SECTION 16.01 - MEETINGS.** All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by the said Board shall be open to the public. The Village Clerk shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact; and shall also keep records of its hearings and other official action. A majority of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

**SECTION 16.02 - APPEAL.** An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Zoning Administrator. Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Zoning Administrator and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision of the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

**SECTION 16.03 - JURISDICTION.** The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, appeal of a special land use permit determination of the Planning Commission, and to authorize a variance as defined in this Section and laws of the State of Michigan. Said

powers include:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
  
2. Dimensional Variance: Conditions Governing Application Procedures. To authorize a dimensional variance from the terms of this Ordinance upon appeal in specific cases as will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulties. A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:
  - (a) A public hearing shall be held with notice as hereinafter provided in Section 16.05.
  
  - (b) The Zoning Board of Appeals shall require evidence on each of the following and after hearing the evidence presented by all interested parties, shall make written findings as follows:
    - (1) That special conditions or circumstances exist which are peculiar to the land, structure, or building involved and which do not apply to or affect other lands, structures, or buildings in the zoning district.
  
    - (2) That the literal interpretation of the provisions of this Ordinance applied under these special circumstances have created or will create practical difficulties in the applicants use of the land, building, or structures.
  
    - (3) That the special conditions and circumstances did not result from the actions of the applicant.
  
    - (4) That the variance is the minimum variance necessary to alleviate the practical difficulties in the applicants use of the land, building, or structure.
  
    - (5) That the granting of the variance will be in harmony with the general purposes and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. This finding shall include, but not be limited to, findings that the proposed variance will not:

- a) Impair an adequate supply of light and air to adjacent properties;
- b) Unreasonably increase the congestion of traffic in the public streets;
- c) Increase the danger of fire or endanger the public safety; and
- d) Unreasonably diminish or impair established property values within the surrounding area.

3. Variances, Limitations of the Rights and Powers. Nothing herein provided to the contrary:

- (a) No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- (b) Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- (c) Hardships based solely on economic considerations are not grounds for a variance.

4. Approval Consideration. To hear and decide in accordance with the provisions of this Ordinance, requests for exceptions, for interpretations of the Zoning Map, and for decisions on temporary uses on which this Ordinance specifically authorizes the Board to pass. Any approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this Ordinance, including the following:

- (a) Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- (b) Permit the erection and use of a building or use of premises for



public utility purposes, upon recommendation of the Planning Commission.

- (c) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
- (d) Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
- (e) Permit temporary building and uses for periods not to exceed two (2) years in undeveloped sections of the Village and for periods not to exceed six (6) months in developed sections.
- (f) Permit upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature. The Zoning Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:
  - (1) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
  - (2) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
  - (3) All setbacks, land coverage, off-street parking, lighting, and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Village of Springport, shall be made at the discretion of the Zoning Board of Appeals.
  - (4) In classifying uses as not requiring capital improvement, the Zoning Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to:

golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems, or sanitary connections.

- (5) The use shall be in harmony with the general character of the district.
- (6) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance. Further, the Zoning Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.

Appeals of Special Land Uses. To hear and decide appeals where it is alleged by the appellant that there has been an error in any requirement, permit, conditional requirement, decision, or denial made by the Planning Commission in carrying out or enforcing any provisions of this Ordinance pertaining to Special Land Uses. (2-86)

**SECTION 16.04 - ORDERS.** In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator or Planning Commission from whom the appeal is taken.

**SECTION 16.05 - NOTICE.** The Board shall make no recommendation except in a specific case and after a public hearing conducted by the Board. It shall be general rule or in specific cases, determine the interested parties, who, in the opinion of the Board, may be affected by any matter brought before it, which shall in all cases include all persons to whom any real property within three hundred (300) feet of the premises in question shall be assessed, and to the occupants of all single and two-family dwellings within three hundred (300) feet, such notice to be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll, and shall decide the same within a reasonable time. If the tenant's name is not known, the term occupant may be used. The Board may require any party applying to the Board for relief to give such notice to other interested parties as it shall prescribe.

**SECTION 16.06 - APPROVAL PERIODS.** No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a zoning compliance permit for such erection or alteration is obtained within such period, and such erection or alteration is stated and proceeds to completion in accordance with the terms of such permit.

No order of the Zoning Board of Appeals, permitting a use of a building or premise shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that such order shall continue in force and effect if a zoning compliance permit for said erection or alteration is started and proceeds to

completion in accordance with such permit.

## ARTICLE XVII

### ZONING COMMISSION

**SECTION 17.00-CREATION OF THE PLANNING COMMISSION.** The Village Planning Commission is hereby designated as the Commission specified in Section 4, of Act 207 of the Public Acts of 1921, and shall perform the zoning duties of said Commission as provided in the statute in connection with the amendment of this Ordinance. The Planning Commission shall consist of nine members appointed by the Village President with Village Council approval with the provisions of Michigan Statute as noted in Section 5.2991 through Section 5.3005.

Each member shall be appointed to a three year term.

## ARTICLE XVIII

### PLANNING COMMISSION APPROVAL

**Section 18.00-PLANNING COMMISSION APPROVAL.** In cases where the Village Planning Commission is empowered to approve certain use of premises under the provisions of this Ordinance the applicant shall furnish such surveys, plans, or other information as may be reasonably required by said Commission for the proper consideration of the matter.

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

The Planning Commission may impose such conditions or limitations in granting approval as may in its judgement be necessary to fulfill the spirit and purpose of this Ordinance. Any approval given by the Planning Commission, under which premises are not used or work is not started within six (6) months or when such use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.

## ARTICLE XIX

### CHANGES AND AMENDMENTS

**BOUNDARY AND REGULATION AMENDMENTS.** The Village Council may from time to time, on its own motion, on recommendation from the Planning Commission or on petition, amend, supplement, or change the District Boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 207 of the Public Acts of 1921 as amended.

## ARTICLE XX

### REPEAL, SEVERABILITY, PENALTIES, RIGHTS AND REMEDIES, GENERAL RESPONSIBILITY, AND ENACTMENT AND EFFECTIVE DATE

**SECTION 20.00 - REPEAL OF PRIOR ORDINANCES.** The Zoning Ordinance previously adopted by the Village of Springport, and all amendments thereto, are, on the effective date of this Ordinance, hereby repealed. The repeal of the above Ordinances and their amendments does not affect or impair any act done, offense committed, or right accruing, or accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

**SECTION 20.01 -- SEVERABILITY.** This Ordinance and the various parts, sections, subsections, phrases, and clauses thereof are hereby declared to be severable. If section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Village Council hereby declares that it would have passed this Ordinance, and each section, subsection, phrase, sentence, and clause thereof, irrespective of the fact that any one or more sections, subsections, phrases, sentences, or clauses be declared invalid.

**SECTION 20.02 - VIOLATION-PENALTY.** Any person, firm, or corporation, including but not by way of limitation, builders and contractors who shall violate, neglect, or refuse to comply with or who resists the enforcement of any of the provisions of this Ordinance or conditions of the Zoning Board of Appeals or Village Council adopted pursuant thereto, on conviction thereof, shall be punished by a fine not to exceed One Hundred (100) Dollars and costs of prosecution, or by being imprisoned in the County Jail for not more than ninety (90) days, or both such fine and imprisonment at the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense.

The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches, and mobile homes, used erected, altered, razed, or converted in violation of any provision of this Ordinance, are hereby declared in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The Court may order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home, or land may be adjudged guilty of maintaining a nuisance per se, and same may be abated by order of any court of competent jurisdiction.

**SECTION 20.03 - RIGHTS AND REMEDIES.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**SECTION 20.04 - GENERAL RESPONSIBILITY.** The Village Council or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and said Council is hereby empowered, in the name of the Village of Springport to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Jackson County, Michigan, or any other court having jurisdiction, to restrain and/or prevent any noncompliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, and/or abate such noncompliance or violation. And it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suit and/or join the Village Council in such a suit to abate the same.

**SECTION 20.05 - EFFECTIVE DATE.** Public Hearing having been held herein, the provisions of this Ordinance are hereby given immediate effect upon its publication pursuant to the provisions of Section 4, Act 207 of the Public Acts of 1921, as amended.