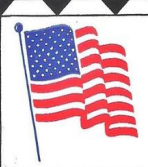
FINAL Copy 4-17-01




Village of New Era
Zoning Ordinance

Provided for the Village of New Era by the
West Michigan Shoreline Regional Development
Commission

October 2000




Village of New Era Zoning Ordinance
TABLE OF CONTENTS

CHAPTER 1 TITLE, PURPOSE, AND PROVISIONS

Section 1.01 Short Title 1
Section 1.02 Purpose 1
Section 1.03 Zoning Provisions 1

CHAPTER 2 DEFINITIONS

Section 2.01 Rules Applying to Text 3
Section 2.02 Definitions-A 3
Section 2.03 Definitions-B 4
Section 2.04 Definitions-C 5
Section 2.05 Definitions-D 5
Section 2.06 Definitions-E 6
Section 2.07 Definitions-F 7
Section 2.08 Definitions-G 8
Section 2.09 Definitions-H 8
Section 2.10 Definitions-I 8
Section 2.11 Definitions-J 9
Section 2.12 Definitions-K 9
Section 2.13 Definitions-L 9
Section 2.14 Definitions-M 10
Section 2.15 Definitions-N 11
Section 2.16 Definitions-O 11
Section 2.17 Definitions-P 12
Section 2.18 Definitions-R 12
Section 2.19 Definitions-S 13
Section 2.20 Definitions-T 14
Section 2.21 Definitions-U 14
Section 2.22 Definitions-V 15
Section 2.23 Definitions-W 15
Section 2.24 Definitions-Y 15
Section 2.25 Definitions-Z 16

CHAPTER 3 GENERAL PROVISIONS

Section 3.01 Street Access 17
Section 3.02 Private Streets 17
Section 3.03 Non-Conforming Buildings and Uses 17
Section 3.04 Principal Use 19
Section 3.05 Regulations Applicable to All Single Family Dwellings 19
Section 3.06 Illegal Dwellings 20
Section 3.07 Fences 20
Section 3.08 Greenbelts and Landscaping 21

SECTION 15.12 STOP WORK ORDERS

A. Notice to owner will be provided by the Zoning Administrator that the use being conducted or that any work on any building or structure is being pursued contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, the owner/agent, or to the person performing the work, and shall state the conditions, if any, under which work or the use will be permitted to resume.

B. Any person who shall continue work after Stop Work Order has been served, except such work that is directed to remove the violation or correct an unsafe condition, shall be in violation of this Ordinance.

SECTION 15.13 PROPERTY SURVEYS

If deemed necessary by the Zoning Administrator or Village Council, a property survey may be required to insure that all provisions of the Ordinance are being met. Said survey shall be paid for by the property owner or applicant and no permit shall be approved or issued until survey is provided to the Village.

SECTION 15.14 RIGHTS AND REMEDIES

The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

SECTION 15.15 SEVERABILITY

The Ordinance and various Chapters, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any part of this Ordinance is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

SECTION 15.16 GENERAL RESPONSIBILITY

The Village Council of New Era or authorized representatives are hereby charged with the duty of enforcing the Ordinance and are hereby empowered, in the name of the Village of New Era, to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Oceana County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, and/or abate such non-compliance or violation. It is further provided that any person aggrieved or adversely affected by such non-compliance or violation may institute suit and/or join the Village Council of New Era in such a suit to abate the same.

SECTION 15.09 THE ZONING MAP

The locations and boundaries of these descriptions are hereby established on a map entitled "Village of New Era Zoning Map", which is hereby adopted as part of this Ordinance. The official Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority as to the current zoning status of all land and buildings in the Village which are subject to the provisions of this Ordinance. The map should be kept up to date and available to the general public. A record is to be kept by the Zoning Administrator of all changes made or required to be made to the Official Zoning Map.

SECTION 15.10 DISTRICTS

A. Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Zoning Map, the following rules shall apply:

1. Where the boundaries are indicated as approximately following street, alley, railroad line or highway, centerline of said street, alley, railroad line or highway extended shall be construed to be such boundary;

2. Where boundary is indicated by lot line or municipal boundary line, said line shall be construed as the boundary;

3. Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as such and at such distances as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map; or,

4. Where the application of the aforementioned rules leaves a reasonable doubt as to the boundary between two or more districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Administrator.

SECTION 15.11 ZONING DISTRICT CHANGES

When district boundaries hereafter become changed, any use made nonconforming by such change may be continued, subject to the provisions of this Ordinance.

Section 3.09 Installation of Landscaping 21
Section 3.10 Clear Vision 21
Section 3.11 Satellite Dish Antennas 21
Section 3.12 Home Occupations 22
Section 3.13 Keeping of Animals 23
Section 3.14 Essential Services 23
Section 3.15 Maximum Width to Depth Ratio 23
Section 3.16 Site Condominiums 24
Section 3.17 Swimming Pools 24
Section 3.18 Storage and Repair of Vehicles 24
Section 3.19 Exterior Lighting 25
Section 3.20 Outdoor Storage in Residential Districts 25
Section 3.21 Accessory Buildings and Uses 26
Section 3.22 Height Exceptions 27

CHAPTER 4 A-1 AGRICULTURE DISTRICT
Section 4.01 Intent 28
Section 4.02 Permitted Uses 28
Section 4.03 Special Land Uses 28
Section 4.04 Site Development Requirements 29
Section 4.05 District Regulations 29

CHAPTER 5 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
Section 5.01 Intent 30
Section 5.02 Permitted Uses 30
Section 5.03 Special Land Uses 30
Section 5.04 Site Development Requirements 31
Section 5.05 District Regulations 31

CHAPTER 6 R-2 SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT
Section 6.01 Intent 32
Section 6.02 Permitted Uses 32
Section 6.03 Special Land Uses 32
Section 6.04 Site Development Requirements 33
Section 6.05 District Regulations 33

CHAPTER 7 R-3 SINGLE FAMILY, TWO FAMILY, AND MULTIPLE FAMILY RESIDENTIAL DISTRICT
Section 7.01 Intent 34
Section 7.02 Permitted Uses 34
Section 7.03 Special Land Uses 34
Section 7.04 Site Development Requirements 35
Section 7.05 District Regulations 35

CHAPTER 8 B-1 GENERAL BUSINESS DISTRICT
Section 8.01 Intent 36
Section 8.02 Permitted Uses 36
Section 8.03 Special Land Uses 36
Section 8.04 Site Development Requirements 37
Section 8.05 District Regulations 37

CHAPTER 9 I-1 INDUSTRIAL DISTRICT
Section 9.01 Intent 39
Section 9.02 Permitted Uses 39
Section 9.03 Special Land Uses 39
Section 9.04 Site Development Requirements 40
Section 9.05 District Regulations 40

CHAPTER 10 SPECIAL LAND USES
Section 10.01 Scope 42
Section 10.02 Application and Review Procedure 42
Section 10.03 General Standards 43

CHAPTER 11 SITE PLAN REVIEW
Section 11.01 Purpose 61
Section 11.02 Situations Requiring a Site Plan 61
Section 11.03 Site Plan Review Requirements 61
Section 11.04 Application and Review 65
Section 11.05 Plat Requirements 65
Section 11.06 Administrative Fees 66
Section 11.07 Changes in the Approved Site Plan 66
Section 11.08 Review Standards 67
Section 11.09 Conditions of Approval 69
Section 11.10 Appeal 70

CHAPTER 12 PARKING AND LOADING REQUUIREMENTS
Section 12.01 Off Street Loading Requirements 71
Section 12.02 Parking Requirements Off Street 71
Section 12.03 Ingress and Egress 72

CHAPTER 13 SIGN REQUIREMENTS
Section 13.01 Description and Purpose 73
Section 13.02 Signs-Definitions 73
Section 13.03 Prohibited Signs 75
Section 13.04 Exempted Signs 75
Section 13.05 Measurement of Signs 76
Section 13.06 Sign Application and Permits 76
Section 13.07 Sign Regulations Applicable to All Districts 77
Section 13.08 Nonconfoming Signs 77

SECTION 15.07 PERMITS

No dwelling, building, or structure subject to the provisions of this Ordinance shall be erected, altered, enlarged, or moved upon any lot or premises until a zoning permit has been issued by the Zoning Administrator in conformity with this Ordinance. Such permit shall be submitted to the Zoning Administrator with appropriate Site Plan (see Chapter 11) and is non-transferable and shall be good for one (1) year with the right of renewal resting with the Zoning Administrator. The permit must be garnered before any work on said premises begins.

A. For each zoning permit, a fee shall be charged. No zoning permit is valid until said fee is paid. If a zoning permit is renewed, applicant may be charged an additional fee at the discretion of the Zoning Administrator.

B. Within ten (10) working days after receipt of the completed zoning permit application, the Zoning Administrator shall issue said permit to the applicant or authorized agent providing any structure or land set forth in the application is in conformance with the Ordinance. If said permit is refused, the Zoning Administrator shall provide reason for refusal in writing with cause. One copy of said permit application shall be filed and one copy shall be returned to applicant.

C. Accessory buildings, when erected at the same time as the principle building on a lot and shown on the application thereof, shall not require a separate zoning permit.

SECTION 15.08 ZONING DISTRICTS

In order to more effectively promote and protect the general welfare and accomplish the aims and objectives of the Village of New Era Master Plan, the Village is divided into Zoning Districts that are deemed most suitable to provide for the best development of the community, while protecting the common rights and interests of all through associated regulations and restrictions. For the purposes of this Ordinance, the Village of New Era is hereby divided into the following Zoning Districts:

A-1 Agriculture District
R-1 Single Family Residential District
R-2 Single Family, Two Family Residential District
R-3 Single Family, Two Family and Multi Family Residential District
B-1 Business District
I-1 Industrial District

D. The community shall not charge fees or assess costs to the applicant for the time expended by Village employees (except as authorized by the Freedom of Information Act) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Village during its connection with the review process and other related matters, whether or not the application is granted either in whole or in part.

E. Such costs and expenses to be charged or assessed to the applicant, for reimbursement of the reasonable costs and expenses, may include but shall not be limited to Village attorney fees, engineering fees, costs and fees for services of outside consultants, fees and expenses for other professionals who may assist in the Village, costs and fees for studies and reports, pertaining to the matters in question, special meeting costs, and other reasonable costs and expenses.

F. Any monies paid or deposited by an applicant, which are not used or spent by the Village shall be refunded to the applicant.

SECTION 15.06 PERFORMANCE GUARANTEES

A. The Village Council or Zoning Board of Appeals are empowered to require a performance guarantee in the form of a bond, cashier's check, cash, or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project which is subject to the guarantee. Such guarantee shall be deposited with the appropriate Village official at the time of the permit issuance to insure faithful completion of the improvements indicated by the approved site plan. If said improvements are not completed, such security shall be forfeited, either in whole or in part.

B. The Village shall rebate a proportional share of cash deposits only when requested by depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.

C. In cases where the improvements indicated by the approved site plan have not been completed in accordance with the granted approval, the amount of the guarantee may be used by the Village to complete the required improvements. The balance, if any, shall be returned to the depositor.

CHAPTER 14 ZONING BOARD OF APPEALS

Section 14.01 Authorization 78
Section 14.02 Membership-Length of Terms 78
Section 14.03 Duties and Powers 78
Section 14.04 Meetings 79
Section 14.05 Applications and Hearings 79
Section 14.06 Decisions 80
Section 14.07 Appeals 80
Section 14.08 Review Standards for Variances 81

CHAPTER 15 ADMINISTRATION AND ENFORCEMENT

Section 15.01 Repeal of Prior Ordinance 84
Section 15.02 Interpretation 84
Section 15.03 Public Nuisance, Per Se 84
Section 15.04 Remedies and Enforcement 85
Section 15.05 Fees 86
Section 15.06 Performance Guarantees 87
Section 15.07 Permits 88
Section 15.08 Zoning Districts 88
Section 15.09 The Zoning Map 89
Section 15.10 Districts 89
Section 15.11 Zoning District Changes 89
Section 15.12 Stop Work Orders 90
Section 15.13 Property Surveys 90
Section 15.14 Rights and Remedies 90
Section 15.15 Severability 90
Section 15.16 General Responsibility 90
Section 15.17 Enactment 91

CHAPTER 1
TITLE, PURPOSE, AND PROVISIONS

SECTION 1.01 SHORT TITLE

THE VILLAGE OF NEW ERA ORDAINS that this ordinance shall be known as the "Zoning Ordinance of the Village of New Era," and will be referred to herein as "This Ordinance."

SECTION 1.02 PURPOSE

The purpose of this Ordinance is to promote and safeguard the public health, safety, and welfare of the people of New Era. The provisions contained herein are intended to provide an ordinance:

X to regulate the height and size of buildings, the size of yards, courts, and other open spaces;

X to monitor the density of population;

X to regulate the location and use of buildings and land for residence, trade, industry, and other uses and the creation of districts for said purposes and establishing the boundaries thereof;

X to encourage the most suitable use of land, water, and natural resources and thereby limit the improper use of said resources;

X to provide for orderly and planned development;

X to minimize congestion on public roads and streets;

X to establish the necessary means for providing vital services to the community including but not limited to safe water, sewage disposal, energy, transportation, and recreation;

X to provide for adequate conditions in dwellings and buildings hereafter erected or altered.

SECTION 1.03 ZONING PROVISIONS

A. For the purpose of this Ordinance, lands, buildings, and structures will conform to the zoning district in which they are located. The limitations provided herein shall serve as the minimum legislation necessary to promote and protect the general health, safety, and welfare of the community.

D. If the municipal civil infraction citation, or "ticket," pertaining to an alleged violations of the Village Zoning Ordinance, does not have responsibility admitted to, nor denied, by the person cited, within forty-five (45) days after issuance of the citation or ticket, then the alleged zoning ordinance violation will be prosecuted as a misdemeanor in the 79th District Court.

E. If the Court makes a determination of responsibility for a municipal civil infraction of violating any of the Zoning regulation, the Court may impose costs as provided for by law, in addition to the fines called for above. In cases prosecuted in Court as misdemeanors, the Court may impose costs as provided for by law, in addition to the fines called for above.

F. Buildings and Structures contrary to these regulations are public nuisances.

Any building, structure, or use operated maintained contrary to the provisions of these regulations shall be, and the same is hereby declared to be a public nuisance, and shall be subject to injunction and abatement as such, with proceedings to be held in the Circuit Court.

G. Remedies to be Cumulative.

The remedies provided herein shall be cumulative and not exclusive.

SECTION 15.05 FEES

A. The Village Council shall, by resolution, establish fees for the administration of this Ordinance. A listing of current fees shall be available to the public for review. Fee structure may be changed by resolution of the Village Council.

B. The applicant shall pay all applicable fees upon the filing of any application, proposed site plan, or any other request or application under this Ordinance for which a fee is required.

C. In addition, the Village Council may also require an applicant to submit to the Village an amount of money determined by the Village to be a reasonable estimate of the fees and costs which may be incurred by the Village in reviewing and acting upon an application or related matter. Such estimated fee and costs shall be submitted prior to any Village review of an application or request.

SECTION 15.04 REMEDIES AND ENFORCEMENT

A. No license or permit shall be issued in violation of these zoning regulations.

All departments, officers and employees of the Village vested with the duty or authority to issue permits, certificates, or licenses shall issue no permit, certificate or license for uses, buildings, or purposes within the Village in conflict with the provisions of these zoning regulations. Any such permit, certificate, or license issued in conflict with the provisions of these zoning regulations shall be null and void.

B. Penalties for violation.

Any person, whether as a principal, agent, employee, independent contractor, corporation, firm or other entity, or otherwise, violating or causing or permitting the violation of any of the provisions of these zoning regulations may be:

1. Found Guilty of a misdemeanor by a court of competent jurisdiction, and upon conviction thereof, shall be liable for punishment by:

   a. a fine of not more than five hundred dollars ($500.000), or
   b. by imprisonment for not more than ninety (90) days, or
   c. by both such fine and imprisonment; or

2. Found Responsible, either by their own admission (at the Village Violations Bureau, or in a court of competent jurisdiction), or by the finding of a court of competent jurisdiction, of a municipal civil infraction. Municipal Civil infractions shall be subject to the following fine schedule:

   a. The first offense by that person or party of these zoning regulations: a fine of fifty dollars ($50.00);
   b. The second offense by that particular person or party within three (3) years of their first zoning offense; a fine of one-hundred and fifty dollars ($150.00);
   c. The third offense by that particular person or party within three (3) years of their first zoning offense: a fine of three-hundred dollars ($300.00); and
   d. The fourth, and/or subsequent offense of these zoning regulation within three (3) years of their first zoning offense: a fine of five-hundred dollars ($500.00).

C. If responsibility for a municipal civil infraction is admitted to the duly authorized personnel of the Village Violations Bureau at Village Hall, by the person cited as allegedly violating the Village Zoning Ordinance, the relevant fine(s), noted above, shall be paid tot he Village Violations Bureau.

B. In case any land, building, structure, or part is used, erected, altered, or occupied contrary to Law or to the provisions of this Ordinance, such use of land, building, or structure shall be unlawful and shall be declared a nuisance. Such use of land may be required to cease and buildings or structures may be required to be vacated or torn down by any legal means and such land, building, or structure shall not be used or occupied until brought into conformance.

C. If construction or development of a building or structure is begun prior to adoption of this ordinance, and said construction or development is in conformance with the principles of the Ordinance, nothing shall require any change in that planned use, provided that construction be carried on in good faith. Such building shall be entirely completed for its planned use within one (1) year from the effective date of this ordinance.

CHAPTER 2
DEFINITIONS

SECTION 2.01 RULES APPLYING TO TEXT

A. It is the legislative intent that all provisions and sections of this ordinance be liberally construed, and should any provision or section of this ordinance be held unconstitutional or invalid by the courts, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent that this ordinance shall stand notwithstanding the validity of any provisions or section. To this end, all portions of this Ordinance are declared to be severable.

B. If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if such intent can be discerned from other provisions of the Ordinance or Law.

C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

D. Words and phrases shall be understood according to the common preferred usage of the language; but technical words and phrases may have a specific meaning in the law and shall be understood according to such specific meaning.

E. In computing the number of days with which to judge the validity of an application, filing, request or other official matter, the first day is excluded and the last day included. If the last day of such matter would fall on a Saturday, Sunday, or legal holiday, the period of such matter will be extended to include the next day which is not a Saturday, Sunday, or legal holiday.

SECTION 2.02 DEFINITIONS - A

ACCESSORY BUILDING
A subordinate building or portion of the main building, the use of which is purely incidental to that of the main building and is exclusively an accessory use. When an accessory building is joined to the main building in a substantial manner, such as a wall, roof, or breezeway, the accessory building shall be considered a part of the main building.

ACCESSORY USE
Uses subordinate to the main use and used for purposes customarily incidental to those of the main use.

CHAPTER 15
ADMINISTRATION AND ENFORCEMENT

SECTION 15.01 REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance previously adopted by the Village Council of New Era on December 3, 1970, and all amendments, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted or inflicted.

SECTION 15.02 INTERPRETATION

A. 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, safety, or general welfare.

B. It is not intended by this Ordinance to repeal, annul, or in any other way, interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance. Further, it is not meant to interfere with any private restrictions placed on property unless where said provision of this Ordinance imposes more stringent requirements. In such case, the provisions of this Ordinance shall govern.

C. This Ordinance shall not be interpreted to acknowledge any permanent vested rights in the continuation of any particular use, district, zoning, classification, or permissible activities. Further, such continuation is hereby declared to be subject to subsequent amendment, change or modification as may be necessary to uphold or protect the public health, safety, and welfare.

SECTION 15.03 PUBLIC NUISANCE, PER SE

Any building or structure which erected, repaired, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

C. Prior to Board of Appeals decision on a request for a use variance, the Board of Appeals may request that the Village Council consider such request and that the Council forward a report to the Board of Appeals.

1. The report of the Village Council may include the opinion of the Board as to whether or not the property may be reasonably used for a use permitted under the existing zoning classification, and, whether or not the request may alter the essential character of the neighborhood.

2. For this report the Village Council shall consider the Master Plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, and the effect of the request on the essential character of the neighborhood.

ADULT USES
Those uses including adult bookstores, adult cabaret, adult motion picture theatre, massage establishment, nude artist and photography studio.

AGRICULTURE
The use of land for tilling the soil, raising tree or field crops, or animal husbandry.

ALLEY
A public way designed and intended to provide only a secondary means of access to any property abutting thereon.

ALTERATION
Any change or modification in construction or type of use or occupancy.

SECTION 2.03 DEFINITIONS - B

BASEMENT OR CELLAR
A portion of a building having more than one-half of its height below grade.

BED AND BREAKFAST ESTABLISHMENT
A use within a detached single dwelling in which transient guests are provided a sleeping room, breakfast, and access to bathing and/or lavatory facilities in return for payment.

BOARD OF APPEALS
As used in this Ordinance, the Village of New Era Zoning Board of Appeals.

BUILDING
Any structure built for support, shelter, or enclosure of persons, animals or property.

BUILDING, MAIN
A building in which is conducted the principle use of the lot on which it is situated.

BUILDING PERMIT
The written authority as issued permitting the construction, moving, alteration, or use of a building in conformity with the provisions of this Ordinance and the adopted building code.

BUILDING SETBACK LINES
Lines marking the setback distance from the lot lines which establish the minimum permitted front, side, or rear yards.

SECTION 2.04 DEFINITIONS - C

COMMERCIAL
This term 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 service offices or recreation or amusement enterprise or garage/basement sales operation more than twelve (12) days during any one (1) twelve (12) month period.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES
Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhance specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

CONVALESCENT OR NURSING HOME
A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. Said home shall conform to, and qualify for, license under applicable State Law.

COUNCIL, VILLAGE
The term "Council" shall be used to refer to the Village Council of the Village of New Era as the Legislative Body for the Village of New Era.

SECTION 2.05 DEFINITIONS - D

DAY CARE, COMMERCIAL
A facility, other than a private residence, receiving minor children or adults for care for periods of less than 24 hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principle use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered a Day Care Center.

DAY CARE, FAMILY
A single family residence, occupied as such, in which care is provided for more than one (1) but less than (7) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.

DAY CARE, GROUP
A single family residence, occupied as such, in which care is provided for at least seven (7) but not more than twelve (12) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

d. any other physical situation on the land, building, or structure deemed by the Board of Appeals to be extraordinary.

5. That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.

6. That the variances not necessitated as a result of any action or inaction of the applicant.

B. Use variance: A use variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing and that ALL of the following conditions are met:

1. That the building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zone district in which it is located; and,

2. That there are unnecessary hardships in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:

   a. exceptional narrowness, shallowness, or shape of a specific property on the effective date of this chapter;

   b. exceptional topographic conditions;

   c. any other physical situation on the land, building, or structure deemed by the Board of Appeals to be extraordinary; or

   d. by reason of the use or development of the property immediately adjoining the property in question.

3. That the proposed use will not alter the essential character of the neighborhood; and,

4. That the variance is not necessitated as a result of any action or inaction of the applicant.

B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of appeal shall have been filed with him that, for reason of facts stated in the certificates, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or, on application, by the Circuit Court when due cause can be shown.

C. The Board of Appeals shall base its decision upon the record submitted to the person or body responsible for making the decision that is being appealed. No additional Information or evidence shall be submitted by the appellant which was not otherwise available to the person or body making the decision from which the appeal was taken.

SECTION 14.08 REVIEW STANDARD FOR VARIANCES

A. Non-Use Variance: A non-use or dimensional variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of partial difficulty in the official record of the hearing and that ALL of the following conditions are met:

1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed;

2. Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the subject property is located;

3. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practicable; and,

4. That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:

   a. exceptional narrowness, shallowness, or shape of a specific property on the effective date of this Ordinance;

   b. exceptional topographic conditions;

   c. by reason of the use or development of the property immediately adjoining the property in question; or,

DRIVE THROUGH FACILITY
A commercial establishment whose character is significantly dependent on providing a driveway approach and service windows or facilities in order to serve patrons while in, or momentarily stepped away form the vehicle.

DWELLING, OR DWELLING UNIT
A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative of dwellings.

DWELLING, MULTIPLE FAMILY
A building or portion thereof, used or designed for use as a residence for three (3) or more families living independently of each other and each doing their own cooking in said building. This definition includes three (3) family buildings, four (4) family buildings, and apartment houses.

DWELLING, TWO-FAMILY
A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

DWELLING, SINGLE FAMILY (DETACHED)
A detached building used or designed for use exclusively by one (1) family. It may also be termed a one- (1) family unit.

SECTION 2.06 DEFINITIONS - E

ENGINEER
Engineer shall refer to the person or firm appointed by the Village Council as the Engineer for the Village.

ERECTED
The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

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

SECTION 2.07 DEFINITIONS -F

FAMILY

A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principle occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or

B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

FARM
The use of land for cultivation or for raising of livestock for commercial purposes, including greenhouses, nurseries and orchards, but not including intensive livestock operations, stone quarries, or gravel, dirt, or sand removal operations.

FENCE
Any permanent fence, partition, wall, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

FLOOR AREA, GROSS (GFA)

A. The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The gross floor area of a building shall include the basement floor area only if more than one-half (1/2) of the basement height is above finish lot grade. (See Basement.)

SECTION 14.06 DECISIONS

A. The concurring vote of a majority of the membership of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator; to decide in favor of any application on any matter upon which the Board is required to pass under this Ordinance; to effect any variance in this Ordinance.

B. The Board of Appeals shall return a decision upon each case within a reasonable time after the scheduled hearing has been held, unless an extension of time is agreed upon with the applicant and the Board.

C. Any decision of the Board shall not become final until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the Board of Appeals, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

D. The decisions of the Board of Appeals shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the Circuit Court on questions of law and fact.

E. Each decision entered under the provisions of this Chapter shall become null and void unless the construction of other action authorized by such decision has been started within one (1) year after the decision was made and is being carried forward to completion or occupancy of land, premises, or buildings.

F. No application which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first ordered by the Board.

SECTION 14.07 APPEALS

A. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department or board of the community. Applications for appeals shall be filed within twenty-one (21) days after the date of the decision, which is the basis of the appeal. The appellant must file with the Zoning Administrator a notice of appeal specifying the nature and grounds for the appeal. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

B. In cases of interpretation, the Board of Appeals shall have the power to:

1. Hear and decide upon request for the interpretation of the provisions of this Ordinance; and,

2. Determine the precise location of boundary lines between zoning districts upon appeal from a decision by the Zoning Administrator upon said subject.

C. The Board of Appeals shall have the power to authorize specific variances from the requirements of this Ordinance.

SECTION 14.04 MEETINGS

Meetings shall be open to the public, and shall be held at the call of the Chairperson per rules and procedures specified by the Board of Appeals.

SECTION 14.05 APPLICATIONS AND HEARINGS

A. An application to the Board of Appeals shall consist of a completed application form, provided by the Village, a fee as established by the Village Council, which shall be paid to the Village Clerk or Bookkeeper at the time of filing. A scaled drawing shall be provided by the applicant that has sufficient detail so that the Board of Appeals may make a decision on the application.

B. Upon receipt of a completed application, the Secretary shall cause notices stating the time, place, and subject of the hearing to be served personally or by first class mail addressed to the parties submitting the application, and those persons residing within three hundred (300) feet of the property which is the subject of the application.

1. All notices shall be sent to the addresses listed in the last assessment roll.

2. Such notices shall be sent at least ten (10) days prior to the date of the scheduled hearing.

3. The Board of Appeals may recess such hearings at their discretion, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

B. Gross floor area shall not include attic space having headroom of seven and one-half (7 1/2) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.

SECTION 2.08 DEFINITIONS - G

GARAGE
A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located. The foregoing definition shall be construed to permit the storage on any one (1) lot, for the occupants thereof, of commercial vehicles not exceeding a rated capacity of one (1) ton.

SECTION 2.09 DEFINITIONS - H

HOME OCCUPATION
An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

HOSPITAL
An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL
A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals. A hotel shall include accessory uses, including, but not limited to gift shops, restaurants, and other similar uses primarily oriented to the customers of the hotel.

SECTION 2.10 DEFINITION -I

IMPERVIOUS SURFACE
Any material that substantially reduces or prevents the infiltration of water into previously undeveloped land. An impervious surface shall include streets, roofs, sidewalks, parking lots, and other similar surfaces.

INOPERATIVE VEHICLES
Any motor vehicle that is currently not capable of being started and safely and properly operated on the highway.

SECTION 2.11 DEFINITION - J

JUNK
For the purpose of this Ordinance, this term shall mean any motor vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use of the purpose for which they were manufactured.

JUNK YARD
The term "junk yard" includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings.

SECTION 2.12 DEFINITIONS - K

KENNEL
Any lot or premises on which three (3) or more animals, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or for sale.

SECTION 2.13 DEFINITIONS - L

LAWN
Ground cover consisting of grass or sod kept closely mowed, commonly used as a primary ground cover.

LOT
A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.

LOT AREA
The total horizontal area within the lot lines of a lot excluding road right-of-way.

LOT COVERAGE
The part or percent of the lot occupied by impervious surfaces, including, but not limited to, buildings or structures, paving, drives, patios, and decks.

CHAPTER 14
ZONING BOARD OF APPEALS

SECTION 14.01 AUTHORIZATION

While the goal of this Ordinance is to protect the health, safety, and welfare of the public, there also needs to be a fair and equitable interpretation. For the purpose of providing such fairness and that justice be maintained in a flexible yet controlled manner, the creation of a Board of Appeals is provided here.

SECTION 14.02 MEMBERSHIP-LENGTH OF TERMS

A. The Board of Appeals shall consist of three (3) members. Two of the three members shall be members of the Village Council and appointed by that body. The third member shall be selected from the electors residing in the community and shall not be a member of the Village Council. The third member shall be appointed by the Village Council for a three- (3) year term. The two members appointed from the Village Council will continue to serve as long as they are members of the Village Council.

B. The Village Council may appoint up to (3) alternate members for the same terms as the regular members.

   1. An alternate may be called to serve as a regular member if:

      a. Regular member will be unable to attend a meeting;

      b. Regular member will be absent for an extended amount of time; or,

      c. Regular member has abstained for conflict of interest reasons.

   2. In cases cited above, alternate member shall serve in the case until a final decision is made and shall have the same voting rights as a regular member when called.

SECTION 14.03 DUTIES AND POWERS

The Board of Appeals shall have the following specified duties and powers:

A. The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer of body of the Village of New Era in the administration of this Ordinance.

5. Any required electrical permit. Signs requiring electrical service shall be reviewed for code compliance; and,

6. Identification of the zoning district in which the sign will be located as well as any other information which may help the Zoning Administrator make a determination regarding compliance within this Chapter.

C. Once a permit is issued, applicant has six (6) months to install or have sign under construction. If no work has progressed at that point, the permit shall expire. At that point, a new permit may be issued with appropriate application and required fee.

SECTION 13.07 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS

A. It shall be unlawful for any person to erect, place, maintain, or continue a sign upon any lands in the Village except in accordance with the provisions of this Ordinance.

B. Real estate signs shall be removed within ten (10) days after completion of transaction.

C. Political signs shall be removed within ten (10) days after the election or referendum to which the sign refers.

D. No sign shall be placed in or extend into any public right-of-way.

E. Special event signs may be permitted for a period not to exceed thirty (30) days.

F. Directional signs shall not exceed six (6) square feet in area per sign.

G. Construction signs are permitted and shall not be larger than thirty two (32) square feet and shall not exceed twelve (12) feet in height.

SECTION 13.08 NONCONFORMING SIGNS

A. Every permanent sign that does not conform to the height, size, area, or location requirements of this chapter is deemed to be nonconforming.

B. Nonconforming signs may not be expanded, enlarged, or extended but may be maintained so as to continue their useful life.

C. A nonconforming sign may be diminished in size or dimension, or the copy of the sign may be amended or changed without adversely affecting the status of the sign as a nonconforming sign.

LOT, DEPTH
The mean horizontal distance from the front lot line to the rear lot line, or the two- (2) front lines of a through lot.

LOT LINES
The property lines bounding the lot.

A. Front Lot Line. In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such street right-of-way.

B. Rear Lot Line. Ordinarily, that lot line opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be the rear lot line for the purpose of determining rear yard depth. Where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.

C. Side Lot Line. Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots in an interior side lot line.

D. Street Lot Line. A lot line separating the lot from the right-of-way of a street or an alley.

LOT OF RECORD
A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

LOT WIDTH
The horizontal distance between the side lot lines, measured as nearly as possible at right angles to the side lot lines at all points between the front building setback line and the rear building setback line.

SECTION 2.14 DEFINITIONS - M

MANUFACTURED HOME
A residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term occupancy as a dwelling unit or portion of a dwelling unit, and is wholly or substantially constructed at an off-site location, transported to a site and erected.

MOTEL
A series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation. A motel shall not include accessory uses, such as gift shops, restaurants, and other similar uses.

MOTOR HOME
A motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreational usage. This term does not include manufactured homes.

SECTION 2.15 DEFINITIONS - N

NON-CONFORMING BUILDING
A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the provisions of the Ordinance in the Zoning District in which it is located.

NON-CONFORMING LOTS OF RECORD
A lot, whether platted or unplatted, that conformed with all zoning lot requirements at the time of recording but which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both; and which has not been subdivided or reduced in size subsequent to the time it did conform to the Zoning Ordinance.

NON-CONFORMING USE
A use which lawfully occupied a building or land at the effective date of this Ordnance or amendments thereof, and that does not conform to the use regulations of the Zoning District in which it is located.

SECTION 2.16 DEFINITIONS - O

OPEN AIR BUSINESS
Uses operated for profit substantially in the open air, including, but not limited to:

A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services;

B. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities;

C. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment;

SECTION 13.05 MEASUREMENT OF SIGNS

A. The area of a sign shall be measured by multiplying the length of the sign by the width and will exclude the structure necessary to support the sign. In cases where signs are not square or rectangular, sign area will be computed by calculating the surface area of the sign.

B. The area of a free standing or ground sign that two (2) or more faces shall be measured by including the area of all sign faces, except that if two (2) such faces are placed back to back and are of equal size, the area of the two (2) back to back faces shall be counted as one (1) face. If the two (2) back to back faces are of unequal size, the larger of the two-(2) sign faces shall be counted as one (1) sign face.

C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately below the sign, whichever is less.

D. Any freestanding sign not resting directly on the ground shall not exceed three (3) feet in height, or if supported on poles, shall have a clear area of at least eight (8) feet between the bottom of the sign and the grade of the adjacent street(s).

SECTION 13.06 SIGN APPLICATION AND PERMITS

A. A sign permit shall be required for the erection, use, construction, or alteration of all signs except for those exempted by the terms of this chapter. Alteration means substantial change, but shall not include normal maintenance or repair.

B. An application for a sign permit shall be made to the Zoning Administrator, and shall include such fee established by the Village Council. The application shall include:

1. Name, address, and telephone number of the applicant and the person, firm, or corporation erecting the sign;

2. Address or parcel number of the property where the sign will be located;

3. A sketch showing location of the building or parcel which the sign will be erected to and showing the sign location in relationship to the building and setbacks from lot lines;

4. Two (2) scaled blueprints or drawings of the plans and specifications for the sign and information on the method of construction and attachment to structure or ground;

15. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building, extending not more than twelve (12) inches from the exterior face of the wall to which it is attached.

SECTION 13.03 PROHIBITED SIGNS

A. The following types of signs are expressly prohibited:

1. Any sign which has flashing, moving, oscillating, or blinking lights, excluding time and temperature signs and barber pole signs, which are permitted;

2. Signs imitating or resembling official traffic or governmental signs or signals; and,

3. Any sign not expressly permitted by this Ordinance.

SECTION 13.04 EXEMPTED SIGNS

A. The following signs shall be exempt from the provisions of this Chapter:

1. Governmental signs;

2. Signs for essential services;

3. Historical markers;

4. Memorial signs or tablets;

5. Political signs, except that such signs shall be removed within the time stated in Section 13.07 D;

6. Signs with an address and/or name of the owner or occupant, of not more than two (2) square feet in area, attached to a mailbox, light fixture, or exterior wall; and,

7. Real estate signs six (6) feet or less in area shall not require a permit, but shall comply with other applicable provisions of this Ordinance.

D. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses (transient or permanent).

SECTION 2.17 DEFINITIONS - P

PARKING LOT
A facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two (2) vehicles.

PERSONAL SERVICE ESTABLISHMENTS
Any commercial business conducting services that are performed primarily on the premises.

PORCH, ENCLOSED
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 main 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 main building or structure to which it is attached.

PUBLIC UTILITY
Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.

SECTION 2.18 DEFINITIONS - R

RECREATION VEHICLE OR EQUIPMENT
A vehicle or equipment intended for temporary or periodic use for recreation or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

RESIDENTIAL DISTRICT
Residential District shall refer to the R-1, R-2, and R-3 districts, as described in this Ordinance.

ROADSIDE STAND
A farm building or separate structure used for the display or sale of agricultural products grown for human consumption.

SECTION 2.19 DEFINITIONS - S

SATELLITE DISH ANTENNA, OR DISH ANTENNA
An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

SETBACK
The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes a line established as the required setback on a lot or parcel.

SIGNIFICANT NATURAL FEATURE
Any natural area as designated by the Village Council, or the Michigan Department of Natural Resources, or other appropriate governmental agency, which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, or other unique natural features.

STATE LICENSED RESIDENTIAL FACILITY
A residential care facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under twenty four (24) hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.

A. A Family Care Facility includes a state licensed residential facility providing resident services to six (6) or fewer persons.

B. A Group Home Care Facility includes a state licensed residential facility providing resident services to more than six (6) persons.

STORY
That portion of a building, other than a basement or 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. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or, if it is used for business purposes.

STREET, PRIVATE
A private street shall mean any drive or roadway which is not a dedicated public right-of-way, and which provides or has the potential for providing access to three (3) or more existing parcels and/or main buildings.

5. Government Sign: A sign erected or required to be erected by the Village, Oceana County, State of Michigan, or federal government;

6. Memorial Sign: A sign, tablet, or plaque memorializing a person, event, structure, or site;

7. Political Sign: A sign erected for a limited period of time for purposes of political campaigns for public office, for elections on public questions, or otherwise relating to public elections or public meetings held for the purpose of voting on or for public offices or public questions;

8. Portable Sign: A sign not permanently anchored or secured to either a building or the ground such as but not limited to "A" frame, "T" shaped, or inverted "T" shaped sign structures, and signs affixed to movable trailers;

9. Projecting Sign: A sign which projects from and is supported by a wall of a building and does not extend beyond, into, or over the street right-of-way;

10. Real Estate Sign: A sing advertising the real estate upon which the sign is located as being available for sale, rent, or lease;

11. Sign: A device, structure, fixture, or placard using graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment product, service, commodity, or activity, or displaying or depicting other information;

12. Special Event Sign: A temporary or portable sign erected for a limited time for the purpose of calling attention to special events or interest to the general public and which are sponsored by governmental agencies, schools, or other non-profit groups whose purpose is of a public, charitable, philanthropic, religious, or benevolent nature;

13. Subdivision Identification Sign: A sign identifying or otherwise stating the name of a platted subdivision, site condominium development, multifamily development, or other residential development;

14. Temporary Sign: A display, informational sign, banner or other advertising device with or without a structural frame and intended for a limited period of display including special events signs, and other such signs as may be allowed in this Chapter; and,

CHAPTER 13
SIGN REQUIREMENTS

SECTION 13.01 DESCRIPTION AND PURPOSE

A. These provisions are intended to regulate the size, number, location, and way in which signs are displayed, consistent with the following purposes:

1. To protect the safety and welfare of New Era residents; to conserve and enhance the character of the Village; and to promote the economic viability of commercial and other areas by minimizing visual clutter;

2. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision or are distracting or confusing;

3. To promote uniformity in the size, number, and placement of signs within zoning districts; and,

4. To promote the identification of establishments and premises in the Village.

SECTION 13.02 SIGNS - DEFINITIONS

A. For the purposes of the provisions of this Chapter related to signs, the following words and phrases are defined as follows:

1. Construction Sign: A sign which identifies the owners, contractors, architects, and/or engineers of a building(s) or development project under construction;

2. Commercial Establishment: A business operating independently of any other business located in a freestanding building. Also includes those areas such as strip malls where establishments are located side-by-side in a single structure, usually separated by walls from the ground up with separate entrances;

3. Directional Sign: A sign which gives direction, instruction, or information relating to location of buildings, designated routes for pedestrians and vehicles and other information for convenience and safety, such as parking information signs or entrance and exit signs;

4. Freestanding Sign: A sign not attached to a building or wall and which is supported by one (1) or more poles or braces or which rests on the ground or on a foundation that rests on the ground;

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

STRUCTURE
Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

SUBSTANTIAL IMPROVEMENT
Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

SECTION 2.20 DEFINITIONS - T

TEMPORARY BUILDING OR USE
A structure or use permitted by the Zoning Administrator to exist in accordance with the requirements of the Ordinance during periods of construction of the main building or for special events.

TRAVEL TRAILER
A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, not exceeding eight (8) feet in width or thirty-five (35) feet in length. It includes folding campers and truck mounted campers.

SECTION 2.21 DEFINITIONS - U

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

SECTION 2.22 DEFINITIONS - V

VEHICLE REPAIR
Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

VEHICLE SERVICE STATION
A building designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Chapter.

VEHICLE WASH ESTABLISHMENT
A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

SECTION 2.23 DEFINITIONS - W

WETLAND
Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

SECTION 2.24 DEFINITIONS - Y

YARD
A yard is an open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

A. A front yard is an open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.

B. A rear yard is an open area extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.

C. A side yard is an open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

8. Banks, credit unions, and other similar uses shall have one (1) stall for each one hundred (100) square feet GFA plus three (3) stalls for each non-drive through automatic teller machine;

9. Bowling alleys shall have one (1) stall for every four (4) lanes; and,

10. Manufacturing plants and other industrial development shall have one (1) stall per one thousand (1,000) square feet GFA.

SECTION 12.03 INGRESS AND EGRESS

All loading and parking areas shall be designed and constructed so that all vehicles with ease of movement and ample space, shall exit from said areas in a forward manner except for single family detached dwellings.

CHAPTER 12
PARKING AND LOADING REQUIREMENTS

SECTION 12.01 OFF STREET LOADING REQUIREMENTS

In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off of the public right-of-way.

SECTION 12.02 PARKING REQUIREMENTS OFF-STREET

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles including:

A. Adequate access to a public street shall be provided for each parking space and driveways shall be at least ten (10) feet wide for one and two family dwellings, and twenty-four (24) feet wide for other uses.

B. All off street parking areas shall be graded and surfaced so as to be dust free and properly drained. Parking areas for more than ten (10) vehicles shall have the aisles and spaces clearly marked.

C. Parking Space Requirements are as follows:

1. Single family dwellings shall have two (2) stalls for each unit;
2. Multi family dwellings shall have one and a half (1 1/2) stalls for each unit;
3. Motels/Bed and Breakfasts shall have one and a quarter (1 1/4) stalls for each unit;
4. Clubs/Lodges shall have one (1) stall for each three-hundred (300) square feet GFA;
5. Churches, theatres, community centers, auditoriums, and gymnasiums shall have one (1) stall for each four (4) seats;
6. Schools shall have two (2) stalls for each three (3) employees plus auditorium seating (see item 5 in this section);
7. Funeral homes, medical/dental offices, and other retail, and service establishments not already mentioned shall have one (1) stall for every one hundred (100) square feet GFA;

YARD; FRONT, REAR, SIDE
A general term describing the space on a lot or parcel containing a main building, lying between the main building and the respective front, rear and side property lines.

SECTION 2.25 DEFINITIONS - Z

ZONING ACT
The Township Zoning Act; Act 184 of 1943 of the Public Acts of Michigan, as amended; the City and Village Zoning Act, Act 207 of 1921 of the Public Acts of Michigan, as amended.

ZONING ADMINISTRATOR
The person(s) designated by the Village Council to administer the provisions of the Zoning Ordinance.

CHAPTER 3
GENERAL PROVISIONS

SECTION 3.01 STREET ACCESS

Any lot created after the enactment of this Ordinance shall front a public street or private street right-of-way meeting the requirements of Section 3.02 of this Ordinance regarding minimum lot width.

SECTION 3.02 PRIVATE STREETS

Any private street created in the Village of New Era will not adversely impact the health, safety, or welfare of the general public. Private streets will be designed and constructed with width, surface, and grade to assure safe passage of private vehicles, police, fire, ambulance, and other emergency vehicles.

A. All parcels utilizing a private street shall have frontage on that street for a distance equal to or greater than the minimum lot width required for the District in which the parcel is located.

B. All private streets shall have access to a public street.

C. No private street shall be constructed or extended without proper permit from the Village of New Era Council.

D. A driveway permit for access to any public street shall be obtained from the Road Commission, Village Council, or Michigan Department of Transportation depending on the jurisdiction of said public roadway.

E. A Soil Erosion and Sedimentation Control permit shall be obtained from the Oceana County Drain Commissioner or county or state agency that may have jurisdiction, as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.

F. All other State of Michigan permits shall be obtained.

SECTION 3.03 NON-CONFORMING BUILDINGS AND USES

A. General Conditions
   1. Except where specifically provided to the contrary, and subject to the provisions of this Section, any building, structure, or use existing and lawful on the effective date of this Ordinance or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued even though such use does not conform with the provisions of this Ordinance or any amendment thereto.

SECTION 11.10 APPEAL

If any person shall be aggrieved by the action of the Planning Commission, appeal in writing to the Board of Appeals may be taken within twenty-one (21) days after the date of such action. The Board of Appeals shall fix a time and place for a public hearing to be published in a newspaper prior to the hearing. All interested parties shall be afforded the opportunity to be heard there at. After such hearing, the Board of Appeals shall affirm or reverse the action of the Planning Commission, stating its finding and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.

O. The general purposes and spirit of this Ordinance and the Master Plan of the community shall be maintained.

SECTION 11.09 CONDITIONS OF APPROVAL

A. As part of an approval to any site plan, the Village Council, as applicable, may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest.

B. Conditions imposed shall be those necessary to:

1. Meet the intent and purpose of the Zoning Ordinance;

2. Relate to the standard established in the Ordinance for the land use or activity under consideration;

3. Insure compliance with those standards;

4. Protect the general welfare;

5. Protect individual property rights; and,

6. Ensure that the intent and objectives of this Ordinance will be observed.

C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.

D. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.

E. A record of the decision of the Village Council, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the Village Council.

F. The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.

2. Any building, structure, or use shall be considered existing and lawful for the purposes of this Section to be in use for the purpose for which constructed if on the effective date of the Ordinance, a building permit has been obtained. If no building permit is required, a good faith effort has been made toward construction and construction is pursued diligently to conclusion thereafter.

3. Any structures or uses which failed to conform to the previous Zoning Ordinance were not permissible nonconforming structures or uses and if in violation of this Ordinance shall be considered impermissible nonconforming structures and uses and subject to the enforcement provisions of this Ordinance.

B. Nonconforming Buildings or Structures

1. Nonconforming buildings or structures

a. The building or structure shall comply with all height, area, and parking provisions with respect to such change.

b. The change is limited to the same parcel the nonconforming building or structure was located on at the time of the adoption of this Ordinance.

c. The change will not interfere with the use of other properties in the area.

d. The change shall not exceed fifty percent (50%) of the floor area of the original building or structure when it became nonconforming.

2. Subject to the provisions of the Section, nothing in this Ordinance shall prevent the strengthening or restoring of any part of any building or structure that is deemed unsafe.

3. All repairs and maintenance required to keep a nonconforming building or structure in sound condition for public safety may be made as long as said repairs do not permit the use of the structure beyond its natural life.

SECTION 3.04 PRINCIPLE USE

No lot or parcel shall contain more than one (1) main building or one (1) principle use.

SECTION 3.05 REGULATIONS APPLICABLE TO ALL SINGLE FAMILY DWELLINGS

A. It is the intent of this section to establish minimum standards of appearance and construction for all single-family dwellings, whether constructed on a lot or a manufactured home. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with all of the following standards:

1. If the dwelling unit is a manufactured home, the manufactured home must either be:

   a. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated; or,

   b. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.

2. The dwelling unit shall comply with all applicable building, electrical, fire, plumbing, energy and other similar codes which are adopted by the Village of New Era or the same applicable state and/or federal regulations. Proof of such compliance shall be provided to the Building Inspector.

3. The dwelling unit shall comply with all restrictions and requirements of this Ordinance within the district said unit is located.

4. The dwelling unit shall be firmly attached to a permanent continuous foundation that complies with applicable provisions of the adopted building code.

5. If the dwelling unit is a manufactured home, the home shall be installed with the wheels and towing mechanism removed.

H. All streets and driveways shall be developed in accordance with the Community Subdivision Control Ordinance, the Oceana County Road Commission, or Michigan Department of Transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in this Ordinance. Except that the Village Council may impose more stringent requirements than those for the Road Commission or Department of Transportation with respect to driveway location and spacing. In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.

I. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties on the public storm drainage system. Provisions shall be made to accommodate stormwater, prevention of erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

J. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural and small town character of the community.

K. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.

L. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exits from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors.

M. Site plans shall conform to all applicable requirements of County, State, Federal, and local statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal, and Village permits before final site plan approval or an occupancy permit is granted.

N. Appropriate fencing may be required by the Village Council around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.

SECTION 11.08 REVIEW STANDARDS

The following standards shall be utilized by the Village Council in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgement concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

B. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets, and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the community.

D. Removal or alteration of significant natural features shall be restricted to those areas that are reasonable necessary to develop the site in accordance with the requirements of this Ordinance. The Village Council may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that the proposed use will be adequately buffered from one another and from surrounding public and private property.

E. Areas of natural drainage such as swells, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.

F. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate to accomplish these purposes.

G. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department.

6. The dwelling unit shall have a minimum horizontal dimension across any front, side, or rear elevation of twenty-four (24) feet at the time of manufacture, placement or construction.

7. The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the District 10 Health Department.

SECTION 3.06 ILLEGAL DWELLINGS

Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes. The use of any basement for dwelling in any zoning district will not be allowed unless said basement meets all code requirements of the community.

SECTION 3.07 FENCES

A. Fences shall not be constructed in any public right-of-way.

B. A fence may not be located within any front setback unless such fence is a height of four (4) feet or less and of a type which is not more than twenty five percent (25%) solid, so as not to obscure vision of the right-of-way or property line of the parcel on which it is placed. Fences may not exceed a height of six (6) feet in any other area.

C. No fence shall contain barbed wire or electrification except for the following:

1. In the Agriculture District where necessary for agriculture purposes.

2. For security in a Non-residential District.

3. For the protection of public utilities/facilities.

The barbed portion of the fence shall be at least six (6) feet from the ground, in which case, the height of the fence may extend to a maximum of eight feet.

D. Fences in the Agriculture District may be erected within any yard up to a height of six (6) feet. Those fences shall be of an open nature so as not to obstruct vision.

E. Densely landscaped areas, such as hedges and closely spaced bushes or other plant materials, may be considered as a fence when they have the effect or accomplish the purposes normally associated with fences.

SECTION 3.08 GREENBELTS AND LANDSCAPING

A. In order to provide protective screening for Residential Districts or uses adjacent near Non-residential Districts or uses, the Zoning Administrator or Village Council may require a landscaped greenbelt be installed on the Non-residential District or use property.

1. The greenbelt shall be a strip at least ten (10) feet in width planted and maintained with evergreens, such as spruce, pines, or firs at least five (5) feet in height, or a hedge of evergreens at least four (4) feet in height, at the time of planting, and situated as to provide an effective sound and visual permanent buffer.

2. A lesser greenbelt may be permitted where existing conditions would create the same effect as the required greenbelt.

3. All landscaped areas will be kept in a healthy growing condition, neat and orderly in appearance. Dead or diseased plantings shall be replaced.

B. Any shrubs, bushes or other growing plants, which project into or across adjacent land, may be trimmed back to the property line by the adjacent property owner.

SECTION 3.09 INSTALLATION OF LANDSCAPING

A. Any site that has a permanent main use shall install a lawn or other type of land/ground cover. This includes all sites not covered by impervious surfaces and shall be done within twelve (12) months after an occupancy permit is issued.

B. Any lawn, landscape materials, or street trees planted in the public road right-of-way needs to be approved by agency having roadway jurisdiction.

SECTION 3.10 CLEAR VISION

A. No plantings will be allowed which obstruct the view of a vehicle driver approaching an intersection.

B. No vegetation will be allowed in any setback area, which, in the opinion of the Zoning Administrator, obstructs the view of vehicles entering or exiting a site from driveways or adjacent roadways.

SECTION 3.11 SATELLITE DISH ANTENNAS

A. Any regulation in this section shall not apply to dish antennas that are one (1) meter (39.37 inches) or less in diameter in Residential Districts or two (2) meters or less in diameter in Non-residential Districts.

SECTION 11.06 ADMINISTRATIVE FEES

Any Site Plan application shall be accompanied by a fee, in an amount to be established by the Committee. Such fee shall be for the purpose of payment for the administrative costs and services expended by the communities in the implementation of this Chapter and the processing of the application. Such fee may be used in reimbursing another party retained by the Community to provide expert consultation and advise regarding the application. No part of such fee shall be returnable.

SECTION 11.07 CHANGES IN THE APPROVED SITE PLAN

Changes to the approved site plan shall be permitted only under the following circumstances:

A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed changes to an approved site plan.

B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

1. Change in the building size, up to five percent (5%) in total floor area;

2. Movement of buildings or other structures by no more than ten (10) feet;

3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;

4. Changes in building materials to a comparable or higher quality;

5. Changes in floor plans which do not alter the character of the use; or,

6. Changes required or requested by the Community or any County, State, or Federal regulatory agency in order to conform to other laws or regulations.

C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Village Council as a site plan amendment and shall be reviewed in the same manner as the original application.

SECTION 11.04 APPLICATION AND REVIEW

A. Site plans, a completed application form, and an application fee shall be submitted to the Zoning Administrator, by the petitioner or his designated agent, at least fourteen (14) days prior to the next regular Village Council meeting.

B. The Village Council shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the site plan, in accordance with provisions of this Chapter and the purpose of this Ordinance.

C. Any conditions or modifications desired by the Village Council shall be recorded in the minutes.

D. Three (3) copies of the final approved site plan shall be signed and dated by the Secretary of the Village Council and the applicant. The Village Clerk shall keep one (1) of these approved copies on file, one (1) shall be kept on file by the Zoning Administrator, and one (1) shall be returned to the petitioner or his designated representative.

E. Each development shall be under construction within one (1) year after the date of approval of the site plan, except as noted in the following:

1. The Village Council may grant one (1) six- (6) month extension of such time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan;

2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period; and,

3. If neither of the above provisions are fulfilled or the six- (6) month extension has expired prior to construction, the site plan approval shall be null and void.

SECTION 11.05 PLAT REQUIREMENTS

In those instances in which Act 591, Public Acts of 1996, as amended, the Land Division Act, is involved, the owner shall, after Site Plan approval, submit the preliminary and final plats to the proper officer in conformance with Act 591, and in accordance with all other applicable codes, acts and ordinances. Such plats shall remain in conformance with the approved Site Plan.

B. In all districts, the following restrictions shall apply:

1. The nearest part of the antenna shall be at least five (5) feet from the property line;

2. The unit shall be securely anchored as determined by the Building Inspector;

3. The antenna shall be an unobtrusive color, as approved by the Zoning Administrator. No portion of the dish antenna shall contain any name, message, symbol or other graphic representation intended for the purpose of advertising; and,

4. A site plan shall be prepared and submitted to and approved by the Zoning Administrator for approval prior to the issuance of a building permit. The site plan shall include the proposed location, height and foundation details.

C. In any Non-residential District, the following restrictions shall apply:

1. The dish antenna shall be permitted in the side and rear yard or mounted on top of a building; and,

2. The height shall not exceed the height restrictions in the district in which the proposed device is to be located.

D. In any Residential District, the following restrictions shall apply:

1. The dish antenna shall be permitted in the rear yard only; and

2. The maximum height measured from the ground to the top edge of the dish shall be fourteen (14) feet.

E. The Zoning Administrator shall have the authority to modify these restrictions to the minimum extent necessary to permit full reception and use of the dish antenna. This shall only be if existing buildings, topography, vegetation or other factors cause interference with the reception and/or the use.

SECTION 3.12 HOME OCCUPATIONS

A. No person other than the resident occupant(s) and up to two (2) other persons not residents of the home shall be engaged in the home occupation.

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

C. Traffic generated by the home occupation shall not be so great as to cause adverse effects within or upon the surrounding neighborhood. Parking for home occupations shall be located off street and other than in a required yard.

D. No equipment or process shall be used in home occupations which creates noise, vibration, glare, fumes, odors, electrical interference detectable to the normal senses off the premises, or has the potential to create contamination of the air soil or groundwater. This also applies to visual or audible interference in any radio or television receivers off the premises or that which may cause fluctuation in line voltage off premises.

E. Anyone wishing to perform work out of their home, as a home occupation must provide information and receive approval from the Zoning Administrator for that purpose.

SECTION 3.13 KEEPING OF ANIMALS

A. No more than three (3) adult cats and three adult (3) dogs, or other similar household pets shall be kept or housed in a dwelling unit in a residential area. Adult shall be defined as six- (6) months old or older.

B. On parcels less than three (3) acres, any pen, building, or structure housing domestic farm animals shall be a minimum of fifty (50) feet from any side property line and one hundred (100) feet from road right-of-way.

C. A limit of two (2) domestic farm animals of any combination shall be allowed on parcels more than three (3) acres in size. An additional two (2) animals of any combination will allowed for each additional five (5) acres.

SECTION 3.14 ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance of essential services shall be permitted as authorized or regulated by law and other ordinances in any District. The intent of this is to exempt such actions regarding essential services from the application of this Ordinance.

SECTION 3.15 MAXIMUM WIDTH TO DEPTH RATIO

A. No lot shall be created with a lot depth that exceeds four (4) times its width, except for lots that have more than one-half (1/2) their street frontage on a cul-de-sac.

7. Property lines and required setbacks shown and dimensioned;

8. The location of all existing structures, driveways, parking areas within one hundred (100) feet of the subject property□s boundary;

9. The location and dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable;

10. The location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas;

11. The location, pavement width and right-of-way width of all roads, streets, and access easements within one hundred (100) feet of the subject property;

12. The location of any impervious surfaces;

13. The existing zoning and use of all properties abutting the subject property;

14. The location of all existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls;

15. Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems;

16. The location and size of all surface water drainage facilities;

17. Existing and proposed topographic contours at a minimum of five (5) foot intervals;

18. The approximate size (in acres) of significant natural features, such as wetlands and woods, located on the site, if applicable;

19. Mitigation plans, if deemed necessary by the Village Council, to compensate for the loss of significant natural features, including but not limited to wetlands, floodplain areas, and tree stands; and

20. Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.

(1) Description of the proposed development;

(2) Approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and /or private streets and drives, and open space;

(3) Dwelling unit densities by type, if applicable;

(4) Proposed method of providing sewer and water service, as well as other public and private utilities; and,

(5) Proposed method of providing storm drainage.

3. The Village Council shall review the preliminary site plan and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this Chapter. The Village Council shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

B. Final Site Plan Review

If desired by the applicant, a final site plan prepared by a registered professional competent in such matters may be submitted for review without first receiving approval of a preliminary site plan. Applications for final site plan review shall include ten (10) copies of a site plan containing the following information, unless deemed unnecessary by the Zoning Administrator:

1. The date, north arrow, and scale. The scale shall be not less than 1" = 20' for property under three (3) acres and at least 1" = 100' for those three (3) acres or more;

2. The seal, name, and firm address of the professional individual responsible for the preparation of the site plan, unless waived by the Village Council;

3. The name and address of the property owner or petitioner;

4. A location sketch;

5. Legal description of the subject property;

6. The size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space;

B. The Village Council may permit the creation of a lot or parcel to be used for construction of a building that does not comply with this section. Such determination shall be based on greater depth necessitated by conditions of the land such as topography, drainage, road access, soils, wetlands, or floodplains, and that creation of such a lot will not conflict with any other ordinance or regulation unless appropriate variance is received from such other ordinance or regulation.

SECTION 3.16 SITE CONDOMINIUMS

A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 591 of 1996, as amended.

B. A site condominium unit shall be treated as a separate lot or parcel and may have such buildings constructed or used as allowed in such zoning districts provided district regulations are met.

C. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Village Council in accordance with Chapter 11-Site Plan Review.

SECTION 3.17 SWIMMING POOLS

A. Swimming Pools shall not be located in the front yard or be closer than ten (10) feet from any rear or side property line.

B. All swimming pool installations shall comply with regulations set forth in the State of Michigan Construction Code.

C. Each pool shall be enclosed by a minimum four- (4) foot high fence, or wall, or other device to make said pool inaccessible to small children. All gates shall also have selflatching latches that are at least four (4) feet off the ground.

D. These regulations apply to those pools more than twenty-four (24) inches deep and more than two hundred fifty (250) square feet.

SECTION 3.18 STORAGE AND REPAIR OF VEHICLES

The repair, restoration, and maintenance procedures or projects on vehicles in any Residential District, when such work is not conducted entirely within the interior of a building shall be subject to the following limitations:

A. Procedures or projects which require the vehicle to be immobile or inoperable in excess of fifteen (15) days within any twelve (12) month period shall be carried out within an enclosed building.

B. Inoperable vehicles and vehicle parts shall be stored inside a building, except for one (1) such vehicle which may be stored in the rear yard in a location not plainly visible from the street.

SECTION 3.19 EXTERIOR LIGHTING

All lighting of a high intensity nature intended to illuminate broad areas, shall be directed away from, and if necessary, shall be shielded to prevent the shedding of light onto adjacent properties or roadways.

SECTION 3.20 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS

The outdoor storage or parking of recreational vehicles or equipment shall be prohibited in all Residential Districts, unless the following minimum conditions are met:

A. Recreational vehicles and/or recreational equipment, such as campers, motor homes, or any other mobile and temporary means of human shelter, shell be permitted in all residential zoning districts, subject to compliance with the following minimum conditions:

1. Such recreational parking shell be permitted:

   (a) For storage or short-term incidental recreational purposes; and/or

   (b) For use by visiting relatives or acquaintances, who have written permission of the owner of the lot or parcel in question

   (c) Provided that no public sidewalk is blocked or any visual obstruction is created;

2. The duration of any location of a recreational vehicle or piece of recreational equipment on a residentially-zoned lot or parcel must not exceed thirty (30) days. However:

   (a) If a recreational vehicle, or piece of recreational equipment is located on a residentially-zoned lot or parcel for more than thirty (30) days in any one calendar year, it must then be parked:

      (i) Behind the front yard set back line of that residentially-zoned lot or parcel, and

1. If desired by the applicant, ten (10) copies of a preliminary site plan may be submitted for review to the Village Council prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Village Council members, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.

2. Preliminary site plans shall include the following, unless deemed unnecessary by the Zoning Administrator.

   a. Small scale sketch of properties, streets and use of land within one quarter (1/4) mile of the area, including the zoning of surrounding property.

   b. Ten (10) copies of a site plan. The scale shall be not less than 1" = 20' for property under three (3) acres and at least 1" = 100' for those three (3) acres or more. The following items shall be shown on the plan:

      (1) Existing adjacent streets and proposed streets;

      (2) Lot lines and approximate dimensions;

      (3) Parking lots and access points;

      (4) Proposed buffer strips or screening;

      (5) Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, wetlands, steep slopes, floodplains, and similar natural assets;

      (6) Location of any signs not attached to the building;

      (7) Existing and proposed buildings;

      (8) General topographical features including contour intervals no greater than ten (10) feet; and,

      (9) All buildings and driveways within one hundred (100) feet of all property lines.

   c. A narrative (shown on the site plan or submitted separately) describing in general terms:

CHAPTER 11
SITE PLAN REVIEW

SECTION 11.01 PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Village Council in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. This review is intended to ensure that the development is completed with minimal adverse effect on the use of adjacent streets and highways, and on the existing and future uses and the environment in the general vicinity.

SECTION 11.02 SITUATIONS REQUIRING A SITE PLAN

A. In accordance with the provisions of this Chapter, the Village Council shall be furnished a Site Plan of the proposed development prior to the establishment of a use or the erection of a building in the Districts and conditions cited below:

1. All Permitted Uses within the R-3, B-1, and I-1 Districts which include:

   a. The construction of a new building or structure with an enclosed gross floor area of two thousand five hundred (2,500) square feet or greater; or,

   b. A building addition with an enclosed floor area greater than twenty five percent (25%) of the existing enclosed building gross floor area.

2. Special Land Uses in all Zoning Districts.

3. Site Condominiums in any Zoning Districts.

B. The following uses will be exempt from Site Plan Review, regardless of the District, unless otherwise requiring a Special Land Use approval; single family detached and two-family dwellings, farms, roadside stands with less than two-hundred (200) square feet of sales area, state licensed residential family care facilities, family day care homes, home occupations, accessory buildings and uses.

SECTION 11.03 SITE PLAN REVIEW REQUIREMENTS

A. Preliminary Site Plan Review

(ii) No closer than three (3) feet to any side or rear lot line of that residentially-zoned lot or parcel; and

(b) Said recreational vehicle or recreational equipment may not be used as a temporary or long-term dwelling unit, or as an extension or annex of an existing permanent residential dwelling structure.

B. Notwithstanding the provisions of this Section, recreational vehicles or equipment may be parked within any yard for cleaning, loading, or unloading for not more than forty-eight (48) hours within any seven (7) day period provided that no public sidewalk is blocked or any visual obstruction created.

SECTION 3.21 ACCESSORY BUILDINGS AND USES

A. No accessory building or part thereof shall be used as a dwelling for residential purposes.

B. An accessory building or use shall only be permitted on a lot that contains a principle or main use, except as otherwise permitted in this ordinance.

C. Buildings related to an active agriculture operation are exempt from this requirement.

D. An accessory building that is attached to a main building by means of wall or roof (including enclosed porches and attached garages) shall be considered part of the main building and must conform to all setbacks and requirements applicable within this Ordinance.

E. For residential uses, the accessory building shall not exceed 50% of the GFA square footage of the main use except in a multi-family development which will have an upper limit of one thousand (1,000) square feet excluding garages for residents. Those accessory buildings exceeding two hundred (200) square feet shall be of the same or similar design as the main use. Those accessory buildings less than two hundred (200) square feet shall not be subject to the design requirement mentioned above.

F. For non-residential uses, the accessory building shall not exceed 25% of the GFA square footage of the main use.

G. Location of detached accessory buildings.

1. Detached accessory buildings shall not be located in the front yard.

2. Detached accessory buildings shall be located a minimum of ten (10) feet from any main building.

3. Detached accessory buildings shall be located a minimum of five (5) feet from any lot line. Setbacks will be measured to the eaves of any such accessory building.

4. Detached accessory buildings shall not exceed fifteen (15) feet in height in residential areas, twenty-five (25) feet in non-residential areas.

SECTION 3.22 HEIGHT EXCEPTIONS

The following buildings and/or structures shall be exempt from height regulations in all Districts:

A. Chimneys, cooling towers, fire towers, water towers, grain elevators, silos, monuments, and television and radio reception and transmission antennas and towers which do not exceed one hundred (100) feet in height.

10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six- (6) foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five (5) such vehicles) shall not be permitted for a period exceeding ten (10) days.

11. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Village Council. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Village Council.

12. The lot shall be located such that it is at least three hundred (300) feet from an entrance or exit to any property on which is situated a public library, public or private school, playground, play field, park, church or hospital.

13. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.

14. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.

15. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.

V. Vehicle wash establishments, either self-serve or automatic.

1. All washing activities must be carried on within a building.

2. Vacuuming activities may not be conducted in any required yard.

3. Sufficient space shall be provided to accommodate all vehicles queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.

W. Veterinary hospitals and animal clinics.

1. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public.

2. No dog runs and/or exercise areas shall be located in any required front, rear or side yard setback area.

1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.

2. Any such building shall comply with the yard setback requirements for main buildings of the District in which it is located.

U. Vehicle service stations, excluding body shops.

1. Minimum lot area shall be fifteen thousand (15,000) square feet.

2. Minimum lot width shall be one hundred (100) feet.

3. All buildings, structures, and equipment shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear lot line abutting a Residential District.

4. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street, with a maximum of one (1) per street when located on a corner lot, and two (2) for any other street.

5. No drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent Residential District property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Village Council, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

6. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.

7. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.

8. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifty (50) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.

9. When adjoining residentially zoned property, parking and storage areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

CHAPTER 4
A-1 AGRICULTURAL DISTRICT

SECTION 4.01 INTENT

This district will provide and support the use of land for large lot residential and agriculture purposes. Regulations will be developed to provide for agricultural uses while not adversely impacting surrounding properties. All regulations provided here shall take into account Public Act 94 of 1995, as amended, which is the Michigan Right to Farm Act.

SECTION 4.02 PERMITTED USES

The following uses are permitted by right in the A-1 District:

A. Farms, including farm houses, related accessory buildings, and roadside stands;

B. Single family detached dwellings;

C. Home occupations in accordance with the provisions of Section 3.12;

D. Greenhouses, orchards, and nurseries not selling retail goods on the premises. A residence may also be located on the same property;

E. Family day care homes and state licensed residential family care facilities;

F. Parks and/or recreational facilities operated by a public or private/non-profit or not-for-profit organization or agency;

G. Accessory buildings as regulated by Section 3.21 of this Ordinance;

H. Community buildings; and,

I. Cemeteries.

SECTION 4.03 SPECIAL LAND USES

A. Commercial recreation centers or commercial parks including public or private campgrounds, golf courses, riding stables, snack bars, or small retail shops integral or directly related to the principle use.

B. Bed and Breakfast establishments.

C. Nursing or convalescent homes.

D. Public or private non-profit schools.

E. Churches.

F. Lodges and private clubs including country clubs.

G. Utility and public service buildings.

H. Kennels.

I. Radio, television, or telephone transmission towers, including towers in excess of fifty (50) feet in height for commercial wireless telecommunication services.

J. Commercial removal and processing of soil, sand, gravel, or other minerals.

SECTION 4.04
SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

A. Site Plan Review is required in accordance with Chapter 11;

B. Parking is required in accordance with Chapter 12; and,

C. Signs are permitted in accordance with the requirements of Chapter 12.

SECTION 4.05 DISTRICT REGULATIONS

A. Maximum building height is 35 feet.

B. Minimum lot area is 2 acres.

C. Minimum lot width is 110 feet.

D. Front yard setback is 100 feet.

E. Rear yard setback is 25 feet.

F. Side yard setback is 25 feet.

G. Minimum floor area is 1,000 square feet.

b. Non-residential Districts: Any part of a Commercial Wireless Telecommunication Services tower or associated equipment shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than twenty-five (25) feet from any adjacent lot line or main building, nor less than two hundred (200) feet from any Residential District lot line, or use.

c. These provisions shall not apply to towers located on existing buildings, towers, or other existing structure.

5. The Village Council may require such structures or equipment on the ground to be screened with landscaping, berms, walls, or a combination of these elements.

6. Towers for Commercial Wireless Telecommunication Services shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.

7. Towers for Commercial Wireless Telecommunication Services which are abandoned or unused shall be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. One (1) three (3) month extension shall be permitted only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure its removal.

S. Truck and freight terminals.

1. Minimum lot size shall be three (3) acres.

2. The lot location shall be such that at least one (1) property line abuts a paved County Primary street. The ingress and egress for all vehicles shall be directly from said thoroughfare.

3. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

4. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

T. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

1. Antennas for Commercial Wireless Telecommunication Services shall be required to locate on any existing or approved tower within a three- (3) mile radius of the proposed tower unless one (1) or more of the following conditions exists:

   a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost;

   b. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost; or,

   c. Existing or approved towers and buildings within a three- (3) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.

2. Any proposed tower for Commercial Wireless Telecommunication Services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two (2) additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.

3. Towers for Commercial Wireless Telecommunication Services shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.

4. Any part of the structures or equipment placed on the ground pertaining to the tower for Commercial Wireless Telecommunication Services shall comply with the following setbacks:

   a. Residential Districts: The Planing Commission shall not approve any tower for Commercial Wireless Telecommunication Services located such that any part of which is located within two hundred (200) feet of any Residential lot line.

CHAPTER 5
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 5.01 INTENT

This district is intended to provide low-density, single residential housing to foster stable, high quality neighborhoods. The regulations for this district recognize the need to preserve existing housing stock, allow for new development, and provide affordable and diverse housing for the present and future residents of New Era. Certain non-residential uses are allowed to further the creation of stable residential areas.

SECTION 5.02 PERMITTED USES

The following uses are permitted by right within the R-1 District:

A. Single-family detached dwellings;

B. Home occupations in accordance with the provisions of Section 3.12;

C. Family day care homes and state licensed residential family care facilities;

D. Parks and/or recreational facilities operated by a public or private/non-profit or not-for-profit organization or agency;

E. Accessory buildings as regulated by Section 3.21 of this Ordinance; or,

F. Community buildings.

SECTION 5.03 SPECIAL LAND USES

A. Commercial recreation centers or commercial parks including public or private campgrounds, golf courses, riding stables, snack bars, or small retail shops integral or directly related to the principle use.

B. Bed and Breakfast establishments.

C. Nursing or convalescent homes.

D. Public or private non-profit schools.

E. Churches.

F. Lodges and private clubs including country clubs.

G. Utility and public service buildings.

SECTION 5.04 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

A. Site Plan Review is required in accordance with Chapter 11;

B. Parking is required in accordance with Chapter 12;

C. Signs are permitted in accordance with the requirements of Chapter 12.

SECTION 5.05 DISTRICT REGULATIONS

A. Maximum building height is 35 feet.

B. Minimum lot area is 12,000 square feet.

C. Minimum lot width is 60 feet.

D. Front yard setback is 20 feet.

E. Rear yard setback is 20 feet.

F. Side yard setback is 10 feet.

G. Minimum floor area is 1,000 square feet.

3. All lighting shall be shielded from adjacent Residential Districts or uses.

4. The storage or material display areas shall meet all the yard setback requirements applicable to any main building in the District.

P. Retail businesses of ten thousand (10,000) square feet gross floor area or greater conducting business entirely within an enclosed building.

1. Public access to the site shall be located at least one hundred (100) feet from any public or private street intersection and not less than fifty (50) feet from the nearest part of any other driveway, as measured from the nearest right-of-way line to the nearest edge of said access.

2. Any principle building shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.

3. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

4. No mechanical rooms or loading area shall be located nearer than fifty (50) feet to any Residential District or use property line.

Q. Theaters (indoor) and commercial recreation centers, such as bowling alleys, skating rinks, and other similar uses.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use, or roadway.

2. Main buildings shall be set back a minimum of one hundred (100) feet from any Residential District or use.

3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.

4. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.

R. Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services.

M. Residential dwellings accessory to commercial or office uses.

1. The gross floor area for all residential units shall not exceed the gross floor area of the commercial or office uses to which they are accessory.

2. Residential dwelling units shall meet the minimum floor area requirements applicable to such units in the R-3 District.

3. Separate parking facilities will be provided for all such dwelling units in accordance with the requirements of Chapter 12.

N. Restaurants with drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way with a minimum of the (10) stacking spaces. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through facility.

2. In addition to parking space requirements, at least three (3) parking or waiting spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.

3. Any paved area shall have minimum side and rear yard setback of twenty (20) feet.

4. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.

5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

O. Retail building supplies.

1. Minimum lot width shall be two hundred (200) feet.

2. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.

CHAPTER 6
R-2 SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT

SECTION 6.01 INTENT

This district is intended to provide low-density, single and two family residential housing to foster stable, high quality neighborhoods. The regulations for this district recognize the need to preserve existing housing stock, allow for new development, and provide affordable and diverse housing for the present and future residents of New Era. Certain non-residential uses are allowed to further the creation of stable residential areas.

SECTION 6.02 PERMITTED USES

The following uses are permitted by right within the R-2 District:

A. Single-family detached dwellings;

B. Home occupations in accordance with the provisions of Section 3.12;

C. Family day care homes and state licensed residential family care facilities;

D. Parks and/or recreational facilities operated by a public or private/non-profit or not-for-profit organization or agency;

E. Accessory buildings as regulated by Section 3.21 of this Ordinance; or,

F. Community buildings.

SECTION 6.03 SPECIAL LAND USES

A. Two family dwellings, including conversions of single family detached dwelling to two family dwellings.

B. Commercial recreation centers or commercial parks including public or private campgrounds, golf courses, riding stables, snack bars, or small retail shops integral or directly related to the principle use.

C. Bed and Breakfast establishments.

D. Nursing or convalescent homes.

E. Public or private non-profit schools.

861-0161
Katie

F. Churches.

G. Lodges and private clubs including country clubs.

H. Utility and public service buildings.

I. Group day care homes.

J. Hospitals and associated offices and related uses such as pharmacies, clinics, and similar uses.

SECTION 6.04 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

A. Site Plan Review is required in accordance with Chapter 11;

B. Parking is required in accordance with Chapter 12; and,

C. Signs are permitted in accordance with the requirements of Chapter 12.

SECTION 6.05 DISTRICT REGULATIONS

A. Maximum building height is 35 feet.

B. Minimum lot area is 12,000 square feet.

C. Minimum lot width is 60 feet.

D. Front yard setback is 20 feet.

E. Rear yard setback is 20 feet.

F. Side yard setback is 10 feet.

G. Minimum floor area is 1,000 square feet.

7. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others that may enter the removal areas. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations, provided, however, that the Village Council may allow some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material, of at least four (4) feet in height, so located that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.

8. The Village Council may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.

9. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming the Village of New Era as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the Village Council as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.

   a. The performance bond shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and until the Village Council has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.

   b. The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the same is revoked or it expires or is not renewed, the Village Council need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site;

b. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance; and,

c. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.

4. No machinery shall be erected or maintained within fifty (50) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublateral support to surrounding property. The Village Council may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any Residential District.

5. The Village Council shall approve routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to nearby properties. Access roads within the area of operation shall be provided with a dust free surface and the entry road shall be hard surfaced for a distance established by the Village Council to minimize dust, mud, and debris being carried onto the public street.

6. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary; limitations upon the practice of stockpiling excavated material upon the site.

CHAPTER 7
R-3 SINGLE FAMILY, TWO FAMILY, AND MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 7.01 INTENT

This district is intended to provide a variety of high-quality residential housing to foster stable neighborhoods. The regulations for this district recognize the need to provide affordable and diverse housing for the present and future residents of New Era. Certain non-residential uses are allowed to further the creation of stable residential areas.

SECTION 7.02 PERMITTED USES

The following uses are permitted by right within the R-3 District:

A. Single-family detached dwellings;

B. Two family dwellings including conversion of single family detached dwellings to two family dwellings;

C. Home occupations in accordance with the provisions of Section 3.12;

D. Family day care homes and state licensed residential family care facilities;

E. Parks and/or recreational facilities operated by a public or private/non-profit or not-for-profit organization or agency;

F. Accessory buildings as regulated by Section 3.21 of this Ordinance; or,

G. Community buildings.

SECTION 7.03 SPECIAL LAND USES

A. Multiple family dwellings.

B. Commercial recreation centers or commercial parks including public or private campgrounds, golf courses, riding stables, snack bars, or small retail shops integral or directly related to the principle use.

C. Bed and Breakfast establishments.

D. Nursing or convalescent homes.

E. Public or private non-profit schools.

F. Churches.

G. Lodges and private clubs including country clubs.

H. Intensive livestock operations.

I. Utility and public service buildings.

J. Group day care homes.

K. Hospitals and associated offices and related uses such as pharmacies, clinics, and similar uses.

SECTION 7.04 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

A. Site Plan Review is required in accordance with Chapter 11;

B. Parking is required in accordance with Chapter 12; and,

C. Signs are permitted in accordance with the requirements of Chapter 12.

SECTION 7.05 DISTRICT REGULATIONS

A. Maximum building height is 35 feet.

B. Minimum lot area is 12,000 square feet.

C. Minimum lot width is 60 feet.

D. Front yard setback is 20 feet.

E. Rear yard setback is 20 feet.

F. Side yard setback is 10 feet.

G. Minimum floor area is 1,000 square feet.

(10) roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;

(11) a map showing access routes between the subject lands and the nearest County Primary Arterial road; and,

(12) areas to be used for ponding.

c. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.

d. A site rehabilitation plan including the following:

(1) A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;

(2) a plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and,

(3) a description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the Village of New Era Master Plan and all applicable requirements of this Ordinance.

e. The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.

3. Each site rehabilitation plan shall be reviewed by the Village Council and shall comply with all of the following standards and requirements:

e. The earth removal is for the purpose of construction of a swimming pool; or,

f. The soil removal will not be in violation of any other section of this Ordinance, other Village Ordinance, Soil Erosion and Sedimentation Control Act of 1972, or any other applicable state or federal law.

2. In addition to the materials required by this Chapter, the application for Special Land Use approval shall include the following:

a. A written legal description of all of the lands proposed for the use;

b. Eight (8) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer if required by law or other expertise, if not, and including the following:

(1) A north arrow, scale, and date;

(2) shading indicating the extent of land area on which mineral removal operations and activities will take place;

(3) the location, width, and grade of all easements or rights-of-way on or abutting the lands;

(4) the location and nature of all structures on the lands;

(5) the location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;

(6) existing elevations of the lands at intervals of not more than five (5) feet;

(7) typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;

(8) mineral processing and storage areas;

(9) proposed fencing, gates, parking areas, and signs;

CHAPTER 8
B-1 GENERAL BUSINESS DISTRICT

SECTION 8.01 INTENT

This district is intended to provide a wide range of goods and services to the residents of New Era in the central business district. The B-1 district is characterized by a compact shopping area with some on street and/or rear parking areas. Emphasis is on ease of access and safe and efficient movement of pedestrians and vehicles.

SECTION 8.02 PERMITTED USES

The following uses are permitted by right within the B-1 District:

A. Office buildings for any of the following occupations: executive, governmental, administrative, professional, accounting, drafting, and other similar professional or service activities, medical, optical, dental, and veterinary services;

B. Banks, credit unions, savings and loan institutions and similar uses including those with drive through facilities;

C. Personal service establishments conducting services on premises including barber shops, beauty shops, catering establishments, Laundromats, tailoring/dry cleaning, and other similar uses;

D. Parks and/or recreational facilities operated by a public or private/non-profit or not-for-profit organization or agency;

E. Accessory buildings as regulated by Section 3.21 of this Ordinance;

F. Community buildings; or,

G. Restaurants, excluding those with drive through facilities.

SECTION 8.03 SPECIAL LAND USES

A. Single family dwelling unit where unit is somehow associated with a commercial use.

B. Commercial recreation centers such as movie theatres, arcades, bowling alleys, skating rinks, and other similar uses.

C. Bed and Breakfast establishments.

D. Hotels and Motels.

E. Public or private non-profit schools.

F. Churches.

G. Lodges and private clubs including country clubs.

H. Vehicle washes establishments.

I. Utility and public service buildings.

J. Retail businesses of ten thousand (10,000) square feet gross floor area or greater conducting business entirely within a closed building.

K. Hospitals and associated offices and related uses such as pharmacies, clinics, and similar uses.

L. Kennels.

SECTION 8.04 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

A. Site Plan Review is required in accordance with Chapter 11;

B. Parking is required in accordance with Chapter 12; and,

C. Signs are permitted in accordance with the requirements of Chapter 12.

SECTION 8.05 DISTRICT REGULATIONS

A. Maximum building height is 35 feet.

B. Minimum lot area is 12,000 square feet.

C. Minimum lot width is 150 feet.

D. Front yard setback is 20 feet.

E. Rear yard setback is 20 feet.

4. Each lot shall provide hard-surfaced, dust-free vehicle parking areas for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).

5. Each site shall contain a minimum of one thousand five hundred (1,500) square feet. Each site shall be set back at least seventy-five (75) feet from any public or private right-of-way or property line.

6. Each travel trailer site shall have direct access to a hard-surfaced, dust-free roadway of at least twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road.

7. Any open drainage ways must have seeded banks sloped at least at a 3 to 1 ratio and designed to properly drain all surface waters into the County drain system, subject to approval by the Drain Commissioner of Oceana County.

8. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.

9. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.

L. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

1. No soil, sand, gravel, or other earth material shall be removed from any land within the Community without Special Land Use approval, with the following exceptions:

   a. When the earth removal is incidental to an operation for which a building permit has been issued by the Township or Village;

   b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;

   c. The earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties;

   d. The earth removal involves less than three hundred (300) cubic yards;

6. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dust free surface, and shall be graded and drained so as to dispose of all surface water in an environmentally safe manner.

7. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.

8. All lighting shall be shielded from adjacent residential areas.

9. Except as noted in 10, below, no display area shall be located within ten (10) feet of a road right-of-way line.

10. In the case of a plant materials nursery:

    a. Any storage or display areas shall meet all the yard setback requirements applicable to any main building in the District;

    b. All loading activities and parking areas shall be provided on the same premises (off-street); and,

    c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties and groundwater.

K. Public or private campgrounds.

1. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term lot shall mean a campground or travel trailer park.

2. Public stations housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.

3. No commercial enterprise shall be permitted to operate on the lot, except that a convenience shopping facility may be provided on a lot containing more than eighty (80) sites. Such convenience stores, excluding laundry and similar ancillary uses, shall not exceed a maximum floor area of one thousand (1,000) square feet.

F. Side yard setback is 10 feet.

G. Minimum floor area is 1,000 square feet.

CHAPTER 9
I-1 INDUSTRIAL DISTRICT

SECTION 9.01 INTENT

This district is intended to provide exclusive areas for industrial uses in areas served by adequate infrastructure. The I-1 district is designed to provide industrial and manufacturing uses, wholesale businesses, warehouses, and other similar uses compatible with one another. Emphasis is on minimizing or preventing any detrimental effects of industrial development on surrounding land uses. The regulations presented here are designed to exclude those uses that would have a negative effect on the orderly development of the district.

SECTION 9.02 PERMITTED USES

The following uses are permitted by right within the I-1 District:

A. Office buildings for any of the following occupations: executive, governmental, administrative, professional, accounting, drafting, and other similar professional or service activities, medical, optical, dental, and veterinary services;

B. Banks, credit unions, savings and loan institutions and similar uses including those with drive through facilities;

C. Personal service establishments conducting services on premises including barber shops, beauty shops, catering establishments, Laundromats, tailoring/dry cleaning, and other similar uses;

D. Parks and/or recreational facilities operated by a public or private/non-profit or not-for-profit organization or agency;

E. Accessory buildings as regulated by Section 3.21 of this Ordinance;

F. Community buildings; or,

G. Restaurants, excluding those with drive through facilities.

SECTION 9.03 SPECIAL LAND USES

A. Single family dwelling unit where unit is somehow associated with a commercial use.

B. Commercial recreation centers such as movie theatres, arcades, bowling alleys, skating rinks, and other similar uses.

2. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred fifty (150) feet to any adjacent occupied dwelling or any adjacent building used by the public.

3. All principle use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building, and shall be escape proof to the extent possible.

I. Multiple family dwellings.

1. All buildings and dwelling units shall comply with the applicable provisions of Chapter 7.

2. Parking areas shall have a minimum front yard setback of twenty (20) feet and minimum side and rear yard setbacks of ten (10) feet.

3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

4. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

J. Open air Businesses.

1. Minimum lot area shall be one (1) acre.

2. Minimum lot width shall be two hundred (200) feet.

3. Except in the Agricultural Districts, the Planning Commission may require a six-(6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.

4. All open-air businesses shall comply with all applicable District 10 Health Department regulations regarding sanitation and general health conditions.

5. The Village Council may require the applicant to furnish a performance bond in accordance with the requirements of this Ordinance to insure strict compliance with any regulation contained herein and required as a condition of Special Land Use approval.

2. A well-designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.

3. A caretakers residence may be provided within the principle building.

4. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.

F. Group day care homes and facilities.

1. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client of the facility.

2. The outdoor recreation area shall be fenced and screened from any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

3. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.

4. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.

G. Hotels and motels.

1. Minimum lot area shall be two (2) acres and minimum lot width shall be two hundred (200) feet.

2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.

3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

H. Kennels.

1. The minimum lot size shall be two (2) acres.

C. Bed and Breakfast establishments.

D. Hotels and Motels.

E. Public or private non-profit schools.

F. Churches.

G. Lodges and private clubs including country clubs.

H. Vehicle washes establishments.

I. Utility and public service buildings.

J. Retail businesses of ten thousand (10,000) square feet gross floor area or greater conducting business entirely within a closed building.

K. Hospitals and associated offices and related uses such as pharmacies, clinics, and similar uses.

L. Kennels.

SECTION 9.04 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

A. Site Plan Review is required in accordance with Chapter 11;

B. Parking is required in accordance with Chapter 12; and,

C. Signs are permitted in accordance with the requirements of Chapter 12.

SECTION 9.05 DISTRICT REGULATIONS

A. Maximum building height is 35 feet.

B. Minimum lot area is 12,000 square feet.

C. Minimum lot width is 150 feet.

D. Front yard setback is 20 feet.

E. Rear yard setback is 20 feet.

F. Side yard setback is 10 feet.

G. Minimum floor area is 1,000 square feet.

2. The lot shall be located so that at least one (1) side abuts an arterial street and all access shall be from such arterial.

3. The main and accessory buildings and any storage facilities shall not be located nearer than three hundred (300) feet to a property line of any adjacent Residential District or use.

4. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures will not cause the contamination of any groundwater source.

D. Commercial storage warehouses.

1. Minimum lot area shall be two (2) acres.

2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-1 District.

3. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.

4. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.

5. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum required ten (10) spaces, to be located adjacent the rental office, for the use of customers.

6. Parking lanes and access aisles adjacent to the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.

7. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

E. Funeral homes and mortuary establishments.

1. Minimum lot area shall be one (1) acre with a minimum width of one hundred and fifty (150) feet.

B. Bed and breakfast establishments.

1. The establishment shall be serviced by approved water and sanitary sewer services.

2. The establishment shall be located on property with direct access to a paved public road.

3. Such uses shall only be established in a detached single family dwelling.

4. Parking shall be located to minimize negative impacts on adjacent properties.

5. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.

6. The total number of guest rooms in the establishment shall not exceed seven (7), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of ten (10) guest rooms.

7. Exterior trash storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.

8. One (1) sign shall be allowed for identification purposes. Such sign shall not exceed sixteen (16) square feet in area, and may not exceed four (4) feet in height. If illuminated, such illumination shall only be of an indirect nature; internally lighted signs are not permitted. Such sign shall be set back at least one-half (1/2) of the front yard setback area of the zoning district in which the use is located and shall be located at least fifteen (15) feet from any side or rear lot line.

9. The establishment shall contain the principle residence of the operator.

10. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.

11. Meals may be served only to the operator's family, employees, and overnight guests.

C. Bulk oil and gasoline distribution (includes warehousing and transport facilities).

1. The minimum lot size shall be five (5) acres.

CHAPTER 10
SPECIAL LAND USES

SECTION 10.01 SCOPE

This chapter provides a set of procedures and standards for special uses of land or structures that, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. The regulations and standards are designed to allow some practical latitude for the applicant while at the same time maintaining adequate provision for the protection of the health, safety, and general welfare of the Village of New Era. For the purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Section 10.04, as applicable.

SECTION 10.02 APPLICATION AND REVIEW PROCEDURE

A. An application shall be submitted through the Zoning Administrator, accompanied by:

1. The payment of a fee as established by the Village Council;

2. A completed application form, as provided by the community; and,

3. A complete site plan and ten (10) copies, as specified in Chapter 11.

B. Applications for a Special Land Use shall be submitted at least thirty-five (35) days prior to the next Village Council meeting at which the application is to be considered.

C. The completed application, along with required site plan, shall be forwarded to the Village Council at its next scheduled meeting.

D. The Village Council shall hold a public hearing on the application, providing notice of such hearing is in accordance with the Zoning Act. The Village Council shall then review the application and such other information available to it through the public hearing or from any other sources, including recommendations from the Village's planner, engineer, or other party, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed.

E. No petition for Special Land Use approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might reasonably result in favorable action upon submittal.

F. A Special Land Use approval shall be valid for one (1) year from the date of approval. Each development shall be underway within one (1) year after the date of approval of the special land use unless an applicant can present reasonable evidence that unforeseen circumstances have not made development possible.

G. The Village Council shall have the authority to revoke a Special Land Use if the holder of the approval fails to comply with any section of this Ordinance. A Public Hearing shall proceed any action to revoke said use.

SECTION 10.03 GENERAL STANDARDS

The general standards and requirements of Section 10.02 are basic to all Special Land Uses. The specific and detailed requirements set forth in the following Section relate to particular uses and are requirements that must be met by those uses in addition to the foregoing general standards and requirements.

A. Adult Uses.

1. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a Residential use, regulation of these uses are necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities that are prohibited in other Sections of the Zoning Ordinance.

2. Adult uses shall comply with the following requirements:

a. The adult use shall not be located within a one thousand (1,000) foot radius of any other such use or be located on a lot or parcel within five hundred (500) feet of a public park, school, child care facility, church, or place of worship;

b. Any sign or signs proposed for an adult use must comply with the requirements of this ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type nor include any animated illumination or flashing illumination;

c. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is a least two (2) inches in height, that:

(1) "Persons under the age of 18 years are not permitted to enter the premises"; and,

(2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

d. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property;

e. All off-street parking areas shall be illuminated from at least ninety (90) minutes prior to sunset to at least sixty (60) minutes after closing;

f. No adult use shall be open for business prior to ten o'clock a.m. (10:00 a.m.), nor after ten o'clock p.m. (10:00 p.m.). However, employees or other agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes;

g. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a school of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the Village Council. All massage clinics are subject to inspection from time to time by the Zoning Administrator and shall be required to file reports as may be required by the Community, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment; and,

h. Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Village Council, as provided herein.