

ZONING ORDINANCE

Ordinance # 159

Adopted July 6, 1992

Effective Date: July 17, 1992

Section 15.08 C (3) as amended is included
making this text current as of January 23, 2003

CITY OF YALE COUNCIL AND
PLANNING COMMISSION

Assisted by:

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**CITY OF YALE
COUNTY OF ST. CLAIR, STATE OF MICHIGAN
CITY OF YALE ZONING ORDINANCE**

AN ORDINANCE ESTABLISHING AND GOVERNING THE INCORPORATED PORTIONS OF THE CITY OF YALE, ST. CLAIR COUNTY, MICHIGAN, TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE; TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND FOR PUBLIC AND SEMI~PUBLIC OR OTHER SPECIFIED USES; AND TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS AND OTHER STRUCTURES AND LIMITING LOT OCCUPANCY AND SIZE OF YARDS, COURTS, AND OPEN SPACES; TO DEFINE AND REGULATE SPECIAL LAND USES; TO REGULATE AND LIMIT THE DENSITY OF POPULATION, LIMITING CONGESTION UPON THE PUBLIC STREETS BY PROVIDING FOR THE OFF~STREET PARKING AND LOADING/UNLOADING OF VEHICLES, AND FOR SAID PURPOSES TO DIVIDE THE CITY INTO DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF, PROVIDING FOR CHANGES IN REGULATIONS, RESTRICTIONS, AND BOUNDARIES OF SUCH DISTRICTS; DEFINING CERTAIN TERMS AND USES HEREIN; PROVIDING FOR ENFORCEMENT; ESTABLISHING ABOARD OF APPEALS; AND IMPOSING PENALTIES FOR THE VIOLATION OF THE ORDINANCE, IN ACCORDANCE WITH THE PROVISIONS OF ACT 207, PUBLIC ACTS OF 1921, AS AMENDED.

THIS ORDINANCE IS ALSO ENACTED PURSUANT TO THE PROVISIONS OF ACT59, PUBLIC ACTS OF 1978, AS AMENDED, TO REGULATE THE CONDOMINIUM SUBDIVISION OF LAND; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE; TO PROVIDE A PROCEDURE FOR CONDOMINIUM SUBDIVISION APPROVAL AND ASSURE THAT A CONDOMINIUM DEVELOPMENT MEETS THE STANDARDS AND REQUIREMENTS OF THE YALE ZONING ORDINANCE.

Whereas Act 207, P.A. 1921 as amended, empowers the City to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

Whereas the City Council deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact such an ordinance, and

Whereas the City Council, pursuant to the provisions of Act 285, P.A. 1931 as amended has appointed a Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

Whereas the Planning Commission has divided the City, hereinafter also referred to as "municipality," into districts and has prepared regulations pertaining to such districts in designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

Whereas the Planning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City, and

Whereas Section 141 of Act 59, P.A. -1978, as amended, states that all condominium projects shall comply with applicable local law, ordinances, and regulations, and

Whereas the Planning Commission has submitted its report to the City Council, and

Whereas the City Council and Planning Commission have given due public notice of hearings relating to zoning districts, regulations, and restrictions, and have held such public hearings as required, and

Whereas all requirements of Act 207, P.A. 1931 as amended, with regard to the preparation of this ordinance and subsequent action of the City Council have been

met;

THE CITY OF YALE ORDAINS:

**ARTICLE I
TITLE AND PURPOSE**

SECTION 1.01 .SHORT TITLE

This Ordinance shall be known and may be cited as the “City of Yale Zoning Ordinance.”

SECTION 1.02 .PURPOSE

The purpose of this Ordinance is to promote and protect the public health, safety and welfare of the inhabitants of the City of Yale by protecting and conserving the character and social and economic stability of the residential, commercial, industrial, and other use areas; securing the most appropriate use of land; preventing overcrowding of land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements and by other means, all in accordance with a comprehensive plan.

**ARTICLE II
CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

SECTION 2.02. - CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- . In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.
- G. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- . Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or event connected by the conjunction “and”, “or”, or “either. or”, the conjunction shall be interpreted as follows:
 - 1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. “Either.. or” indicates that the connected items, conditions, provisions, or events shall apply singly but

not in combination.

I. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 2.02 GENERAL DEFINITIONS

2.02A E

- A. Abutting - Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.
- B. Accessory apartment - A second dwelling unit either in or added to existing single-family detached dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.
- C. Accessory building or structure - A supplemental building or structure on the same parcel of land as the main building or buildings, structure, or use of land, the use of which is incidental or secondary to that of the main building or use.
- D. Accessory use - A use clearly incidental or subordinate to, customarily found in connection with and (except in the case of off-street parking spaces or loading) located on the same lot as the principal use to which it is related, and devoted exclusively to the main use of the land, building or structure. When "accessory" is used in the text, it shall have the same meaning as accessory use.
- E. Adult Bookstore, Adult Motion Picture Theatre, Massage Parlor, Cabaret, Specified Anatomical Areas, and Specified Sexual Activities are defined as follows:
 - 1. Adult Bookstore. - An establishment wherein more than twenty (20) percent of its stock in trade, books, magazines, other printed or photographic media having a dominant theme matter, depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as herein defined.
 - 2. Adult Motion Picture Theater. - An enclosed building used exclusively for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as hereinafter defined for observation by patrons therein.
 - 3. Adult Cabaret. - Means a restaurant or tavern or other place wherein any type of food and any type of alcoholic beverage is sold or given away on the premises and the operator thereof holds a yearly license to sell such beverages by the glass and which features topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
 - 4. Massage Parlors. - An enterprise of a non-medical nature specializing in the manipulation of body tissues (as by rubbing, stroking, kneading, or tapping) with the hand or an instrument.

SECTION 2.02 GENERAL DEFINITIONS

5. Specified Anatomical Areas - Human genitals, pubic region, buttock, and female breast less than completely and opaquely covered; human male genitals in a discernible turgid state, even if completely or opaquely covered.
6. Specified Sexual Activities Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- F. Agriculture - The art or science of cultivating the ground, the production of crops or livestock on a farm; but excluding agricultural business or industry such as fur farms, piggeries, farms used for disposal of garbage, sewage, rubbish or offal, and slaughtering of animals, except animals raised on the premises for the use and consumption of persons residing on the premises.
- G. Alley - A dedicated public way affording a secondary means of access to abutting property.
- H. Alteration - Any change in the location, type of occupancy, or use of a building or structure and any change in the supporting members of a building or structure such as bearing walls, columns, posts, beams, girders, and similar major components, the consummated act of which may be referred to herein as "altered" or "reconstructed".
- I. Animal Nuisance - Any nuisance such as unreasonable odor, noise, or destruction, which is caused by any animal.
- J. Antenna - Any system of wires, poles, rods, reflecting disks, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.
- K. Apartment House - A residential structure containing three (3) or more units.
- L. Apartment Unit - One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing more than two dwelling units.
- M. Aquifer - A geological unit in which porous and permeable conditions exist and thus are capable of yielding useable amounts of water.
- N. Architectural Features - Cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.
- O. Attic - The space between the ceiling beams of the top habitable floor and the roof.
- P. Automobile Repair Garage - A building or premises where the following services may be carried out in a completely enclosed building; general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; painting and undercoating of automobiles.
- Q. Automobile Service Center - A building or premises used primarily for the sale and installation of major automobile accessories, such as tires, batteries, radio, air conditioners

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and mufflers, plus such services as brake adjustment, wheel alignment and balancing, but excluding any major mechanical repairs, collision work, undercoating or painting. Sale of gasoline (stored only in underground tanks) shall be incidental to the above enumerated activities.

- R. Automobile Service Station – An establishment for the sale and dispensing of gasoline, oil, and major accessories, and for minor repairs such as tune-ups and flat tire repair, but not including body repair, engine rebuilding, rustproofing and similar activities. This use may or may not include a food mini-mart as an accessory use.
- S. Awning – A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building.
- T. Bar – Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than 25 percent of the gross receipts.
- U. Bar and/or Cocktail Lounge and/or Tavern – (See Bar)
- V. Basement – That portion of a building which is partly, or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the average grade to the ceiling is over five (5) feet, such basement shall be counted as a story. An approved earth-sheltered building shall not be considered a basement.

SECTION 2.02 GENERAL DEFINITIONS

- W. Bed & breakfast inn - An owner-occupied, single-family dwelling with not more than eight (8) guest rooms in which the owner/operator provides overnight accommodations to guests in return for payment, and without kitchen facilities for serving or preparing meals for the overnight guests which are separate from those for the residence.
- X. Billboard - See sign, off-site
- Y. Block - The property abutting one side of a street and lying between the two nearest intersecting streets, or between one intersecting street and a railroad right-of-way, unsubdivided acreage or stream; or between any of the foregoing and any other barrier to the continuity of development. In sparsely developed areas of the City without identifiable blocks, a block shall constitute an area not more than one eighth (1/8) mile on either side of the building or building site in question.
- Z. Boarding House - The term boarding house, rooming house and lodging house are used synonymously in this Ordinance. A building, other than a hotel, where, for compensation and/or prearrangement for periods exceeding seven days, lodging and meals are provided for three or more persons, which may include one dwelling unit for occupancy by management.
- AA. Board of Appeals - The Zoning Board of Appeals of the City of Yale.
- AB. Building - Any structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter, or enclosure of persons, animals, or property of any kind.
- AC. Building, height of - The vertical distance from the average grade to the highest point of the roof surface on a flat roof, to the deck line of mansard roofs, and to the mean height between the eaves and the ridge for gable, hip and gambrel roofs. Where a building is located on a terrace, the height may be measured from the average grade of the terrace along the front and back building walls.
- AD. Building line - A line formed by a wall of the building, and for the purposes of the ordinance, a minimum building line is the same as a setback line.
- AE. Building, main or principal - A building or, where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building is situated.
- AF. Building Sign - A sign attached flush to the wall of a building.

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- AG. Campground – Any parcel of land wherein sites are offered for the use of the public or members of any organization, either free of charge, or for a fee, for the establishment of temporary living quarters for the occupation of five (5) or more tents, travel trailers, truck campers, or other similar recreational units.
- All. Canopy – A structure other than an awning made of cloth, metal, or material frames affixed to a building and carried by a frame which is supported by the ground.
- Al. Car Wash An area of land and/or structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.
- AJ. Cellar – See basement.
- AK. Changeable Copy Sign (automatic) – A permanently-installed sign on which the copy changes automatically on a lampbank or through mechanical means, e. g., electrical or electronic time units.
- AL. Changeable Copy Sign (manual) – A permanently- installed sign on which copy is changed manually in the field, e.g., readerboards with changeable letters.
- AM. Child Care Facility Class 1 Family Day Care home – A private residence where care, protection, and supervision are provided, for a fee to no more than six children at one time, including children of the adult provider.
- AN. Child Care Facility Class 2 : Group Day Care Home – A private home in which more than 6, but not more than 12, minor children are given care and supervision for periods less than 24 hours/day unattended by a parent or legal guardian, except children related to an adult member of the family. It includes a home that gives care to unrelated minor children for more than 4 weeks/calendar year.

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- AO. Child Care Facility Class 3: Group Child Care Facility - A non-residential building or structure where care, protection, and supervision are provided, on a regular schedule, at least twice a week to no more than 12 children, including children of the adult provider.
- AP. Group Child Care Center - A building or structure where care, protection, and supervision are provided on a regular schedule, at least twice a week to more than 12 children, including children of the adult provider.
- AQ. Clinic - An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a physicians, dentists, or similar professionals.
- AR. Club - An organization of persons for special purposes for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, excluding houses of worship.
- AS. Cluster Development - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.
- AT. Condominium Definitions - As used in this Ordinance, the following words, terms and phrases are defined and, where applicable, equate words and terms utilized in the Condominium Act with words and terms used in the Zoning Ordinance.
1. Condominium Act - means Act 59 of 1978, as amended.
 2. Condominium Subdivision (Site Condominium) building site-shall mean that area containing the limited common elements together with its condominium unit and together shall equate to the requirements of a lot and a lot's required elements as contained in the City of Yale's Zoning Ordinance.
 3. Condominium Project - A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59 of 1978) A condominium project may consist of multifamily structures (traditional) or single family homes (site condominium), or non-residential structures (nonresidential site condominium).
 4. Condominium Subdivision Plan - means the site, survey, and utility plans; flood plain plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and appropriate size of common elements, and limited common elements. The Condominium Subdivision Plan, for the purpose of this Ordinance, shall include the Master Deed and ~y Laws of the Condominium Subdivision.
 5. Condominium unit - That portion of a condominium project or site condominium which is designed and intended for

SECTION 2.02 GENERAL DEFINITIONS

separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit or any other type of use.

6. Equivalent word, term – those words and terms and phrases in the Zoning Ordinance which correspond to that word, term or phrase set forth in this definition section.
7. General common elements – means the portion of the condominium project other than the condominium unit and limited common elements.
8. Limited common elements – means a portion of the common elements reserved in the Master Deed for the exclusive use of less than all co-owners.
9. Master deed – means the condominium document recording the condominium project as approved by the Planning Commission to which is attached as exhibits and incorporated by reference the approved By Laws for the project and the approved condominium subdivision plans for the project.
10. Mobile home condominium project – means a condominium project in which mobile homes are intended to be located upon separate condominium units.
11. Setback equivalent – “The distance between the boundary of the condominium unit and the outer boundary of the limited common element for that unit” or, where no limited common element is provided, “The distance between the nearest point on the condominium dwelling or structure and the outer boundary of the condominium unit” is the equivalent phrase for the word “setback” as contained in the Zoning Ordinance.
12. Site Condominium – the resulting “subdivision” or development of land created under the Condominium Act.
13. Subdivision Ordinance – means the City of Yale Subdivision Regulations Ordinance, as amended.
14. Yard area – Limited common element reserved exclusively for the unit located within the yard area.
15. Zoning ordinance – means the Yale Zoning Ordinance, as amended.

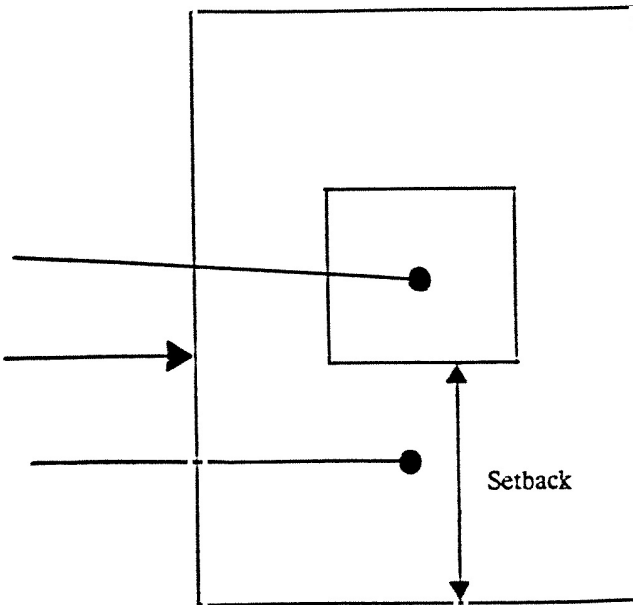
The following drawing is provided to illustrate, in a general way, the correlation between a lot and elements of a lot as provided for in the Subdivision Control Ordinance and in the Zoning Ordinance and a Site Condominium Building site and its elements. Where there is a conflict between this illustration and the terms and conditions of another ordinance, the terms and conditions of this Section shall control.

SECTION 2.02 GENERAL DEFINITIONS

"Condominium Unit" means the portion of the condominium intended for separate ownership. In this illustration, it is the area in which the structure may be erected to meet setback requirements.

"Boundary Line" means the boundary of the Limited Common Element

"Yard Area" means the Limited Common Element for the exclusive use of this one condominium unit.



- AU. Commercial service drive – A public or private roadway, usually parallel to a major thoroughfare, designed to provide access to businesses and business property while limiting the points of ingress and egress onto the major thoroughfare.
- AV. Convalescent or Nursing Home – A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing, and medical care.
- AW. Convenience store – Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 6,000 square feet.
- AX. Court – An open, uncovered, unoccupied space other than a yard partially or wholly surrounded on at least two (2) sides of a building. A court having at least one (1) side thereof opening onto a public or private street, alley or yard or other permanent open space is an outer court. Any other court is an enclosed or inner court.
- AY. Density – The term refers to the number of families residing on, or dwelling units developed on, an acre of land.
- AZ. Development – The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.
- BA. Display Surface Area, Sign – The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations, provided, however, "display surface area" shall not include the structural supports for free standing signs; provided further, that only one face of a double-faced sign as defined shall be considered in determining the display surface area.
- BB. District – An area of the municipality within which certain regulations and requirements of various combinations thereof apply under the provisions of this Ordinance.
- BC. Drive-in – A business establishment serving food and/or

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beverages that is so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons who will consume the food and/or beverages in the motor vehicles while on the premises of the drive-in establishment.

- BD. Driveway - A passageway of definite width, primarily for use by motor vehicles, over private property, leading from a street or other public way to a garage or parking area. A horseshoe shape drive or a "T" shape drive located within a front yard is included within this definition.
- BE. Dwelling multiple-family - A building or portion thereof containing three or more dwelling units.
- BF. Dwelling one-family - A detached building containing one dwelling unit.
- BG. Dwelling, Pre-manufactured or Modular Homes - A detached one-family dwelling constructed according to special rules promulgated by the state~ construction code commission exclusively designed for placement on a permanent foundation and assembled at other than the final location by a repetitive process generally recognized as systems or component building and under circumstances intended to insure uniformity of quality and material content. The term does not include a mobile home although a pre-manufactured or modular home commonly arrives at final location by some method of transport from location of assembly.
- BH. Dwelling, two-family - A detached building containing two dwelling units.
- BI. Dwelling Unit - A building or portion thereof on a permanent foundation with provisions for sleeping, cooking, and sanitation, and with permanent' connections to utilities, providing independent living space for one (1) family. A dwelling may be conventionally built, a modular home, or a mobile home pursuant to the requirements of this Ordinance.
- BJ. Earth-Sheltered Building - A building where a significant portion of the walls and for roof are covered with earth, that is specifically designed and constructed to meet the requirements of this Ordinance and the building code for minimum floor area, light and ventilation, emergency egress, waterproofing, and similar requirements, and approved by the Building Inspector.
- BK. Easement - The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose. A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.
- BL. Efficiency Apartment - A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for living, cooking and sleeping purposes and having no separate, designated bedroom.

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- BM. Enlarged – Any change in the area or dimension, either vertical or horizontal, or additions, improvements, enclosures, or changes less than altered as defined above.
- BN. Erected – Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.
- BO. Essential Services – The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water distribution systems, collection communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings, which are necessary for the furnishing of adequate services to the City by such utilities or municipal departments for general health, safety, or welfare.
- BP. Excavation – Any breaking of ground, except common household gardening and working of ground for agricultural purposes.
- BQ. Exception – An exception is a use or temporary use or variation or certain requirements based upon the standards set forth in this Ordinance. The exceptions are set forth in Section 20.05 (C) of this Ordinance.
- BR. Existing Permanent Sign – A permanent sign displayed in the city on and after the effective date of this Ordinance.
- BS. External Illumination – Illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself.
- BT. Face Area, Sign – See gross surface area, display surface area.
- BU. Family – An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
- A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration.
- BV. Farm – All of the contiguous, neighboring, or associated land operated as a single unit on which any agricultural activity or the raising of livestock or small animals is occurring; provided, however, that the land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area, provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, etc., but establishments such as chicken hatcheries, poultry farms, apiaries, keeping of stables, or commercial dog kennels, shall not be considered farms or agricultural use unless combined with a bona fide farm operation on the same continuous tract of land of not less than twenty

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- (20) acres. No farm shall be operated for the disposal of garbage, sewage rubbish, offal or rendering plants, or for slaughtering of animals, except such animals as may have been raised on the premises immediately prior thereto and for the use and consumption by persons residing on the premises.
- BW. Feedlot – A relatively small, confined land area on which a large concentration of livestock is raised.
- BX. Flashing Sign – An illumination sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purpose of this Ordinance, any moving illuminated sign affected by the intermittent lighting shall be deemed to be a flashing sign.
- BY. Floodplain – Means those areas of land adjacent to the rivers, and other water courses of the City, which are deemed official on the City of Yale Floodplain Map subject to seasonal or periodic flooding as designated.
- BZ. Floor Area, Gross – The total horizontal area of all floors of a building, measured from the exterior faces of the exterior walls and including all habitable basement areas, as determined by the Building Code. For nonresidential buildings, the floor area shall include accessory buildings and all basement space used for activities related to the principal use.
- CA. Floor Area, Residential – For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed porches.
- CB. Floor Area, Usable – That area used for or intended to be used for the sale of merchandise or service, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area".
- CC. Free Standing Sign – A sign which is attached to or part of a completely self-supporting structure. The supported structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.
- CD. Frontages – That portion of any property abutting a public street or an approved private street; a corner lot and through lot having frontage on both abutting streets.
- CE. Garage, Commercial – A building or structure designed or used for the storage, care, repair or commercial display of automobiles, tractors, trucks, or other power equipment.
- CF. Garage, Private – A space or structure not over one story suitable for storing one or more automobiles and designed and used for private rather than public, commercial or industrial purposes. Garages attached to dwellings shall be deemed a part of the dwelling for purposes of determining yard requirements, but not floor area.

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- CG. Gas Station – See automobile service station.
- CH. Grade – The average level of the finished surface of the ground adjacent to a sign or the exterior wall of the building to which a sign is affixed.
- CI. Greenbelt – A strip of land of specified width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip.
- CJ. Gross Surface Area, Sign – The entire area within a single continuous perimeter composed of single rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with any material, or color forming and integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign.
- CK. Ground Sign – A sign supported by structures or supports or upon the ground and not attached or dependant for support from any building.
- CL. Hazardous Materials – See Hazardous Substance
- CM. Hazardous Substance – Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshall Division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources. petroleum products and waste oil are subject to regulation under this Ordinance as hazardous substances.
- CN. Home Occupation – An occupation, activity or hobby that is traditionally or customarily carried on within the walls of a dwelling unit, provided;
1. That such occupation is incidental to the residential use to the extent that not more than twenty percent (20) of the gross floor area of the principal building or fifty percent (50%) of the accessory building shall be occupied by such occupation.
 2. That no article or service is sold or offered for sale on the premises except such as is produced by such occupation.
 3. That such occupation shall not require internal or external alterations or construction features, equipment or machinery not customary in residential areas.
 4. That there be not more than one employee other than members of the resident family.
- CO. Housing for the Elderly, Independent – A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 62 years of age or older or couples where either at least one spouse is 62 years of age or older. This does not include a development that contains

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convalescent or nursing facilities.

- CP. Housing for the Elderly, Semi-Independent (Congregate Housing) – A residential facility for four or more elderly persons (age 62 or older) within which are provided living and sleeping facilities, meal preparation, laundry services, and room cleaning. Such facilities may also provide other services, such as transportation for routine social and medical appointments. This does not include a development that contains convalescent or nursing facilities.
- CQ. Housing for the Elderly, Life Care – A facility for the transitional residency of elderly (62 or older) progressing from independent living to congregate housing, and culminating in full health and continuing care nursing facility. Occupancy of the dwellings/rooms is restricted to persons 62 years of age or older or couples where either at least one spouse is 62 years of age or older.
- CR. Illuminated Sign – Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
- CS. Impervious Surface – Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surface shall include a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.
- CT. Industry, Heavy – A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use of engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
- CU. Industry, light – A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- CV. Inflatable Balloon Sign – A portable sign composed of a nonporous bag of tough, light, material filled with unheated or heated air, which may or may not float in the atmosphere, and is affixed or attached to the earth, either directly or indirectly.
- CW. Instructional Sign – A sign, providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to those signs identifying restrooms, public telephones, public walkway, parking areas, and other similar facilities.
- CX. Junk Yard – An open area used for the purchase, sales, exchange, disassembly, storage, processing, baling or packaging of junk, including but not limited to scrap metals, unusable machinery or motor vehicles, tires, bottles and paper, and not including uses established entirely within enclosed buildings specifically included are storage areas for motor vehicles not movable under

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their own power.

- CY. Kennel, Commercial – An establishment where three or more dogs, cats or similar pets are confined or kept for sale, boarding, breeding, or training purposes for remuneration; or where seven (7) or more dogs, cats or similar pets are kept for any reason.
- CZ. Kennel, Private – An area where more than three (3) but less than seven (7) dogs, cats or similar pets over the age of one (1) year are kept for recreation or personal use. If seven (7) or more are kept, it shall be classified as a commercial kennel.
- DA. Landfill, Sanitary – A tract of land developed, designed, and operated for the disposal of solid waste in a manner consistent with the criteria established by Act 641 of the Michigan Public Acts of 1978 as amended, and any rules or regulations established based on this Act.
- DB. Landowner – Shall mean the legal or beneficial owner or owners of all the land proposed to be included in a development. The holder of an option or contract to purchase, or other persons having an enforceable proprietary interest in such land, shall be deemed to be landowner for the purpose of this Ordinance.
- DC. Landscaping – The treatment of the ground surface with live or synthetic materials such as, but not limited to, grass, ground cover, crushed stone, trees, shrubs, vines, and other horticultural material. Structural features such as fountains, shadow pools, statues, garden walls, pathways, benches, and the like shall also be considered elements of landscaping but such structural features alone shall not meet the spirit and intent of landscaping requirements.
- DD. Loading Space – An off-street facility or space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
- DE. Lot Area – The total horizontal area within the lot lines of a lot. For lots fronting or adjacent to private streets, lot area shall mean that area within lot lines and not including any portion of said private street.
- DF. Lot Corner – Any lot located at the intersection of two streets. A lot on a curved street shall be considered a corner lot if the intersection of the two front lot lines forms an interior angle of less than 135 degrees.
- DG. Lot Coverage – That part or percent of the lot occupied by principal and accessory buildings.
- DH. Lot Depth – The horizontal distance between the front and rear lot lines measured along the median between the side lot lines.
- DI. Lot, Interior – Any lot other than a corner lot or through lot.
- DJ. Lot Lines, (Property Lines) – The lines bounding a lot as defined herein:
 - 1. Front Lot Line: In the case of an interior lot, the line separating the lot from the street. In the case of a corner lot or through lot, the line separating the lot from either streets.

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2. Rear Lot Lines: That line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line, and wholly within the lot.
 3. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. A lot line separating a lot from a side street is a front lot line.
- DK. Lot of Record - A parcel of land, the dimensions of which are shown on a recorded plat on file with the County Register of Deeds, or any parcel which has been separated therefrom in accordance with the provisions of the Subdivision Control Act and which exists as described. A lot of record must front a public street which is dedicated for access as a public street, or upon an approved private road.
- DL. Lot, Through - A double frontage lot, not a corner lot, having a street for both front and rear lot lines.
- DM. Lot Width - If the side property lines are parallel, the shortest distance between these side lines; or if the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.
- DN. Lot - A single tract or parcel of land established by plat, subdivision, land division or otherwise permitted by law, to be used, developed or built upon as a unit. A lot must satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the lot is located. To satisfy the requirements of this Ordinance, a lot may include one or more lots of record.
- DO. Major Thoroughfare - An arterial street which is designated as a major thoroughfare on the Thoroughfare Plan for the City. Also known as a Major Arterial.
- DP. Master Plan (Comprehensive Plan) - The official Comprehensive Plan for the development of the City, including but not limited to graphic and written proposals for thoroughfares, parks, public buildings, land use and the general physical development of the City, adopted by the Planning Commission.
- DQ. Marquee - A roof-like structure of a permanent nature projecting from the wall of a building.
- DR. Mezzanine - An intermediate or fractional story between the floor and ceiling of a main story occupying not more than thirty percent (30%) of the floor area of such main story.
- DS. Mobile Home - A detached, portable, single-family dwelling unit, prefabricated on its own chassis, to be transported after fabrication to a location where it will be connected to existing utilities and utilized for long-term occupancy as a complete dwelling. This definition does not include a Travel Trailer.
- DT. Mobile Home Park - A parcel of land developed in conformity with Michigan Public Act 419 of 1976, as amended.

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- DU. Mobile Home Park License - A written license issued by the Mobile home Commission allowing a person to operated and maintain a mobile home park under the provisions of Michigan Public Acts 419 of 1976, as amended, and this Ordinance and regulations issued hereunder.
- DV. Motel - A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.
- DW. Moving Sign - A sign which revolves, rotates, swings, undulates or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic electronically controlled copy changes, but not including flags, banners, or pennants.
- DX. Municipality - The City of Yale.
- DY. Non-accessory sign - See sign, off-site.
- DZ. Non-Conforming Building (Nonconforming Structure) - A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.
- EA. Non-conforming Lot - Means a lot which exists as a legal lot of record and which existed as a legal lot of record at the effective date of adoption or amendment of this Ordinance, which does not conform to the lot requirements of this Ordinance.
- EB. Non-conforming Sign - A sign existing at the effective date of the adoption of this ordinance which does not adhere to one (I) or more of the provisions contained in this Ordinance.
- EC. Nonconforming Use - A use of a building or structure or of a parcel, or tract of land, lawfully existing at the time of adoption of the Ordinance or a subsequent amendment thereto, that does not conform to the use or regulations of this Ordinance for the zoning district in which it is situated.
- ED. Nonconforming Use and Building - A use and a building lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto which does not conform to the use, height, bulk, placement or yard provisions for the zoning district in which it is situated.
- EE. Nuisance Factors - An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (in) noise of congregation of people, particularly at night, (n) passenger traffic, and (o) invasion of non-abutting street frontage.
- EF. Nursery, Plant Materials - A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or

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plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale – of fruits, vegetables or Christmas trees.

- EG. Nursery School (Day Care Center) - (See Child Care Facilities, Classes 3 and 4)
- EM. Nursing Home (Convalescent or Rest Home) – A home for the care of the aged, infirm or those suffering from bodily and/or mental disorders, are housed or lodged and furnished with professional care.
- El. Occupied - Used in any way at the time in question.
- EJ. Odor Threshold – The minimum concentration, in air, of gas, vapor, or particulate matter that can be detected by the olfactory systems of a panel of healthy observers.
- EK. Off-street Parking Lot - A facility other than for single or two-family dwellings providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.
- EL. Owner – The person or persons, firm, or corporation having legal or equitable title to a lot or parcel of land, or their leases or agents.
- EM. Park, Day-Use - A public or private park for outdoor recreation, such as a playground, sports playing field, picnic area, day camp of a church group or other quasipublic organization, or similar use, which does not include overnight camping facilities or outdoor lighting for use of the park property after dark.
- EN. Parking Space - An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.
- EO. Planning Commission - Means the Planning Commission of the City of Yale.
- EP. Porch, Open – A covered entrance to a building or structure which is unenclosed except of columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
- EQ. Portable Sign - Any sign that is designed to be transported, including but not limited to sign: with wheels removed; with chassis or support constructed without wheels; designed to be transported by trailer or wheels; converted to A – or T –frame signs; attached temporarily or permanently to the ground, a structure, or other signs; mounted on a vehicle for advertising purposes, parked, and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business;; menu and sandwich board signs; search light stands; and inflatable balloons or umbrellas used for advertising.
- ER. Principal Use – The main use to which the premises are devoted and the principal purpose for which the premises exist.

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- ES. Public Utility - A person, firm or corporation, municipal department, board of commission duly authorized to furnish and furnishing under Federal, State or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.
- ET. Restaurant - An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tea rooms, and outdoor cafes.
- EU. Restaurant, Fast Food - An establishment that offers quick food service, which is accomplished through a limited menu of items, already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.
- EV. Right-of-way Line - The dividing line between the street and a lot.
- EW. Roadside Stand - A temporary or existing permanent structure containing not more than two hundred (200) square feet of enclosed floor area and operating for the purpose of selling agricultural, dairy or poultry products raised or produced only by the proprietor of the stand or by his/her family.
- EX. Roof Sign - Any sign holly erected, constructed or maintained on the roof structure or parapet wall of any building.
- EY. Room - For the purpose of determining the lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented having one (1), two (2) or three (3) bedroom units and including a "den", "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.
- EZ. Rubbish - Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprise, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combination thereof.
- FA. Setback - The distance required to obtain front, side or rear yard open space provisions of this Ordinance.
- FB. Setback Line, Required - A line, marking the setback distance from the street or lot lines, which establishes the minimum required front, side or rear open space of a lot.
- FC. Sign - The term "sign" shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed outdoors in view of the general public; in addition, any of the above which is not placed outdoors, but which is placed near or attached to a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to the general public shall be considered a sign within the meaning of this ordinance.

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- FD. Sign, Off-site - A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term off-site sign shall include an outdoor advertising sign (billboard) on which space is leased, rented, or otherwise provided by the owner thereof to others for the purpose of conveying a commercial or non-commercial message.
- FE. Sign, On-site - A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing upon the same lot where such sign is displayed; provided, however, an on-site sign may also portray a noncommercial message.
- FF. Sign Area - The entire area within a regular geometric form comprising all of the display area and all of the elements of the matter displayed. The sign area shall be computed on one side of a single or two-sided sign and on all sides of a sign with three or more faces.
- FG. Site Condominium Subdivision - A division of land on the basis of condominium ownership, - which is not subject to the provisions of the Subdivision Control Act of 1967 (Act 288 of 1967), as amended, and is subject to the requirements of the Condominium Act (Act 59 of 1978), as amended.
- FH. Site Plan - A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan must include all of the information required by Section 15.09 of this Ordinance.
- FI. Soil removal - Means the removal of any kind of soil or earth matter which includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except common household gardening and general farm care.
- FJ. Special Land Uses - This definition is based upon the division of the City into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, there is a need to carefully regulate them with respect to their location for the protection of the community. These uses, due to their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.
- FK. Stable, Private - An accessory building for the keeping of not more than three horses for non-commercial use of the residents of the principal building on the lot.
- FL. Stable, Riding or Boarding (Including Riding Academies) - A stable, other than a private stable, carried on within an unplatted parcel of land where horses are boarded or are for hire or sale.
- FM. State Licensed Residential Facility - A structure constructed for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended, or Act No. 116 of the Public Acts of 1973, which provides resident services for 6 or less persons under 24-hour supervision or care for persons in need of that supervision or care. This shall not

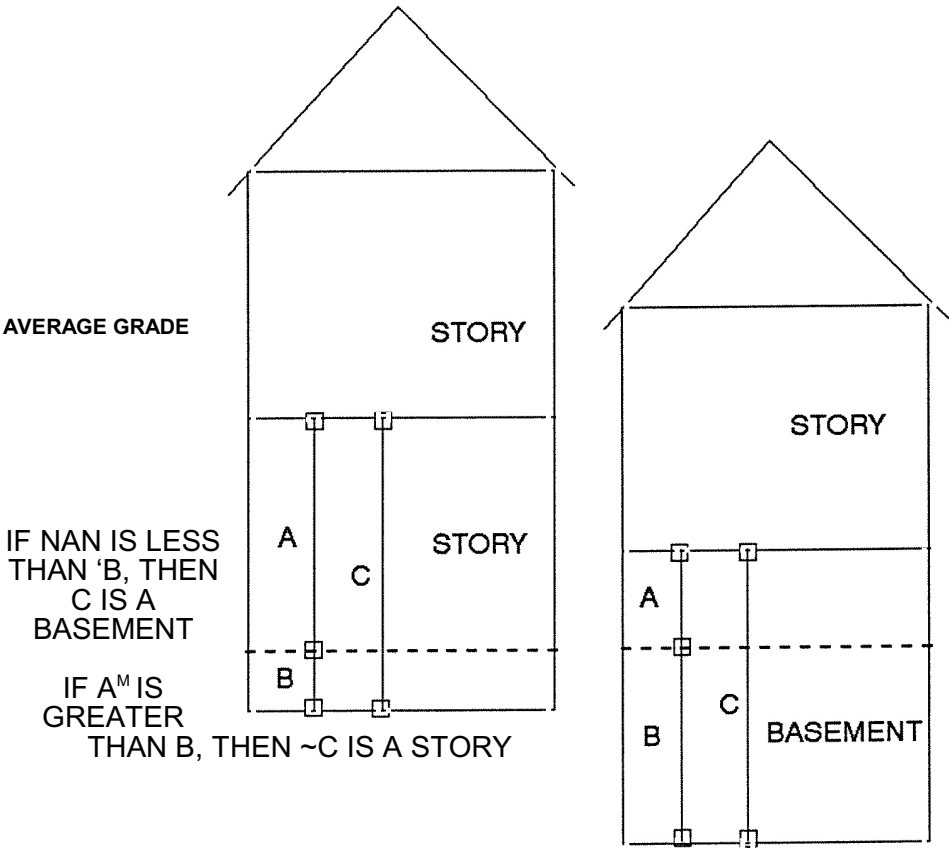
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apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

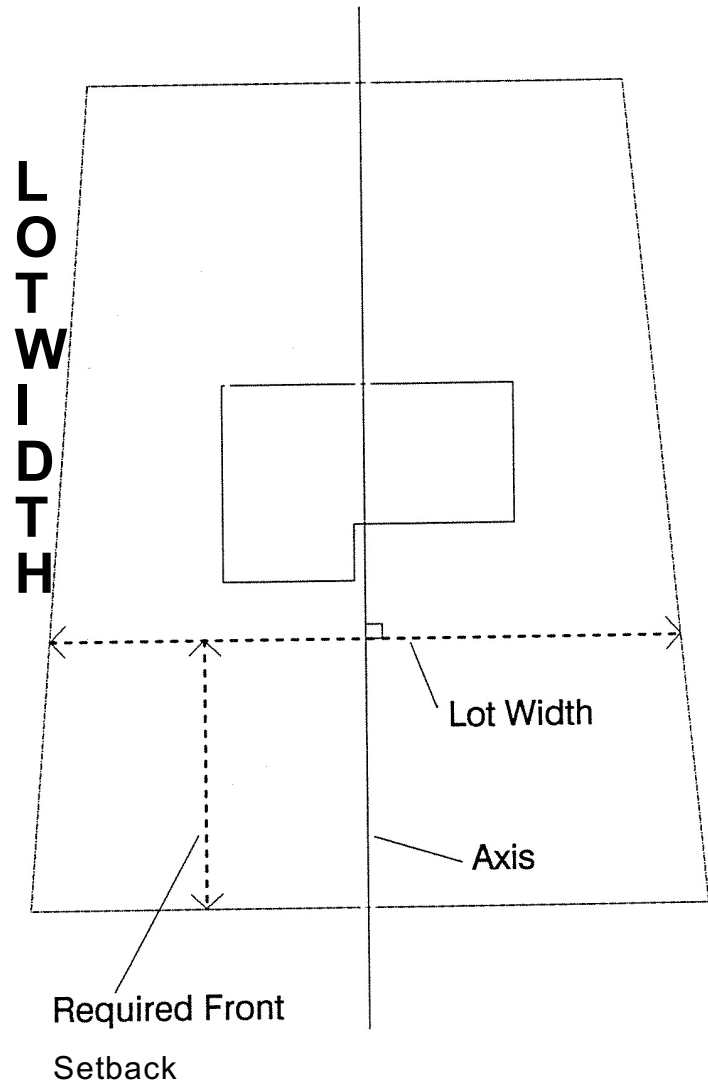
- FN. Story – That part of a building, except a mezzanine or basement, as defined herein, included between the surface on one floor and the surface of the next floor above it, or any portion of a building between the topmost floor and the roof having a usable floor area equal to at least fifty percent of the usable floor area of the floor immediately below it.
- FO. Story, Half – An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet, six inches (7'6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4') feet clear height between floor and ceiling.
- FP. Street – A public thoroughfare or an approved private road (approved pursuant to Section 16.18) which affords the principal means of access to abutting property.
- FQ. Structure – Any constructed or erected material, the use of which requires locations on the ground or attachment to something having location on the ground, including but not limited to buildings, towers, sheds, and signs, but excepting walks, drives, pavements, fences, and similar access or circulation facilities.
- FR. Temporary Sign – A non-permanent sign erected, affixed, or maintained on a premises for a short, usually fixed, period of time.
- FS. Temporary Use, Temporary Building – A use or building permitted to exist during periods of construction of a main building or use, or for special events.
- FT. Total Area, Sign – See Gross surface area; display surface area.
- FU. Travel Trailer – A vehicle, self-propelled or non- selfpropelled, so designed and constructed as to permit its being used as a conveyance on the public streets and duly licensable as such, and of a nature that will permit nonpermanent occupancy as a dwelling unit or rooming unit by one or more persons.
- FV. Usable Floor Area – (See Floor Area, Usable).
- FW. Use, Change of – A modification or deviation from the original purpose, occupancy, utilization or classification of a building, structure or parcel or tract of land. The term is inclusive of (a) a discernible increase in the intensity of use, which by Ordinance imposes more restrictive parking requirements or other more restrictive characteristics of use or (b) an alteration by change of use in a building heretofore existing to a new use group, as defined in the City's Building Code, which imposes other special provisions of law governing building construction equipment or means of egress.
- FX. Use, Increase in the Intensity of – A discernible increase in the level or volume of activity generated by a change in use or an increase in floor area or an increase in land area configurations.
- FY. Use, Principal – The primary and chief purpose for which a lot or parcel is used.

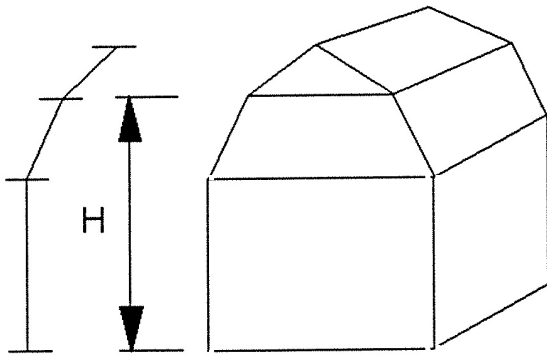
SECTION 2.02 GENERAL DEFINITIONS

- FZ. Utility Structure - Means facilities related to and necessary for the operation of: oil, gas, water pipelines, sewer pipelines, electrical transmission lines, telephone and telegraph lines, oil and gas wells and underground storage fields. Included are such facilities as pumping stations, compressor stations, transformer stations, and switching stations.
- GA. Variance - A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals in situations or under circumstances as provided by this Ordinance [See Section 20.05-A3].
- GB. Wall - An obscuring structure of definite height and location, constructed of masonry, concrete or similar approved material.
- GC. Wall Sign - Any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond 'the end of the building For the purpose of this chapter, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning, or a building canopy shall be considered a wall sign.
- GD. Window Sign - A sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.
- GE. Yard- The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:
1. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front setback line.
 2. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the rear setback line.
 3. Side Yard: An open space, extending from the front yard to the rear yard, the width of which is the horizontal distance from nearest point of the side lot line to the side setback line.

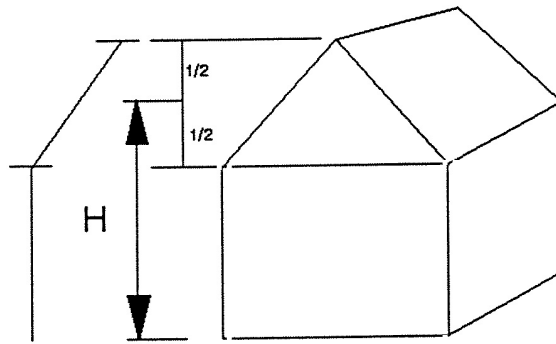


BASEMENT & STORY

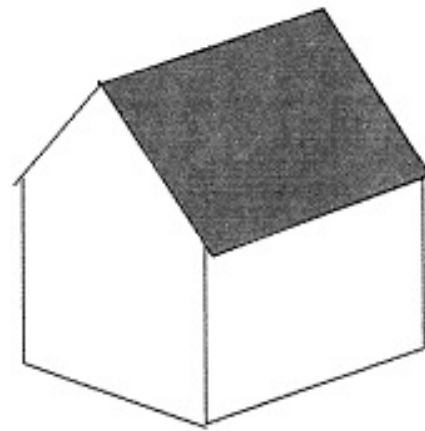
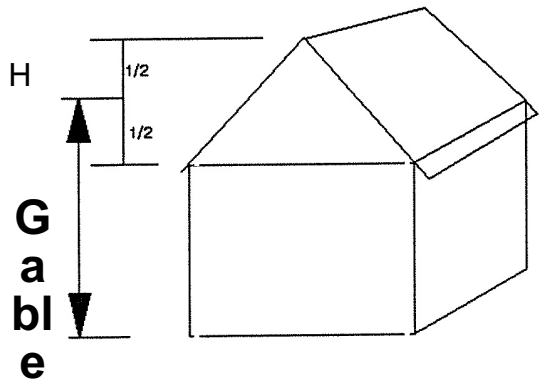




Mansard Roof

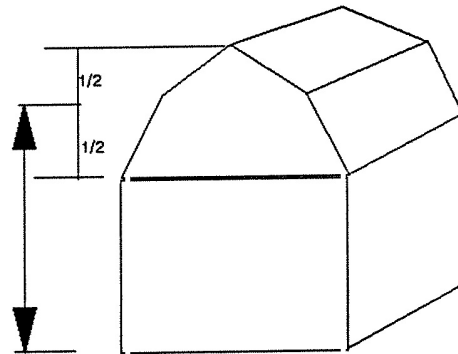


Hip Roof



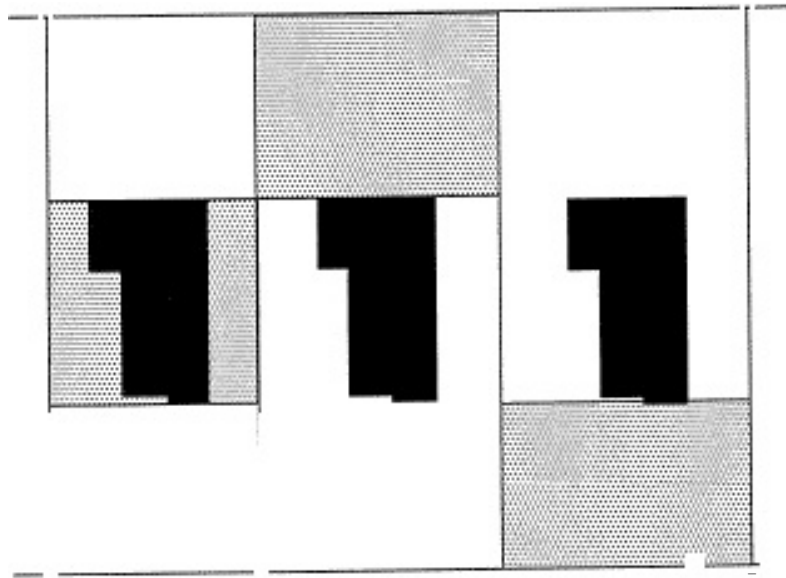
Roof

H = HEIGHT OF BUILDING
H



Gambrel Roof

SIDE
YARDS



FRONT YARD

Front Lot Line

--1-

0

0)

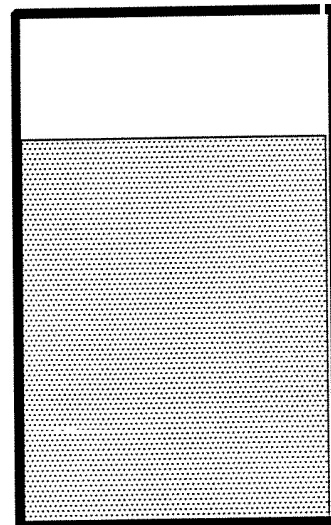
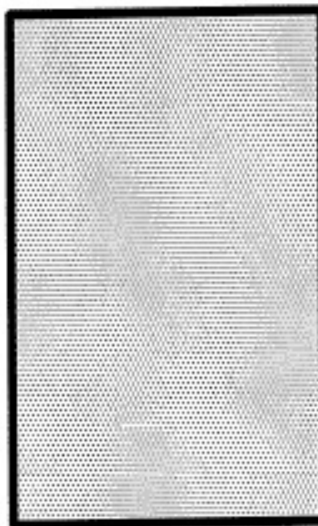
-I-

Utfty Storage TaM
SALES AND SERVICE

REAR
YARD

STREET

YARDS



TOTAL FLOOR
AREA
USABLE FLOOR
AREA
**FLOOR
AREA**

BUILDING HEIGHT

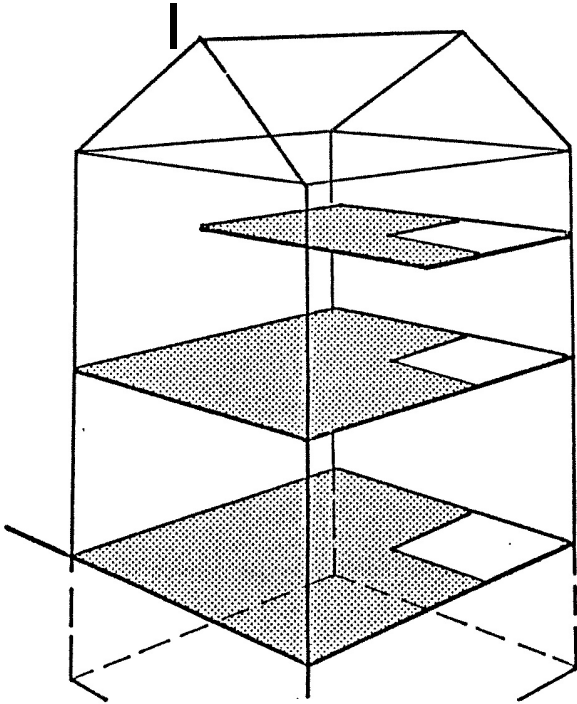
MINIMUM
BUILDING LINE
(FRONT SETBACK)

B
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D
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E
(FRONT SETBACK)



BUILDING HEIGHT

GRADE —a
LINE



UNFINISHED ATTIC

W FLOOR AREA

>4-
MEZZANINE
FLOOR AREA NOT TO EXCEED 130% OF FLOOR BELOW
2nd STORY

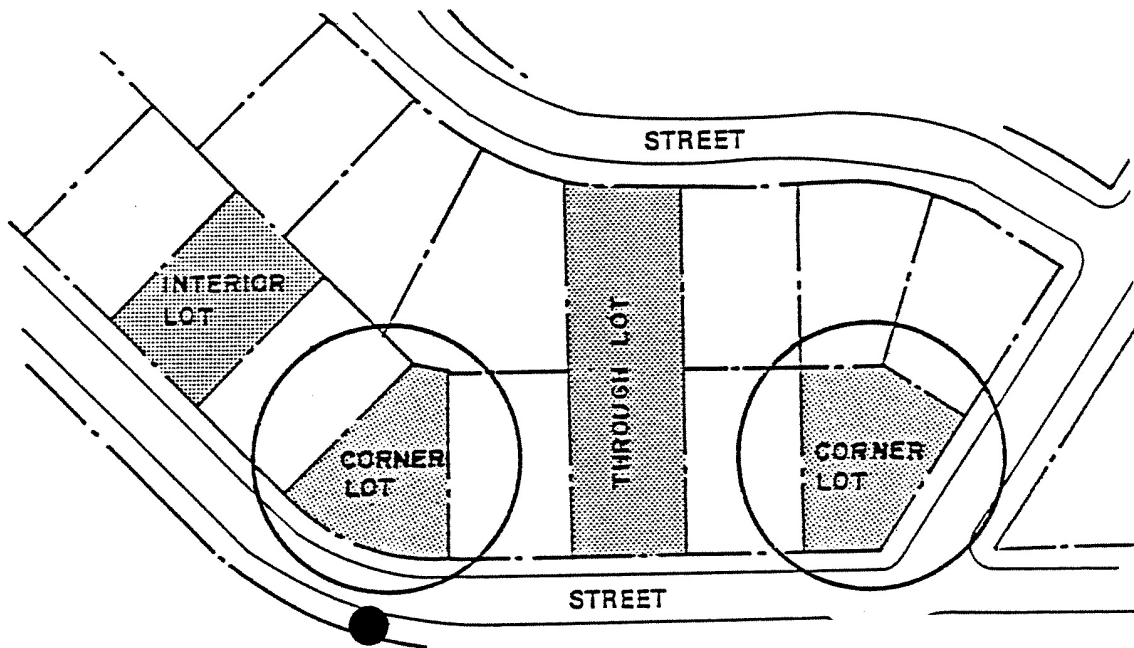
-1st STORY

- BASEMENT

BUILDING HEIGHT

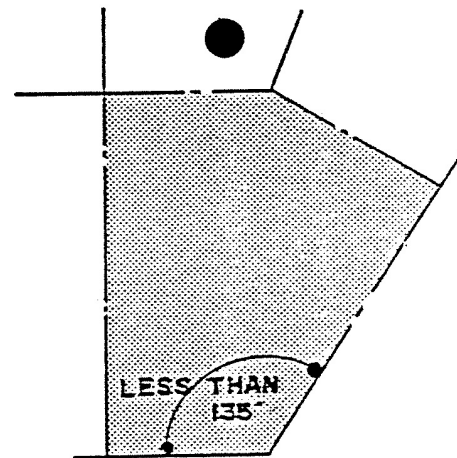
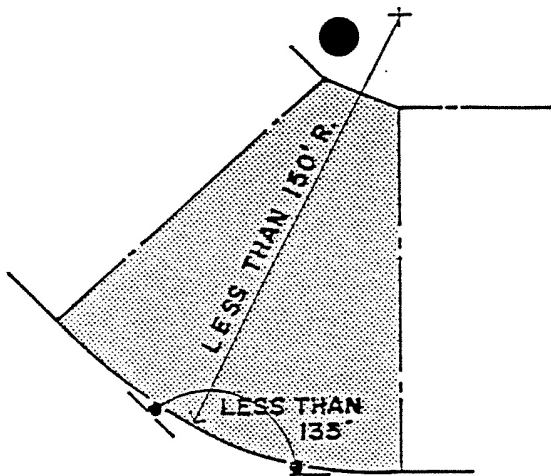
BASIC STRUCTURAL TERMS

INTERIOR, THROUGH & CORNER LOTS



0

0



BASIC STRUCTURAL TERMS

**ARTICLE III
ZONING**

SECTION 3.01 - ZONING DISTRICTS

For-the purpose of the Ordinance, the City of Yale is hereby divided into the following zoning districts:

R-1	Historic Settlement Single Family Residential
R-2	Low-to-Moderate Density Single-Family Residential
R-3	Moderate Density Single-Family Residential
MF	Multi-Family Residential
MH	Mobile Home Park Residential
DD	Downtown District
C	Commercial Core
I	Industrial
P1	Public Institutional
0	Office

SECTION 3.02 - ZONING MAP

The zoning districts are shown on the accompanying map entitled "Zoning Map, City of Yale," which map – including the references, notations, and other information shown thereon – is made part of this Ordinance, and is of the same 'force and effect as if the zones therein designated, and other references and notations thereon, were fully set forth herein.

SECTION 3.03 - LOCATION AND BOUNDARIES

Unless otherwise designated, the boundary of zoning districts shall be interpreted as following along section lines, or highways, or waterways, or lines of customary subdivision of sections, or the centerlines of streets, or the shorelines of water boundaries or the boundaries of incorporated areas, or the boundary lines of recorded plats or subdivisions, or the property lines of legal record on the date of enactment of this Ordinance, or the extension of said lines. Where unzoned property may exist, or where due to its scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or confliction as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

SECTION 3.04 - ZONING OF VACATED AREAS

When any street, alley, or other public way within the City of Yale shall be vacated, such street, alley, or other public way or

portion thereof shall automatically be classified in the same zone to which it attaches.

SECTION 3.05 - ZONING OF ANNEXED AREAS

Any area annexed to the City of Yale shall immediately upon annexation be automatically classified as Low-to-Moderate Density, Single Family - (R-2) District until a Zoning Map for said area has been adopted by the City Council.

SECTION 3.06 - DISTRICT REQUIREMENTS

All buildings and uses in any district shall be subject to all applicable Articles and provisions of this ordinance.

ARTICLE 4
HISTORIC SETTLEMENT SINGLE FAMILY RESIDENTIAL CR-i) DISTRICT

SECTION 4.02. - INTENT

The R-1 district is designed to provide areas for lower-density, single family residential development on larger lots in the historic settlement district along M-19 and Mill Creek. The specific intent of this article is to encourage the construction of, and the continued use of the land for single-family dwellings and appropriate compatible uses consistent with the character of the older historic homes in this district, to prohibit uses that would interfere with the development or continuation of single family dwellings in the district, discourage high traffic generators, and discourage uses that require public facilities and services at a higher level than residential uses.

SECTION 4.02 - PRINCIPAL PERMITTED USES

Unless otherwise provided in this Ordinance, no building shall be erected and no building or land shall be used in an R-1 district except for one or more of the following:

- A. Single family dwellings.
- B. Essential Services.
- C. State Licensed Residential Facility.
- D. Conservation Areas, Parks, and Nature Preserves.
- . Accessory buildings and uses customarily incidental to any of the above permitted uses, including home occupations and family day care homes.

SECTION 4.03 - SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given and after review and approval by the Planning Commission, subject to the requirements and standards of Article 17. Site plan approval is required for all special land uses in this district. See Section 15.09.

- A. Accessory apartment (Section 17.03).
- B. Churches (Section 17.11).
- C. Bed & Breakfast Inns (Section 17.33).
- D. Uses which the Planning Commission determines are similar to and compatible with the permitted uses listed in Section 4.02 above.
- E. Local Utility Structures (Section 17.31)
- F. Two-Family Dwellings provided that a two-family dwelling shall not be located closer than 400 feet to another two-family dwelling fronting on the same street.

- G. Group Day Care Home

SECTION 4.04 - SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. Individual single family and two-family homes are exempt from this requirement. See Section 15.09.

SECTION 4.05 - DEVELOPMENT REGULATIONS

See Article 14, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

ARTICLE 5
LOW-TO-MODERATE DENSITY, SINGLE FAMILY RESIDENTIAL (R-2) DISTRICT

SECTION 5.01 - INTENT

The R-2 district is designed to provide areas for low-to-moderate density, single family residential development on larger lots than the R-3 district. The specific intent of this article is to encourage the construction of, and the continued use of the land for single-family dwellings and appropriate compatible uses, to prohibit uses that would interfere with the development or continuation of single-family dwellings in the district, discourage high traffic generators, and discourage uses that require public facilities and services at a higher level than residential uses. This district is intended to include areas with and without sewers.

SECTION 5.02 - PRINCIPAL PERMITTED USES

Unless otherwise provided in this Ordinance, no building shall be erected and no building or land shall be used in an R-2 district except for one or more of the following:

- A. Single family dwellings
- B. Farms and agriculture, as defined in Article 2.
- C. Essential services
 - . Conservation areas, parks, and nature preserves
- E. State Licensed Residential Facility
- F. Accessory buildings and uses customarily incidental to any of the above permitted uses including not more than one garage with each dwelling in which may be housed not more than two (2) commercial farm vehicles. Home occupations and family day care homes are permitted as accessory uses.

SECTION 5.03 - SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given and after review and approval by the Planning Commission, subject to the requirements and standards of Article 17. Site plan approval is required for all special land uses in this district. See Section 15.09.

- A. Accessory apartment (Section 17.03).
- B. Campgrounds, overnight camping parks (Section 17. 07).
- C. Caretaker's residence (Section 17.08).
- D. Cemeteries (Section 17.10).
- E. Churches (Section 17.11).
- F. Colleges and universities (Section 17.13).
- G. Commercial greenhouse (Section 17.14).

- H. Golf Course (Section 17.18).
- I. Kennels, Private (Section 17.20)
- J. Public buildings (Section 17.25).
- K. Riding academies and stables, commercial (Section 17.27).
- L. Roadside stands/markets (Section 17.28).
- M. Schools (Section 17.29).
- N. Local utility structures, electric stations (Section 17.31).
- O. Bed & Breakfast Inns (Section 17.33).
- Q. Uses which the Planning Commission determines are similar to and compatible with the principal permitted uses noted in Section 5.02.

SECTION 5.04 - SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. Individual single family homes are exempt from this requirement. See Section 15.09.

SECTION 5.05 - DEVELOPMENT REGULATIONS

See Article 14, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

ARTICLE 6
MODERATE DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R-3)

SECTION 6.01 - INTENT

The Single Family Residential District (R-3) is intended to provide homesites and a suitable environment for individuals, and families and individuals with children. The specific intent of this article is to encourage the construction of, and the continued use of the land for single-family dwellings and appropriate compatible uses, to prohibit uses that would interfere with the development or continuation of single-family dwellings in the district, discourage high traffic generators, and discourage uses that require public facilities and services at a higher level than residential uses. To this end, uses are limited to single family dwellings, schools, parks, playgrounds, and similar uses which provide a neighborhood environment.

SECTION 6.02 - PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the R-3 district except for one or more of the following:

- A. Single family dwellings.
 - . Two-family dwellings, provided that a two-family dwelling shall not be located closer than 400 feet to another two- family dwelling fronting on the same street.
- C. Essential Services.
- D. State Licensed Residential Facility.
- E. Conservation areas, Parks, and Nature Preserves.
- F. Accessory buildings and uses customarily incidental to the above permitted uses, including home occupations and family day care homes.

SECTION 6.03 - SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, and after review and approval by the Planning Commission subject to the requirements and standards of Article 17. Site plan approval is required for all special land uses in this district. See Section 15.09.

- A. Accessory apartment (Sec. 17.03).
 - . Churches (Sec. 17.11).
- C. Public buildings (Sec. 17.25).
- D. Schools (Sec. 17.29).
- E. Local utility structures, electric stations (Sec. 17.31).
- F. Uses which the Planning Commission determines are similar to and compatible with the principal permitted uses noted in Section 6.02.

SECTION 6.04 - SITE PLAN ~ APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. Individual single family and two-family homes are exempt from this requirement. See Section 15.09.

SECTION 6.05 - DEVELOPMENT REGULATIONS

See Article 14, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

ARTICLE 7
MOBILE HOME RESIDENTIAL DISTRICT (ME)

SECTION 7.03. - INTENT

It is the purpose of this district to provide for the development of mobile home parks at appropriate locations in relation to the existing and potential development of their surroundings and in relation to other uses and community facilities to afford a proper setting for these uses and a proper relation to other land uses and the comprehensive development of the City.

SECTION 7.02 - PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the MM district except for one or more of the following uses:

- A. Mobile home parks or mobile home condominium developments
- B. Parks and Recreation facilities and uses
- C. Family Day Care Home
 - . Accessory structures customarily incidental to the above permitted uses.

SECTION 7.03 - SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, after review and approval by the Planning Commission and subject to the requirements and standards of Article 17. Site plan approval is required for all special land uses in this district. See Section 15.09.

- A. Group Child Care Facility, or Center (Sec. 17.21).
- B. Schools (Sec. 17.29).
- C. Local utility structures, electric stations (Sec. 17.31).
- D. Churches (Sec. 17.11).

SECTION 7.04 - SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 15.09.

SECTION 7.05 - DEVELOPMENT REGULATIONS

See Article 14, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

ARTICLE 8

MULTIPLE FAMILY DISTRICT (MF)

SECTION 8.02. - INTENT

The Multiple Family District is intended to provide sites that serve the City's limited needs for apartment-type structures. Such development should be restricted to those sites where public services are available.

SECTION 8.02 - PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the MF districts except for one or more of the following uses:

- A. Multiple family dwellings.
- B. Two-family dwellings.
- C. Housing for the Elderly (except convalescent or nursing homes)
- D. State Licensed Residential Facilities
- E. Parks
- . Accessory uses customarily incidental to the above permitted uses.

SECTION 8.03 - SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, after review and approval by the Planning Commission, subject to the requirements and standards of Article 17. Site plan approval is required for all special land uses in this district. See Section 15.09.

- A. Churches (Sec. 17.11).
- B. Convalescent or rest home (Sec. 17.16).
- C. Group Child Care Facility or Center (Sec. 17.21).
- D. Schools (Sec. 17.29).
- E. Local utility structures, electric stations (Sec. 17.30).
- F. Uses which the Planning Commission determines are similar to and compatible with the principal permitted uses in Section

SECTION 8.04 - SITE PLAN APPROVAL

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 15.09.

SECTION 8.05 - DEVELOPMENT REGULATIONS

See Article 14, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

SECTION 8.06 - GREENBELT

Any use which is permitted in a Multi-family residential district and abuts an R-1, R-2 or R-3 district, other than those permitted in an R-1, R-2 or R-3 district and not otherwise required to provide a greenbelt, shall not be erected, expanded or altered on any lot unless a greenbelt is constructed, as set forth in Section 15.01.

ARTICLE 9
COMMERCIAL CORE DISTRICT (C)

SECTION 9.02. - INTENT

The Commercial Core district is designed to serve as the primary area serving the convenience and comparison shopping and service needs of the City and its trade area. Development standards are intended to maintain and promote continuity of commercial frontage, facilitate pedestrian circulation, and provide for compatibility of uses. Except for off-street loading/unloading and parking, it is intended that permanent uses be conducted within completely enclosed buildings or appropriately screened from public view. Unlike the Downtown District, the Commercial Core District's primary function is to provide for commercial, office and service uses that can take advantage of close proximity to M-19. Residential is limited to second story occupancy only.

SECTION 9.02 - PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the C district except for one or more of the following uses:

- . Generally recognized retail business which supply commodities on the premises such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing or notions, and hardware.
- . Personal service establishments which perform services on the premises such as, but not limited to: watch, radio, television, or shoe repair, tailor shops, beauty parlors or barber shops, photographic studios, self-service laundries or dry cleaners, and printing.
- . Laundry, dry cleaning establishments or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
- . Restaurants and Bars.
- E. Automobile service stations, tire, battery and accessory sales, and other similar types of facilities that do not have outdoor storage of materials, wastes, or damaged or wrecked vehicles.
- F. Office buildings for occupations such as real estate, accounting, clerical, stenographic, insurance, legal, architectural, engineering and similar professions.
- G. Medical and dental offices, including clinics.
 - . Public buildings and utility company buildings, without service or storage yards or buildings.
 - . Banks, credit unions, and similar uses.
 - . Veterinary offices and clinics, excluding kennels.
 - . New car or boat sales offices and showrooms, including accessory service facilities, provided that outdoor sales areas for used

cars and boats are permitted only as an accessory use to the new vehicle dealership.

- . Clubs, lodge halls, churches, rental or catering halls, and similar uses.
- M. Funeral homes.
- . Hotels and motels.
- O. Bus passenger stations.
- P. Utility distribution system structures.
- Q. Accessory uses customarily incidental to the above permitted uses.

SECTION 9.03 - SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, and after review and approval by the Planning Commission, subject to the requirements and standards of Article 17.

- A. Group Child Care Facility or Center (Sec. 17.21).
- B. Local utility structures, electric stations (Sec. 17.31).
- C. Second Story Residential (Section 17.30).
- . Uses which the Planning Commission determines are similar to and compatible with the principal permitted uses in Section 9.02.

SECTION 9.04 - SITE PLAN APPROVAL

A site plan shall be submitted for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 15.09.

SECTION 9.05 - DEVELOPMENT REGULATIONS

See Article 14, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

SECTION 9.06 - GREENBELT

Any use which is permitted in a Commercial district and abuts an R-1, R-2, R-3, MF, or MM district, shall not be erected or altered on any lot unless a greenbelt is constructed, as set forth in Section 15.01.

ARTICLE 10
DOWNTOWN DISTRICT (DD)

SECTION 10.01 - INTENT

The purpose of the Downtown District (DD) is to provide for a mix of uses in a compact setting to continue the traditional character that has been established in this area. Mixed-use developments containing residential office, retail, and public uses are permitted in this district, provides for a pedestrian orientation, reduction in automobile trips, and an urban setting.

SECTION 10.02 - PRINCIPAL PERMITTED USES

- A. Single-Family Homes
- B. Multi-Family Development (apartments)
- C. Two-Family Dwellings
 - . Generally recognized retail businesses which supply accommodations on the premises, such as, but not limited to: groceries, meats, drygoods, clothing, and hardware.
 - . Personal service establishments such as, but not limited to: watch, electronics, shoe repair, beauty/barber shops, selfservice laundries, and photographic studios.
 - . Restaurants, provided they are not located within 200 feet of an existing school.
- G. Offices and Medical offices
- H. Public Buildings without storage yards.
- I. Clubs, lodge halls or similar uses, provided they are not located within 200 feet of an existing school.
 - . Hotels and Motels, provided they are not located within 200 feet of an existing school.
- K. Banks and similar uses
- L. Veterinary Offices and clinics, excluding kennels
- M. Funeral Homes.
- N. Churches
- O. Accessory uses customary incidental to the above permitted uses.

SECTION 10.03 - SPECIAL LAND USES

- . Convalescent or Nursing Home (Section 17.16)
- B. Schools (Section 17.29.)
- C. Automobile Service Center (Section 17.05)
- D. Automobile Service Station (Section 17.06)

- E. Car Wash (Section 17.09)
- F. Drive-In Restaurant (Section 17.17)
- G. Kennels, Commercial (Section 17.19)
- H. Group Child Care Facility or Center (Section 17.21)
- I. Utility Distribution System Structures (Section 17.31)
- . Uses which the Planning Commission determines are similar to and compatible with the principal permitted uses in Section

SECTION 10.04 - SITE PLAN APPROVAL

A site plan shall be submitted for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this districts. See Section 15.09.

SECTION 10.05 - DEVELOPMENT REGULATIONS

See Article 14, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

SECTION 10.06 - GREENBELT

Whenever a use (other than a single-family or two-family home) permitted in the downtown district is commenced, constructed, expanded, or substantially altered adjacent to a residential use or residential zoning district a greenbelt shall be provided or, at the discretion of the Planning Commission, an obscuring wall shall be provided along the adjoining lot (See Section 15.01.)

ARTICLE 11
INDUSTRIAL DISTRICT (I)

SECTION 11.01 - INTENT

The Industrial (I) district is intended to accommodate certain industrial, research and warehousing activities whose external physical effects are minimal and in no way detrimental to surrounding districts plus certain wholesale and intensive service activities of a nature that does not justify their inclusion in any commercial use district. This Article is also intended to control the nuisance effects of industrial development encourage the location of industrial uses on major roads, and prohibit the unscreened, open storage of materials. To this end, all I uses shall comply with the Performance Standards of Sec. 16.16.

SECTION 11.02 - PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the I district except for one or more of the following uses:

- . Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement for enclosure.
- B. Research and office uses related to permitted industrial operations.
- . Any of the following uses when conducted wholly within a completely enclosed building:
 - 1. warehousing and wholesale establishments, tool, die, gauge and machine shops.
 - 2. The manufacture, compounding, processing, packaging or treatment of such products as: cosmetics, pharmaceutical, toiletries, food products, hardware and households supplies.
 - 3. The manufacture, compounding, assembling or treatment of articles or merchandise from the following types of previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fur, glass, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), ferrous and non-ferrous metals (excluding large castings and fabrications) shell, wax, wire, wood (excluding saw and planing mills) and yarns.
 - 4. The manufacture of pottery and figurines, or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
- . Manufacture of musical instruments, toys, novelties, and metal or rubber stamps or other small molded rubber products, or injection molded or vacuum-formed plastic products.
- . Manufacture or assembly of electrical appliances, electronic instruments, radios and phonographs, computers, and similar products.

- F. Experimental, film or testing laboratories.
 - . Manufacture and repair of electric or neon signs, light sheet metal products, such as heating and ventilating equipment and ductwork, gutters, downspouts, and the like.
 - . Storage, transfer and trucking terminals, mini-warehouses, electric and gas company and municipal service buildings and yards, sewage treatment and disposal plants.
- I. Lumber yards, building materials storage and sales.
 - . Automobile repair garages (excluding junk yards or storage of wrecked vehicles).
 - . Indoor racquet sports building, ice arena, and similar uses involving large structures of the type that can be easily converted to industrial usage.
 - . Contractor or builder's office, including a properly screened equipment storage yard if related to the contractor or builder's business.
 - . Rental space for storage of travel trailers, motor homes, recreational vehicles, campers, boats and the like, provided all sides shall have a six (6) foot high, completely obscuring wall or pressure treated wood fence.
 - . Accessory uses customarily incidental to the above permitted uses.

SECTION 11.03 - SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, after review and approval by the Planning Commission, subject to the requirements and standards of Article 17.

- A. Retail Uses (Sec. 17.26)
 - . Utility Uses and towers (Sec. 17.31)
- C. Yard Compost Facilities (Sec. 17.12)
- D. Commercial Greenhouse (Sec. 17.14)
- E. Outdoor Sales Lots (Section 17.22)
- F. Junk Yards (Section 17.32)
 - . Uses which the Planning Commission determines are similar to and compatible with the principal permitted uses in Section

SECTION 11.04 - SITE PLAN APPROVAL

A site plan shall be submitted for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 15.09.

SECTION 11.05 - DEVELOPMENT REGULATIONS

See Article 13, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

SECTION 11.06 - GREENBELT

Whenever a use permitted in the industrial district is commenced, constructed, expanded, or substantially altered adjacent to a Residential (R-1, R-2 or R-3), Multi-Family (MF), Mobile Home (MH), Office (O) or Commercial (C or DD) use or district, a greenbelt shall be provided as set forth in Section 15.01.

ARTICLE 12
PUBLIC INSTITUTIONAL DISTRICT (P1)

SECTION 12.01 - INTENT

The Public Institutional District is designed to reserve needed and desirable lands for governmental, public, and semi-public uses in order to serve the residents and workers in the City. Existing and proposed public uses which may be zoned in the City are based upon the Community Plan to promote sound future city growth.

SECTION 12.02 - PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the P1 District except for one or more of the following uses:

- . Publicly owned buildings, structures and uses operated and maintained for governmental purposes, for the public education or recreation, or for the public convenience, health, safety or welfare as herein listed.
- B. Water and sewer treatment facilities.
- . Transportation facilities including terminals, docks, lines, but not including maintenance or repair stations or shops.
- D. Concessions catering to those using the public facilities.
- E. Meeting halls of non-profit fraternal organizations.
- F. Hospitals.
- G. Public schools
- H. Parks and public recreational facilities.
- I. Offices and Medical Offices
- J. Churches
- . Accessory buildings and uses customarily incidental to the establishment or conducting of uses permitted.

SECTION 12.03 - SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, after review and approval by the Planning Commission, and after review subject to the requirements of Article 17.

- A. Yard composting facilities (Section 17.12)
- B. Commercial outdoor recreation (Section 17.15)
- C. Riding Academies and Stables (Section 17.27)
- . Utility Structures, transmission Systems, and towers (Section 17.31)

E. Colleges and Universities (Section 17.13)

F. Cemeteries (Section 17.10).

SECTION 12.04 - SITE PLAN APPROVAL

A site plan shall be submitted for a new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 15.09

SECTION 12.05 - GREENBELT

Whenever a use permitted in the P1 district (except parks, recreation uses, or cemeteries) is commenced, constructed, expanded or substantially altered on a lot adjacent to a Residential (R1, R-2 or R-3), Multi-family (M), or Mobile home (MH) district, a greenbelt shall be provided as set forth in Section 15.01.

SECTION 12.06 - DEVELOPMENT REGULATIONS

See Article 14, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

ARTICLE 13
OFFICE DISTRICT, 0

SECTION 13.01 - INTENT

The Office District is designed to reserve appropriate lands for office uses in order to serve the residents and workers in the City and provide a buffer between more intense zoning districts and residential areas. Towards this end, a mix of office and residential uses is permitted in this district.

SECTION 13.02 - PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the 0 District except for one or more of the following uses:

- A. General offices
- B. Medical offices
- C. Single family homes
- D. Two family homes
 - . Accessory buildings and uses customarily incidental to the establishment or conducting of uses permitted.

SECTION 13.03 - SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, after review and approval by the Planning Commission subject to the requirements of Article 17.

- A. Utility Structures (Section 17.31)

SECTION 13.04 - SITE PLAN APPROVAL

A site plan shall be submitted for a new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district except for individual single family homes. See Section 15.09

SECTION 13.05 - GREENBELT

Whenever a non-residential use permitted in the 0 district is commenced, constructed, expanded or substantially altered on a lot adjacent to a Residential (R-1, R-2 or R-3), Multi-family (MF), or adjacent to a Residential (R-1, R-2 or R-3), Multi-family (MF), or Mobile home (MH) use or district, a greenbelt shall be provided as set forth in Section 15.01.

SECTION 13.06 - DEVELOPMENT REGULATIONS

See Article 14, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

ARTICLE 14
SCHEDULE OF' DISTRICT REGULATIONS

SECTION 14.01 - GENERAL RESTRICTIONS

EXCEPT as otherwise specifically provided in this Ordinance, no lot shall be smaller than the minimum size specified below; nor less than the minimum width specified below; nor shall the buildings or structures on any lot occupy a greater percentage of the lot than the maximum specified below.

ALSO, except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below, and no building shall be erected or maintained which exceeds the height limit specified below. The side setback requirement applies to a side lot line and shall also apply to any lot line which is neither a front, rear or side lot line as defined in this ordinance. No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, may be counted or calculated to satisfy a yard or other open space requirement for any other building which is not located on the same lot.

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SECTION 14.03 FOOTNOTES TO SEC. 14.

A-i. The ratio of lot depth to lot width shall not exceed 4:1 In any district

- . In determining required yard spaces for all land uses In any zoning district, the determination of such yard spaces shall be the distance from the building or structure on the lot at the nearest lot line. Front yard setbacks shall be measured from the existing (or, if none exists, proposed) road right-of-way or road easement line. No accessory building shall be erected in any yard, except a rear yard. An accessory building may occupy not more than 25 percent of a required rear yard plus forty percent of any non-required rear yard; provided, however, that in no instance shall the floor area of the accessory building exceed the ground floor area in the main building. Where a building in a non-residential district is accessory to a use of land, it shall comply with all setback requirements for a main building. If located within a residential district, in no instance shall a building be nearer than five (5) feet to any rear or side lot line. See Section 16.01 for additional regulations applying to accessory buildings.
- . Where a front yard of greater or less depth than the specified depths exists in the front of a dwelling or dwellings, in existence at the time for the passage of this Ordinance, on one side of a street in any block, the depth of the front yard of any building subsequently erected on that side of the street in the block shall not be less and need not be greater than the average depths of the front yards of such existing dwellings.
- . The following shall apply to all districts. Where a side yard abuts upon a street it shall constitute a front yard and the shall not be less than the required front setback. All buildings, structures and accessory uses shall maintain such required yard space.
- . The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches, or attached garages.
- . Each dwelling with one and one-half (1-1/2) or more stories shall have a minimum first floor area of not less than six hundred (600) square feet.
- . Reserved for future use.
- . Multiple Family Residential Development Requirements:
 1. The minimum distance between any two (2) multiple family residential buildings shall be no less than twenty (20,) feet. Parking may be permitted within a required side or rear yard but shall not cover more than thirty percent of the area of any required yard.
 2. Minimum floor area per dwelling unit in square feet for multiple family residential developments.
 - One Bedroom: 600 square feet
 - Two Bedroom: 800 square feet
 - Three Bedroom: 1,000 square feet
 - Four Bedroom: 1,150 square feet

Plans presented which include a den, library or extra room shall have such room counted as a bedroom for the purpose of this Ordinance.

- H. Reserved for future use.
- I. No side yards are required along the interior side lot lines, except as specified by the building code. On the exterior side yard which borders on a residential district, there shall be provided a setback of at least twenty (20') feet on the side or residential street.
- J. Industrial Development Requirements:
 - 1. No building shall be made closer to the outer perimeter (property line) than the herein required side or rear yard, except that no yard shall be required along the interior side lot lines when said property line is adjacent to like use districts or to railroad right-of-way. A fifteen (15') foot greenbelt (as specified in Section 14.01) shall be provided within the required yard area and adjacent to the property line. Said greenbelt developments shall be approved by the Planning Commission.
 - 2. Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the Planning Commission. The parking areas, when adjacent to any residential district, shall comply with the requirements of Section 14.01, Greenbelts.
- K. If a sprinkler or other fire protection system approved by the City Zoning Administrator is provided, structures may be no more than forty-five (45) feet.
 - . The minimum lot area allowed shall be determined by the aggregate area of buildings, required yards, off-street parking and loading space and any other specified lot area requirement applicable to the proposed use.
- M. The minimum dimension of any dwelling unit shall be no less than twenty three (23') feet.
 - . Minimum floor area requirements apply to principal permitted uses, unless otherwise provided for in this ordinance.
- O. The maximum front setback in the C district shall be 10 feet from the front lot line.

ARTICLE 15
GENERAL PROVISIONS - Part I

SECTION 15.01 - GREENBELTS, LANDSCAPING, AND PLANT MATERIALS

- . Whenever a greenbelt is required by this ordinance or landscaping is proposed by a developer, it shall be planted within six (6) months from the date a certificate of occupancy is issued and shall thereafter be maintained in a healthy, growing condition. The planting area shall also be kept free of weeds, debris, and refuse. Specific planting requirements are as follows:
 - 1. Plant materials shall not be placed closer than two (2) feet from the property line.
 - 2. No earthen berm shall exceed a height of four (4) feet. To avoid a monotonous appearance and insure proper drainage in the area, the berm shall be broken or provided with openings at least every seventy-five (75) feet.
 - 3. Plantings that die or are unhealthy shall be replaced during the following spring or summer.
 - 4. Evergreen trees shall not be less than five (5) feet in height. Large deciduous trees shall not be less than three (3) inches in trunk caliper (measured six inches above ground up to and including four inch caliper trees; measured twelve inches above ground for larger trees). Small deciduous trees shall not be less than two (2) inches in caliper.

When a greenbelt is specifically required, the following additional planting requirements shall apply:

- 1. The planting strip shall be no less than fifteen (15) feet in width.
- 2. A minimum of one (1) evergreen tree shall be planted at ten (10) foot intervals. Evergreen trees shall not be less than five (5) feet in height.
- 3. A minimum of three(3) intermediate shrubs shall be placed between the spaced evergreen trees. These intermediate shrubs shall not be less than thirty (30) inches in height.
- 4. Plant materials within the greenbelt should have a pleasing natural appearance by staggering the plants in two or more rows or by grouping of materials.
- 5. The greenbelt shall provide a minimum opacity of fifty (50) percent during winter and eighty (80) percent during summer within two (2) years following installation. This opacity shall be maintained up to a minimum height of five (5) feet, or higher if required by the Planning Commission.
- 6. At the discretion of the Planning Commission, a six (6) foot high (minimum) decorative screen wall made of brick, precast brick panels or poured concrete with a brick-like texture may be substituted for a greenbelt.

B. Suggested plant materials:

- 1. The following evergreens and all similar plants proposed shall be a minimum of five (5) feet in height with an average spread of thirty (30) inches.

Fir
Pine

Juniper
Red Ceder
American Arborvitae
Pyramidal Arborvitae
Columnar Juniper
Irish Juniper

2. The following types of single stem, tree-like shrubs shall have a minimum caliper of two (2) inches when installed:

Flowering Crabs
Smoke Bush
Clump Bush
Mountain Ash
Dogwood
Red flud
Rose of Sharon

3. The following types of deciduous shrubs shall have a minimum height of thirty (30) inches when installed:

Honey Suckle
Viburnum
Mockorange
Tall hedge
Holly (Varieties)
Forsythia
Barberry
Ninebark

4. The following types of trees shall have a minimum caliper of three (3) inches when installed:

Marshall Seedless Ash
Birch
Linden
Thorniess, Seedless Varieties of Locust
Hard Maples
Oak

C. Trees not permitted:

Box elder
Soft maples
Elms (American)
Poplars
Ailanthus (Tree of Heaven)
Cottonwood
Willows

D. Bond:

1. A bond or cash in an amount equal to twenty (20) dollars per linear foot of required greenbelt shall be deposited with the City Clerk until such time as the greenbelt is planted.
2. In all cases, the City shall be authorized to withhold twenty (20) percent of the bond or cash for a period of two (2) years from the date of issuance, to insure that dead or dying nursery stock shall be replaced. Excess funds, if any, shall be returned to the depositor upon completion of the two year period. It shall be the responsibility of the owner to maintain the greenbelt for its original intent and purpose.

- . All fences and walls of any nature, type or description located in the City shall conform to the following regulations:
1. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Building Inspector as conforming to the requirements of the zoning district wherein they are located and to the requirements of this Section.
 2. Fences which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:
 - a. No fence shall hereafter be erected, along the line dividing lots or parcels of land or located within any required side or rear yard, in excess of six (6) feet in height or less than three (3) feet in height above the grade of the surrounding land.
 - b. No fence shall hereafter be located in the front yard of the lots or parcels in question more than three (3) feet in height. In addition, fences in front yards shall be placed so as to not restrict sight distances at intersections of driveways and streets.
 - c. All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences is prohibited, except as provided below. Barbed wire cradles may be placed on top of fences enclosing public utility buildings as deemed necessary in the interests of public safety.
 3. Fences for agricultural uses, after approval as to location and type by the Building Inspector, may be located on all property or road right-of-way lines of a parcel of land providing such fences are maintained in a good condition and do not result in an unreasonable hazard to persons who might come near them.
 4. No fence, wall, structure, or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection (i.e., above thirty (30) inches in height), excepting shade trees are permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the intersection of any roads by a straight line drawn between said roads at a distance along the edge of each roadway of 30 feet from the corner formed by the intersection of the roadways.
 5. Whenever a fence is proposed in other than a residential district, it shall require the issuance of a building permit and shall comply with the following:
 - a. The maximum height for all fences, including security fences and obscuring fences, shall be six (6) feet, unless otherwise provided for in this Ordinance.
 - b. Open, wire fences shall be of a chain-link variety only. Plastic, vinyl, aluminum or wood slats, or similar devices placed through the wire fences, shall not be used to satisfy the requirements of this ordinance for screening or an obscuring fence.
 - c. When an obscuring wood fence is proposed, it shall be constructed entirely of pressure treated wood or metal

posts and pressure treated wood panels, to assure durability and relative freedom from the need for regular maintenance.

- B. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts.
- . Such walls and screening barriers shall have no openings for vehicular traffic or other purposes, except as otherwise provided in the Ordinance and except such openings as may be approved by the Building Inspector. All walls herein required shall be constructed of material approved by the Building Inspector to be durable, weather resistant, rust proof and easily maintained.

Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Building Inspector and shall not be less than four (4) inches wider than the wall to be erected.

Masonry walls may be constructed with openings higher than thirty-two (32) inches above grade provided such openings are not larger than sixty-four (64) square inches, provided that the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum wall height requirements.

- . The Planning Commission may substitute an obscuring fence **and/or a greenbelt** for the required masonry screen wall where they determine that a wall would serve no good purpose and the obscuring fence and/or a greenbelt would uphold the intent of this Ordinance. An obscuring fence shall meet all requirements of this section and all greenbelts shall comply with Section 15.01.

SECTION 15.03 - OFF-STREET LOADING AND UNLOADING:

Except within the Commercial Core district, on the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- . All spaces shall be provided so as not to interfere with any off-street parking spaces or maneuvering lanes.
- . All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with clearance of at least fifteen (15) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in the I District shall be provided in the ratio of one (1) space for each 20,000 square feet of gross floor area. If the gross floor area exceeds 100,000 square feet, one space for every 40,000 square feet of GFA shall be provided for the space in excess of 100,000 square feet. All industrial and commercial businesses shall provide at least one (1) off-street loading/unloading space.

SECTION 15.04 - OFF-STREET PARKING SPACE STANDARDS, LAYOUT, CONSTRUCTION AND MAINTENANCE:

In all zoning districts, there shall be provided at the time of erection or enlargement of any main building or structure, or the establishment of any use, automobile off-street parking space with adequate access to all spaces, in conjunction with all land or building uses (including the principal use and all auxiliary uses). In the Commercial Core district, off-street parking shall not be required.

- . Parking on Same Lot Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major thoroughfare. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant when an application for a building permit or a certificate of occupancy is filed.
- . Residential Parking - Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, parking lot, or combination thereof. Such spaces shall be located on the premises they are intended to serve. Single and two-family residential off-street parking are exempt from regulations of this Article governing a parking lot.
- . Change in Parking Area - Any area designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided in a location which meets all requirement of this ordinance.
- . Pre-existing Parking - Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use. Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- E. Shared Parking - Where the owners of two buildings, or uses, whose operating hours do not overlap desire to utilize common off-street parking facilities, application shall be made to the Zoning Board of Appeals. The Board may grant approval of such dual function off-street parking facilities, subject to a finding that the following conditions have been met:
 1. The office hours of the two buildings, or uses, shall have minimal overlap, except for custodial personnel.
 2. The common parking lot meets the off-street parking requirements of the larger building or use plus fifteen (15) percent.
 3. The common parking lot meets all location requirements of this Ordinance with respect to each building or use.
- . Limitations of Use - Required off-street parking space shall be for the use of occupants, employees, visitors, customers, clients and patrons. Under no circumstances shall it be rented, used for other than parking purposes, or allowed to become unusable (except for temporary repairs). The storage of vehicles, or the repair of vehicles on any off-street parking space is prohibited.
- . Uses Not Listed - For those uses not specifically mentioned, the

requirements of off-street parking facilities shall be interpreted by the Planning Commission from requirements for uses similar in type.

- . Definitions - For the purpose of computing the number of parking spaces required in commercial and industrial uses, the definition of Gross Floor Area, in ARTICLE 2, DEFINITIONS, shall govern.
- I. Layout - Whenever the off-street parking requirements require the building of an off-street parking facility, such off street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:
 - 1. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector or Official. Applications for a permit shall be submitted in such form as may be determined by the Building Inspector or Official, and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
 - 2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements

Parking Pattern (in degrees)	Lane Width	Space Width	Space Length	Total width of 2 tiers of spaces plus maneuvering lane.
Parallel (0)	12'	8'	23'	40'
30 to 53	12'	9'	18'	52'
54 to 74	15'	9'	18'	58'
75 to 90	24'	9'	18'	60'

- 3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- 4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential Use.
- 5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 degree pattern may permit two-way movement.
- 6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from any adjacent property located in any single family residential district.
- 7. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district (R-1, R-2, R-3, MF, or MH) or where there is an existing residential use and shall be subject further to the requirements of Section 15.02.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

8. The entire parking area, including parking spaces and maneuvering lanes required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Planning Commission. The parking area shall be surfaced within one year of the date the permit for its construction is issued or within six months of completion of an associated principal structure, whichever comes first.

Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the City.

9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
10. Off-street parking lots shall be designed so that there is at least 50 feet of driveway area between the edge of the intersecting through road and the beginning of the first parking space, so as to provide for stacking of two inbound vehicles without blocking traffic on the through street.
11. All off-street parking lots shall be setback a minimum of five (5) feet from all property lines.

J. Parking Lot Landscaping Requirement

In addition to requirements for landscaping setback areas, all off-street parking lots of more than forty (40) spaces shall incorporate and provide curbed or otherwise protected landscaped islands located within the parking lot itself. The minimum size for a landscaped island shall be five by ten (5 x10) feet. The ratio of landscaped area to number of parking spaces shall be one hundred (100) square feet for each twenty (20) parking spaces. The landscaped islands shall be provided with a variety of plant materials including trees of a selected variety and size as may be practical for planting and architectural effect, and a variety of low-growing shrubs. Maximum mature shrub height shall be twenty-four inches (24") and minimum canopy height of deciduous trees shall be eight feet (8').

K. End Islands Required

In order to delineate on-site circulation, ensure adequate sight distance at the intersection of parking aisles, ring roads, and private roads, protect the vehicle at the end of a parking bay, and define the geometry of internal intersections, end islands (painted, landscaped, or raised curb) shall be required at the end of all parking bays in off street parking lots of more than forty (40) spaces. At a minimum, one landscaped island (see 3. above) or raised curb island shall be provided for every two painted islands.

- . In all cases where a screen wall extends to a driveway which is a means of ingress and egress to an off-street parking area, it shall be permissible to

end the wall not more than fifteen (15) feet from such driveway line in order to permit a wider means of access to the parking area.

- . The City may substitute a screen fence and/or a greenbelt in place of the wall, as provided in Section 15.01, where no good purpose would be served by the wall.

- N. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE
RESIDENTIAL

MINIMUM NUMBER OF PARKING
SPACES PER INDICATED AREA OR
UNIT OF MEASURE

- | | | |
|----|---|---|
| 1. | One-Family Residential | Two (2) for each unit |
| 2. | Two-Family Residential | Two (2) for each unit |
| 3. | Multiple-Family Residential | Two (2) for each unit |
| 4. | Independent Elderly, where residents live in their own <u>independent apartment</u> or other housekeeping unit. | One (1) for each dwelling and one (1) for each employee |
| 5. | Congregate Elderly, where residents occupy a private units or shared <u>room</u> , and have meals, medical, laundry, and other services provided daily. | One (1) for each four (4) |

INSTITUTIONAL

- | | | |
|-----|---|--|
| 6. | Homes for the Aged (Assisted Living Convalescent Care and Nursing Homes) | One (1) for each two (2) beds |
| 7. | Churches or Temples | One (1) for each three (3) persons allowed under state, county or local fire and health regulations or one (1) for each five (5) feet of pews in the main unit of worship, whichever is greater. |
| 8. | Hospitals | Two (2) for each one (1) bed plus parking for related uses. |
| 9. | private and Public Elementary and Junior High Schools, and Similar Institutions | One (1) for each (2) seats in the auditorium or assembly hall, or one (1) space for each employee, plus ten (10) visitor spaces, whichever is greater. |
| 10. | Public and Private High Schools and Similar Institutions | One (1) for each two (2) seats in the auditorium or assembly hall, or one (1) space for each employee plus one (1) space for each four (4) students, whichever is greater. |

- | | |
|---|---|
| 11. Public and Private Schools
Converted for Adult
Education Classes | One (1) space for each one and
one-half (1½) students based on
the maximum occupancy as
determined by local or state
fire codes. |
| 12. Commuter College,
university, Business
Vocational, or Similar
School Principally
Enrolling Students 17 Years
of Age or Older | One (1) parking space for each
pupil plus parking requirements
for places of public assembly
shall be met if used during
periods of classroom assembly. |
| 13. Small Residential Colleges,
Religious Schools, and
Similar Institutions | One (1) for each three(3)
students plus one (1) for each
employee. |
| 14. Private Clubs or Lodges | One (1) for each three
(3)persons allowed within the
maximum occupancy load as
established be local, county, or
state fire or health codes. |
| 15. Private Swimming Pool Clubs
or Other Similar
Uses | One (1) for each (2) member
families or individuals plus
spaces required for each
accessory use such as a
restaurant or bar. |
| 16. Fraternity or Sorority | One (1) for each five (5)
permitted active members, or one
(1) for each two (2) beds,
whichever is greater. |
| 17. Theaters and Auditoriums | One (1) for each three (3) seats
plus one (1) for each employee. |
| 18. Theaters and Auditoriums in
Shopping Centers | One (1) for each four (4) seats. |
| 19. Stadia, Sports Arenas, or
Other Place of Outdoor
Assembly | One (1) for each three (3)seats
or five (5) feet of benches. |
| 20. Libraries, Museums, or Post
Offices | One (1) for each two
hundred (200) square feet of
gross floor area (5 spaces per
1,000 square feet GFA). |
| 21. Nursery Schools, Day
Nurseries, or Child Care
Centers | One (1) for each three hundred
fifty (350) square feet of
usable floor area (2.86 spaces
per 1,000 square feet) plus one
(1) space for each employee. |

OFFICES

22. Banks, Savings and Loans, Credit Union
- One (1) for each two hundred (200) square feet of gross floor area (5 spaces per 1,000 square feet) plus five (5) automobile standing (queue) areas for each drive-in teller window. The automobile standing space shall not be less than twenty (20) feet by nine (9) feet. The standing area shall not be considered parking space.

Business Offices and Professional Offices Except as Indicated in the Medical/Dental Category (26).

23. Offices Under 50,000 Square GFA
- Four and one-half (4.5) feet for each 1,000 square feet of GFA.
24. Offices containing 50,000 –99,999 Square Feet GFA
- Four (4) for each 1,000 square feet of GFA.
25. Offices containing 100,000+ Square Feet GFA
- Three and one-half (3.5) for each 1,000 square feet of GFA.
26. professional Offices of Doctors, Dentists, Veterinarian or Similar Professions; Outpatient Clinics
- One (1) for each seventy-five (75) square feet of gross floor area.

INDUSTRIAL

27. Industrial or Research Establishments and Related Accessory Offices
- Five (5) plus one (1) for and each employee in largest working shift, or five (5) plus one (1) for each five hundred (500) square feet GFA (2 spaces per 1,000 square feet), whichever is greater.
28. Warehouses and Wholesale Establishments and Related Accessory Offices
- Five (5) plus one (1) for every one (1) employee in the largest working shift, or five (5) plus one for each seventeen hundred (1,700) square feet of GFA (0.59 spaces per 1,000 square feet), whichever is greater
29. Self-Storage or Mini-Warehouse
- One (1) for each 10 storage units.

BUSINESS / COMMERCIAL

- | | |
|--|---|
| 30. Commercial or Shopping Center | One (1) for each two hundred (200) square feet of GLA (5 spaces per 1,000 square feet). |
| 31. Furniture and Appliance, Hardware
Household Equipment
Repair Shops, Showroom of a Plumber, Decorator, Electrician
Similar Trade, Shoe Repairs
Other Similar Uses | One (1) for each eight hundred (800) square feet GFA (1.25 spaces per 1,000 square feet) plus one (1) for each two (2) employees. |
| 32. Beauty and Barber Shops | Three (3) for each chair, tanning station, or similar use area. |
| 33. Mortuaries and Funeral Parlors | One (1) for each three (3) persons allowed under state, county, or local fire and health codes. |
| 34. Miniature Golf Establishments | Two (2) for each one (1) hole and one (1) for each employee, plus parking for accessory uses. |
| 35. Golf Driving Ranges | One and one-half (1½) for each driving pad. |
| 36. Bowling Alleys | Five (5) for each bowling lane plus parking for accessory uses. |
| 37. Dance Halls, Pool or Billiard Parlors, Roller Skating Rinks and Exhibitions Halls Without Fixed Seats | One (1) for each three (3) persons allowed under state, county, or local fire and health codes. |
| 38. Establishments for the Sale and Consumption on the premises of Beverages, Food or Refreshments (Except Fast Food Restaurants) | One (1) for each hundred (100) square of GFA (10 spaces per 1,000 square feet). |
| 39. Fast Food Restaurants | One (1) for each sixty (60) square feet of GFA (16.7 spaces per 1,000 square feet) plus a minimum of eight (8) automobile standing spaces for drive-up window (if provided). The automobile standing area shall be not less than twenty (20) feet by nine (9) feet. The automobile standing area shall not count towards the parking requirement. |

- | | |
|---|---|
| 40. Carry-Out Only Restaurants | One (1) for each twenty five (25) square feet of usable floor area (40 spaces per 1,000 square feet) plus a minimum of eight (8) automobile standing spaces for drive-up window (if provided). The automobile standing area shall be not less than twenty (20) feet by nine (9) feet. The automobile standing area shall not count towards the parking requirement. |
| 41. Laundromats and Coin-Operated Dry Cleaners | One (1) for each two (2) machines. |
| 42. Automobile Wash (Automatic) | One (1) for each one (1) employee plus an automobile standing area outside the car wash structure equal to four (4) times the maximum capacity to the auto wash. The maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20). |
| 43. Automobile Wash (Self Service) | One (1) for each employee plus five (5) automobile standing spaces for each washing stall in addition to the stall itself. The automobile standing spaces shall be no less than twenty (20) feet by nine (9) feet. |
| 44. Gasoline Service Stations (Full Service) | Four (4) parking spaces, exclusive of stall space, for each stall, plus one (1) for each fuel pump. In no instance shall required parking space or maneuvering area conflict with vehicles being refueled or awaiting fuel. |
| 45. Gasoline Stations (No Vehicle Repair, Alterations, or (Service) | One (1) space for every two pumps plus one (1) space for each employee. In no instance shall required parking space or maneuvering area conflict with vehicles being re-fueled or awaiting fuel. |

- | | |
|--|---|
| 46. Gasoline Stations With Convenience Retail Food and Beverage Sales Other Than Machine Sales | Same as above plus one (1) space for each two hundred fifty (250) square feet of GFA devoted to retail food and beverage sales. |
| 47. Motel, Hotel or Other Commercial lodging establishments | One and one-quarter (1.25) for each unit plus parking for accessory uses. |
| 48. Motor Vehicle Sales and Service | One (1) for each two hundred (200) square feet of usable floor area of sales room and one (1) for each one (1) auto service stall exclusive of the stall itself. |
| 49. Conference Facility | One (1) for every three (3) persons allowed within the maximum occupancy established by the fire department or state, county, or local building or health codes, plus parking for accessory uses. |
| 50. Retail Stores Except as Specified Herein | One (1) space for each one hundred fifty (150) square feet of GFA |

When units of measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one parking space.

SECTION 15.05 - OFF-STREET WAITING SPACE:

All businesses which provide a drive-up window or similar method for serving customers while staying in their automobiles shall provide adequate off-street waiting space. Each off-street waiting space shall occupy an area nine (9) feet wide by twenty (20) feet long and shall be exclusive of all required parking and maneuvering aisles.

SECTION 15.06 - PERFORMANCE GUARANTEE:

Whenever improvements such as paving of parking areas, screen walls, or other improvements are required by this ordinance they shall be shown on a site plan for the proposed use. In addition, the owner or applicant of the subject property shall deposit with the City Clerk a cash performance guarantee or equivalent financial instrument in the amount of \$500.00 or 50% of the estimated cost of the required improvements, whichever is the larger amount. The entire sum shall be returned to the owner upon satisfactory completion of the required improvements within the time limits specified herein.

SECTION 15.07 - HAZARDOUS MATERIALS

All businesses and facilities which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month (equal to approximately 25 gallons or 220 pounds) shall comply with the following requirements:

A. ABOVEGROUND STORAGE:

1. Primary containment of hazardous substances shall be product-tight.
2. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance.
3. Outdoor storage of hazardous substances is hereby prohibited except in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance, including an allowance for the expected accumulation of precipitation.
4. At a minimum, State of Michigan and Federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport, and disposal shall be met.

B. UNDERGROUND STORAGE:

1. Existing and new underground storage tanks shall be registered with the Michigan Department of Natural Resources in accordance with Federal and State requirements.
2. Installation, operation, and maintenance of underground tanks shall be in accordance with the requirements of the Fire Department, the Michigan State Police, Fire Marshall Division, and the Michigan Department of Natural Resources.
3. Out-of-service and/or abandoned underground tanks shall be emptied and removed from the ground if they have been out-of-service for more than nine (9) months, unless an extension is approved by the City Council, after consultation with the Fire Chief.

SECTION 15.08 SIGNS

PERMITS

1. **ERECTION; ALTERATION; PERMIT REQUIREMENTS.**

No person shall erect, construct, enlarge, move, convert or substantially alter any sign within the City of Yale, or cause the same to be done, without first obtaining from the Zoning Administrator or his/her designated agent a sign permit for each sign, as required by this ordinance. This requirement shall not be construed to require a permit for a change in copy on a changeable copy sign, or the re-painting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not substantially altered. A new permit will not be required for signs heretofore erected in conformity with the ordinance of the City of Yale prior to the date of the adoption of this ordinance.

2. **PERMIT LIMITATIONS.**

A sign permit issued by the Zoning Administrator or his/her designated agent shall become null and void if the construction permitted thereon is not commenced within 180 days from the date of issuance. If the work which is authorized by such permit is suspended, a new permit shall first be obtained before construction is again commenced.

3. **FAILURE TO OBTAIN.**

Failure to obtain a permit under this article or to pay a required fee, shall subject a sign to removal or fines/imprisonment, as provided for in the Zoning Ordinance.

4. **REMOVAL**

The Zoning Administrator may order the removal of any sign or billboard which is abandoned or erected or maintained in violation of this Ordinance. He or she shall give thirty (30) days notice in writing to the owner of such sign or billboard or of the building, structure, or premises on which such sign or billboard is located, to remove the sign or billboard or to bring it into compliance. The Zoning Administrator or his/her designated agent may remove a sign or billboard immediately and without notice if, in his/her opinion, the condition of the sign or billboard is such as to present an immediate threat to the safety of the public. The cost of removal shall be paid by the owner of the sign or billboard of the building, structure or premises on which it is located.

5. **EXEMPTIONS.**

Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with certain applicable provisions of this ordinance. The exemptions shall apply to the requirements for sign permit only, and no sign permit shall be required for the erection of the following signs:

- a. Signs erected by an official government body or agency and deemed necessary for the protection of the public health, safety or welfare.
- b. Official flags of government.
- c. Signs required to be maintained by law or government order rule or regulation.
- d. Signs directing pedestrian and vehicular traffic on private property and, to the maximum extent practical, consistent with Michigan Manual of Uniform Traffic Control Devices, up to a maximum of four (4) square feet of display surface area per sign. One informational sign at each entrance or exit on a lot parcel stating "entrance" or "exit", provided such sign does not constitute a traffic hazard and is no larger than four (4) square feet. The restrictions on the location and number of freestanding signs prescribed by this Section shall not apply to the traffic-related signs noted above.
- e. All signs located within a building that are not visible to the public outside said building.
- f. Any single, non-illuminated sign with a display surface area of four (4) square feet or less provided no other sign exists on the lot or parcel (excluding traffic control signs and house/building address signs).
- g. Any sign which sets forth the house or building address, provided that the individual characters on the sign do not exceed twelve (12) inches in height.
- h. Scoreboards on athletic fields.
- i. Price, volume, warnings and similar information required to be displayed by law including, but not limited to, information on pay phones, warnings on equipment (e.g., gas pumps), price and volume/quantity displays on machines (e.g., price and volume on gas pumps and digital displays showing the amount of money deposited in a coin-operated vending machine); provided, however, that 1) the information is displayed at the minimum size required by law up to a maximum of four (4) square feet and 2) the information is not intended to be legible to a person of average eyesight standing on the property line.
- j. Memorial tablets, building dedication tablets, historical markers, and similar signs incorporated into the architecture of the building by moldings, embossing or engraving on the face of the building or when constructed of bronze or other non-combustible material, up to a maximum of four (4) square feet.
- k. Holiday decorations and greetings in season without any commercial message.

6. APPLICATION.

An application for a permit under this article shall be made on a form provided by the City, and shall contain or have attached thereto the following information:

- a. Name, address and telephone number of the applicant.
- b. A brief description of the type of proposed sign.
- c. Location of building, structure or lot to which the sign is to be attached.
- d. A site plan drawing showing location of all other existing signs and of all other proposed or existing structures.
- e. Name and address of the person, firm, corporation, or association erecting or attaching the sign.
- f. Written consent of the eligible advertiser and owner of the property on which any sign is to be located.
- g. A drawing or sketch of the proposed sign, indicating specific dimensions, plans and specifications of the material to be used in its construction, as well as the method of construction and attachment.

7. INSPECTION.

After a sign permit is issued, the person erecting, constructing, enlarging, altering or converting a sign shall notify the building inspector upon completion of the work for which permits were required. All free-standing signs shall also be subject to a footing inspection. All electrical signs shall be subject to a final electrical inspection.

8. FEES.

A fee shall be paid for the issuance of sign erection permits in accordance with a fee schedule which shall be adopted and amended from time to time by the City Council. Such schedule fees shall be designed to reimburse the City for all of its direct costs incurred in the inspection and regulation of signs and issuance of permits. A permit application review fee will also be charged, and it will cover the costs of checking the application for conformance with the ordinance.

. SPECIAL CONDITIONS

1. Non-Signs. The following exceptional displays shall not be considered as signs under this definition.

- a. Any display of official court or public office notices.
- b. Awnings or canopies which are completely devoid of any message or symbol.
- c. Time and temperature displays without any advertising or commercial matter up to a maximum of six (6) square feet

providing all clearances prescribed herein for signs similarly located are maintained.

- d. Official flags of governments approved by the government represented; provided, however, that the maximum height of the flag and any supporting structure shall not exceed twenty (20) feet above grade.

C. GENERAL REGULATIONS

1. ALL DISTRICTS.

- a. No sign shall be erected or used except in conformity with this Ordinance and only after a permit therefore is issued by the Zoning Inspector.
- b. No signs or advertising devices shall be permitted which:
 - 1) Contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
 - 2) Contain or are in imitation of any official traffic sign or signal or contain the words: "stop", "go slow, " "Caution," "danger," "warning," or similar words, except for official governmental signs.
 - 3) Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or constructed as a traffic control device or which hide from view of any traffic or street sign or signal, except for official governmental signs.
 - 4) Turn in any manner or have moving parts, have flashing lights, have exposed illuminated vacuum tubes or bulbs, or are portable in nature; provided however, that permanent electronic changeable copy signs are permitted provided they meet the requirements of this ordinance and do not change displays more frequently than once every 30 seconds.
 - 5) Are not maintained in good condition and repair at all times.
 - 6) Are erected or suspended from the roof of a building.
 - 7) Project into a public right-of-way or easement, or constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers necessary to safely operate a vehicle or by reflecting light so as to be a safety hazard to drivers.
 - 8) Exceed twenty (20) feet above grade in height.
 - 9) Are located within the public right-of-way, except for

1) signs erected by or on behalf of a governmental agency to post legal notices, identify public property, convey public information, and direct or regulate traffic, 2) bus signs erected by a public transit company, 3) informational signs of a public utility regarding poles, lines, pipes, or facilities and 4) emergency warning signs created by a governmental agency or other entity authorized to do work in the public right-of-way.

- c. Signs and billboards, as defined in the "Highway Advertising Act of 1972" (1972 PA 106), as amended, bordering interstate highways, freeways, or primary highways as defined in said Act shall be regulated and controlled by the provisions of such statute and the provisions of this Ordinance. Non-accessory signs shall not be permitted in any district.

2. RESIDENTIAL DISTRICTS.

For each lot or parcel, one non-illuminated sign with a display surface area of four (4) square feet or less and a maximum height of four (4) feet above grade is permitted, exclusive of building/house numbers and traffic control signs. Such sign shall be temporarily or permanently affixed to the ground or permanently attached to the building as a wall sign. For multi-family, single family complexes and non-residential uses in residential districts, an entrance/identification sign with a display surface area up to a maximum of eight (8) square feet and a maximum height of five (5) feet is permitted.

3. BUSINESS DISTRICTS

- a. For each lot or parcel, one ground-mounted or free-standing sign not exceeding fifteen (15) square feet in total area is permitted; provided, however, that for lots fronting on State highway M-19 the permitted signage shall be according to "Signage Attachment A" attached hereto. All ground-mounted and free-standing signs shall be setback at least ten (10) feet from all property lines. If a lot contains more than 600 feet of frontage on a public road, a second sign meeting the criteria above may be erected. No freestanding sign or ground-mounted sign shall be located closer than one hundred (100) feet to another sign along the same right-of-way.
- b. The base of a ground-mounted or free-standing sign shall not be more than four (4) feet above grade level and the top of the sign shall not be more than ten (10) feet above grade level; excepting along the highway M-19, and upon highway M-19 no such signs shall be more than twenty (20) feet above grade level.
- c. In addition to a free-standing or ground-mounted sign for each lot (see 'a' above), each business establishment may have one wall sign not to exceed ten (10) percent of its wall area facing the front lot line, up to a maximum of one hundred (100) square feet.

As illustrated above, a building with a 12'x30' wall (360 sq. ft.)

facing the front lot line and containing one tenant would get one wall sign up to 36 square feet. If the same building has two tenants, which divide the building in half (equal frontage), each tenant would have one sign up to 18 square feet maximum (36 square feet total)

At the discretion of the owner/applicant, up to eight (8) square feet on the allotted wall sign space may be used for a projecting sign, provided that the bottom of the sign is at least ten (10) feet above ground and the sign does not project more than five (5) feet from the side of the building,

- d. A building mounted sign that projects from the face of the building shall have a minimum clearance of ten (10) feet above grade.
- e. Non-accessory signs shall not be permitted in any district.
- f. Signs placed inside a window shall be permitted to advertise special events for up to fourteen (14) days, however the aggregate area of such sign or signs shall not exceed twenty (20 percent of the window glass facing the front lot line.

SIGNAGE ATTACHMENT A
FRONTAGE SQ.FT.

CITY OF YALE	
Frontage Sq. Ft.	Sign
20	32
25	32.5
30	33
35	33.5
40	34
45	34.5
50	35
55	35.5
60	36
65	36.5
70	37
75	37.5
80	38
85	38.5
90	39
95	39.5
100	40
105	40.5
110	41
115	41.5
120	42
125	42.5
130	43
135	43.5
140	44
145	44.5
150	45
155	45.5
160	46
165	46.5
170	47
175	47.5
180	48
185	48.5
190	49
195	49.5

CITY OF YALE

Frontage Sq. Ft	Sign
200	50
205	50.5
210	51
215	51.5
220	52
225	52.5
230	53
235	53.5
240	54
245	54.5
250	55
255	55.5
260	56
265	56.5
270	57
275	57.5
280	58
285	58.5
290	59
295	59.5
300	60

4. INDUSTRIAL DISTRICTS

For each lot or parcel, one ground-mounted or free-standing sign not exceeding one hundred (100) square feet in total area and twenty (20) feet in height is permitted. In addition to a free-standing or ground-mounted sign for each lot, each industrial establishment may have one wall sign not to exceed ten (10) percent of its wall area facing the front lot line, up to a maximum of one hundred (100) square feet. No freestanding or ground-mounted sign shall be located closer than one hundred (100) feet to another sign along the same right-of-way.

5. INSTITUTIONS.

Signs erected in any use district by public and private institutions, including churches and schools, shall not exceed thirty-two (32) square feet in area, except that if the institution is within a residential district, such signs shall not exceed twenty-eight square feet.

6. TEMPORARY LAND DEVELOPMENT PROJECTS

Signs pertaining to the sale, lease, rent, or development of any project requiring a building permit shall adhere to the requirements of the appropriate district. As permanent signs are erected, temporary signs shall be removed so that the total sign area does not exceed the maximum permitted by this ordinance. In no instance shall any temporary sign exceed twenty (20) feet in height above grade.

7. NON-CONFORMING USES.

Any sign, billboard, commercial advertising structure or object which lawfully existed and was maintained at the time the zoning Ordinance became effective, and which are subject to the regulation of the Amending Ordinance, shall be deemed a legal, non-conforming sign. Non-conforming signs may remain provided they are not expanded, enlarged or substantially altered other than routine maintenance and upkeep of the sign itself. It is intended that non-conforming signs be eventually removed or replaced by a conforming sign through natural attrition. All signs that are obsolete due to discontinuance of the business or activity advertised thereon, shall be removed within thirty (30) days of the close of said business activity.

SECTION 15.09--SITEPLAN REVIEW

A site plan shall be submitted for all new construction, structural alteration, or substantial change in use for all principal permitted uses in every district (except individual single-family homes), for all Special Land Uses in every district, and for any other use which requires an off-street parking lot. Subdivision developments are required to submit plats pursuant to the Subdivision Control Act. Prior to the issuance of a building permit or, where no new permit is required, a certificate of approval, all required information shall be shown on a site plan drawing filed with the application form provided by the City Clerk. When the required number of copies of the application and the site plan drawing are received, the matter will be scheduled for review by the Planning Commission and the site plan will, as necessary, be forwarded to the Zoning Administrator, City Engineer, and/or City Attorney for their professional review and comment. After review by the City's professional consultants and department staff (not to exceed 30 days from date of submittal), the reviews and plans will be forwarded to the full Planning Commission for their next regular meeting with a recommendation for approval, conditional approval, or denial. The Planning Commission will then review the plans and approve, conditionally approve, or deny the plans at its next regularly scheduled meeting. The plans may be tabled, if necessary, for additional research, data analysis, or other reasonable purpose.

The Applicant may submit an application for preliminary layout approval prior to receiving final approval by the Planning Commission. If granted, preliminary approval will be valid for six months, and it is subject to whatever changes may be necessary as part of a more detailed review prior final site plan approval. The intent of preliminary approval is to give the applicant an indication that the general layout of lots, buildings, and streets is acceptable. Items E 14, 15, 21, 28, 32, 34, 35, 38, and 39 below may be omitted from the preliminary application submitted. For condominium developments, submission of a Master Deed and details in items C, 3(F) and (G) under Section 16.23 may be omitted for preliminary approval only.

A. INITIATING THE PROCESS

To initiate the site plan review process, the Applicant should submit the following information to the City Clerk:

1. * copies (please fold) of the site plan
2. * copies of the site plan application form
3. * copies of the completed Site Plan Data Checklist
4. Payment of all applicable fees.

* The number of copies required will be determined by City policy.

B. SITE PLAN REVIEW CRITERIA

In reviewing site plans, the Planning Commission shall consider and endeavor to assure the following:

1. The location of development features, including principal buildings, and open spaces, and the location, design, width, and adequacy of all curbcuts, parking areas, driveways, and sidewalks within the site and their relationship to nearby connecting streets and sidewalks providing access to and egress from the site, are such as to minimize possible adverse effects on adjacent properties and so as to relate properly to pedestrian and vehicular traffic safety.
2. On-site circulation of both vehicular and pedestrian traffic will achieve both safety and convenience of persons and vehicles using or visiting the site.
3. Landscaping, earth berms, fencing, signs, and obscuring walls are of such a design and location that the proposed development is aesthetically pleasing and is harmonious with nearby existing or future developments.
4. Utility service, including proposed water, sanitary sewer and stormwater runoff systems are sufficient to fulfill the projected needs of the development and the recommendation of the City Engineering Consultant. Approval by the state or county department having jurisdiction, such as Health, Drain and Road Commission, may also be a prerequisite prior to approval.
5. Notwithstanding any other provisions of this ordinance, the City may require conditions as necessary or desirable to promote the health, safety, and welfare of the community, provide adequate protection to surrounding properties, preserve and promote the character of the appropriate district and the intent of this chapter, and achieve a lasting and desirable improvement to the community.

C. EXPIRATION OF SITE PLAN APPROVAL.

The approval of any Site Plan under the provisions of this ordinance shall expire and be considered revoked one (1) year after the date of such approval unless actual construction has commenced in accordance with the issuance of a valid building permit or the issuance of a zoning certificate of approval where no building permit is required.

D. SITE PLAN APPLICATION FORM CONTENTS

1. Applicant's name, address and phone number.
2. Name of proposed development.
3. Common description of property and complete legal description.

4. Land acreage and frontage on public roads or rights-of-way.
5. Existing zoning and zoning of adjacent properties.
6. Detailed description of the proposed use of the land.
7. Name, address, and phone number of a) firm or individual who prepared site plan and b) legal owner of property.
8. Signature of legal owner of property if not the applicant.
9. Tax Roll Number

E. SITE PLAN DATA REQUIRED

1. Name of development and title block.
2. Location map at a scale of one inch = 2,000 feet, showing section number(s), site location, major roads, and railroads.
3. A scale of not less than one inch = 50 feet if the subject property is less than three (3) acres, and one inch = 100 feet if there are three (3) acres or more.
4. Date, north point, and scale (graphic and written).
5. Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties within 100 feet.
6. Location of all existing and proposed structures, uses, number of stories, gross building area, setback lines, distances between structures, and location of loading areas on the subject property.
7. Location of all existing structures within 100 feet of the subject property lines.
8. All existing and proposed aisles, drives, pedestrian paths, roadways, parking areas and number of parking spaces on the subject property.
9. All existing and proposed roadways, drives, parking areas, and pedestrian paths within 100 feet of the subject property.
10. Location and height of all walls, fences, and screen planting, including a plan for landscaping of the development and the method by which landscaping is to be accomplished and maintained.
11. Location and widths of all abutting streets, rights-of-way, easements, and pavements.
12. Types of surfacing, such as asphalt or concrete paving,

turfing (sod) or stone to be used.

13. Types of facing materials to be used on structures.
14. Elevations (front, sides, and rear views) of all sides of the building(s).
15. A floor plan drawing showing the specific use areas of all existing and proposed building on-site.
16. Seal of registered Architect, Landscape Architect, Land Surveyor, or Civil Engineer who prepared the plan. The City Planning Commission or Zoning Administrator may waive this requirement.
17. Density calculations (for multiple family projects).
18. Principal and accessory buildings.
19. Designation of units by type of buildings.
20. Interior walks and pedestrian or bicycle paths within right-of-way.
21. Exterior lighting locations, type of fixtures, and methods of shielding them from projecting onto adjoining properties.
22. Trash receptacle and transformer locations and method of screening.
23. Drive or street approaches including acceleration, deceleration, and passing lanes, where appropriate.
24. All utilities located on or serving the site, including sizes of water and sewer lines.
25. Loading and unloading areas.
26. Designation of fire lanes.
27. Estimated number of full-time and part-time employees.
28. Address location on building and size of numbers.
29. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, noise, vibration, and emission levels, and other data of all such equipment or machinery.
30. Location and boundaries of wetlands, lakes, streams, rivers, detention basins, drainageways, or other bodies of water, with water elevation levels indicated.
31. Boundaries of 100-year flood plain, if any flood plains are located on the property.

32. General location and types of proposed signs for all buildings and uses on site.
33. Sufficient information to adequately demonstrate a feasible means of providing the following:
 - a. If connected to a City water system, show existing invert elevation or lateral at proposed tap manhole and approximate invert, or

Location of existing or proposed well.
 - b. If connected to City sanitary system, show existing invert elevation or lateral at proposed tap manhole and approximate invert, or

Location of existing or proposed septic tank and field(s).
 - c. Show preliminary storm system layout and overland flow arrows demonstrating that storm flow connections and disposal methods are feasible.
 - d. Show typical cross-sections for streets, roads, alleys, parking lots, etc., as applicable.
 - e. Show existing and proposed ground contours at intervals of one (1) foot.
34. Site Engineering Plans, prepared by a registered Civil Engineer:
 - a) A proposed Grading and Drainage Plan. The plan should show proposed finished floor elevations, finished grades at structures, proposed storm collection system, storm outlet(s), ultimate downstream outlet, and, when required, retention/detention basin design calculations. Any areas of filled or reclaimed land shall be identified and all development shall detain stormwater so that the runoff from the property does not negatively impact upon adjacent properties or public and private rights-of-way.
 - b) All utilities located on or serving the site, including sizes of water and sewer lines, proposed hydrants, proposed meter size, and proposed fire suppression line into building. Proposed sanitary leads, proposed sanitary sewers or on-site disposal systems must also be shown, as applicable.
 - c) Proposed streets and drives showing types of surfacing, whether public or private, and grade elevations.
35. Proposed signs and specifications for control of traffic

flow.

36. Measures to be taken to protect existing on-site trees not proposed for removal as part of the development.
37. Landscape plan showing species, spacing, and size of each tree and plant material and ground cover.
38. Proposed signs for all buildings and uses on site, including character, size, letters, symbols, and lighting.
39. A listing of the type, quantity, storage location, secondary containment provisions for all hazardous materials or wastes to be stored or used on site (Section 15.07).
40. For developments of more than one condominium building site not subject to the requirements of the State of Michigan Subdivision Control Act, the following shall apply:
 - (a) Layout of streets indicating proposed street names, right-of-way widths and connections with adjoining platted streets and also the width and location of alleys, existing easements and public walkways.
 - (b) Layout, numbers and dimensions of lots/building sites, including building setback lines showing dimensions.
 - (c) Indication of parcels of land intended to be dedicated or set aside for public use and/or for the use of property owners in the development and any lands to be preserved in their natural state.
 - (d) An indication of the status of the petitioner's ownership, and existing and proposed use of any parcels identified as "excepted" on the site plan. If the proprietor has an interest or owns any parcel so identified as "excepted", the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the proposed site plan.
 - (e) The City shall require of the proprietor as a condition of approval, a deposit in the form of cash, certified check, or irrevocable bank letter of credit running to the City for the full cost, as estimated by the City Engineer, of the public improvements under City jurisdiction to insure the completion of said improvements and facilities within a length of time agreed upon from the date of approval of the plan by the City Council. The City shall rebate to the proprietor as work progresses, amounts of any cash deposits equal to the ratio of the work

completed to the entire project provided, however, that no amount shall be reimbursed until the City Engineer approved the same and at least ten percent (10%) shall be retained pro-rata from the entire project for each payment until one (1) year after completion of the improvements to insure against any repairs that may be necessary.

- (f) One complete set of "as built" mylar drawings shall be provided by the proprietor to the City Council at the time of final acceptance of the public improvements.
- (g) An indication of the type and location of required underground utilities.

- 41. Such other reasonable and relevant information as may be required by the City to assist in the review of the proposed development.

F. Performance Bond For Utilities Connections

An application for Site Plan approval that requires the installation of, modification of, or connection to public utilities, such as City water, storm sewer, or sanitary sewer lines, shall be accompanied by the appropriate performance bonds for utilities connections. The amount of such bonds shall be established from time to time by resolution of the City Council.

ARTICLE 16
GENERAL PROVISIONS - Part 2

SECTION 16.01 - ACCESSORY BUILDINGS

All accessory buildings, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to the main building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to the main building.
- B. No accessory building shall be erected in any yard, except a rear yard. An accessory building may occupy not more than 25 percent of a required rear yard plus forty percent of any non- required rear yard; provided, however, that in no instance shall the floor area of the accessory building exceed the ground floor area in the main building.
- C. Where a building in a non-residential district is accessory to a use of land, it shall comply with all setback requirements for a main building. If located within a residential district, in no instance shall a building be nearer than five (5) feet to any rear or side lot line.
- D. Accessory buildings on corner lots shall maintain the set back from both streets, as required for main building in the same zoning district.
- E. No accessory building shall be erected prior to the construction of the main building unless approved by the Zoning Board of Appeals. The Board of Appeals shall require that a cash performance guarantee be posted to insure completion of the main building, as a condition of approval for prior construction of an accessory building.
- F. Buildings accessory to residential building, in R-1, R-2, R3, MH and MF districts shall comply with the following:
 - 1. No residential accessory building shall have exposed or uncovered cement block walls, tarpaper, plywood sheathing, or similar materials. All exposed walls shall have a finished appearance by the application of face brick, wood, aluminum or composition siding, or similar materials approved by the Building Inspector.

SECTION 16.02 ACCESSORY FARM BUILDINGS

All accessory farm buildings for uses other than those usually incidental to the dwelling, shall be located not less than one hundred (100) feet from any

dwelling and not less than twenty five (25) feet from any lot line or property boundary, with the exception that the main farm building shall not be less than one hundred and fifty (150) feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn or other non-dwelling farm buildings which are located closer to the road and which existed prior to the adoption of this Ordinance.

SECTION 16.03 - APPROVED FACING MATERIALS

All residential dwellings in R-1, R-2, R-3, MM and MF districts shall have their exposed exterior walls covered by face brick, aluminum, wood or composition siding, or other similar materials approved by the Building Inspector. In no instance shall any dwelling have exposed concrete, cement, or cinder block, or other similar unfinished exterior surfaces.

SECTION 16.04 - BUILDING GRADES

- . Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. There shall be a sloping grade beginning at the finished grade line at the front of the building to the front lot line. However, this shall not prevent the maintenance of natural existing grades or the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from flowing onto the adjacent properties.
- . When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent properties. A minimum grade of six (6") inches shall be established above the crown of the road for all dwellings.
- . Final grades shall be approved by the Building Inspector. The Building Inspector may require the developer to submit a written opinion of a registered civil engineer or land surveyor.

SECTION 16.05 - BUILDINGS TO BE MOVED

Any building or structure which has been wholly or partially erected on any premises shall not be moved to and placed upon any other premises in this city until a permit for such removal is secured from the Building Inspector. Any such building or structure shall fully conform to all the provisions of the Ordinance in the same manner as a new building or structure.

SECTION 16.06 - CONFLICTING REGULATIONS

Whenever any provision of this Ordinance imposes more stringent

requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

SECTION 16.07 - CORNER CLEARANCE (VISIBILITY AT INTERSECTIONS)

In all districts no fence, wall shrubbery, sign or other obstruction to vision above the height of twenty-four (24) inches from the established street grades shall be permitted within the intersection of any street drawn between right-of-way lines at a distance along each line of thirty (30) feet from their point of intersection.

SECTION 16.08 - ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In all districts, there shall not be more than one (1) residential dwelling on a recorded lot or parcel except for a Caretaker's Residence or Accessory Apartment approved as a Special Land Use. See Section 16.23 for Condominium Approval requirement.

SECTION 16.09 - ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communication, supply or disposal systems, including mains, drains, sewers pipes, conduits, wires, cables, fire alarm boxes, police call boxes, accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service to the residents of the City by such utilities or municipal departments for the general health, safety and welfare are exempt from the requirements of this ordinance unless otherwise provided for herein. Essential services, as used in this ordinance, does not include utility structures, utility transmission systems, or utility transmission structures regulated by Section 17.31.

SECTION 16.10 - EXCAVATIONS OR HOLES

The construction, maintenance or existence within the City of any unprotected, un-barricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety and welfare are hereby prohibited: provided, however, this section shall not prevent any excavation under permit issued pursuant to this or other City ordinances, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Building Inspector; and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, reservoirs or other major bodies of water created or existing by authority of the State of Michigan, St. Clair County, the City, or other governmental agency.

SECTION 16.11 - EXTERIOR LIGHTING

1. All outdoor lighting in all Use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
2. All outdoor lighting in all Use Districts shall be directed toward and confined to the ground areas of lawns or parking lots.
3. All lighting in non-residential districts used for the external illumination of buildings, so as to feature said building, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
4. There shall be no flashing, oscillating or intermittent type of illuminated sign or display in any district.

SECTION 16 • 12 - FLOOD PLAINS AND WETLANDS PROTECTION

The City of Yale finds that flood plain protection is important in order to reduce the flood risk to City residents and other communities upstream. Likewise, wetlands conservation is a matter of City concern since loss of wetlands may deprive people in the City of: flood and storm control by hydrologic absorption and storage capacity of the wetland; wildlife habitat through loss of breeding, nesting and feeding grounds; protection of subsurface water resources and provision of valuable watersheds and groundwater recharge areas; pollution treatment by serving as a biological and chemical oxidation basin; and erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.

For the above reasons it shall be unlawful to construct any building or otherwise fill any area that causes a reduction in the floodway of a river or stream in the City. Likewise, it shall be unlawful to deposit or permit the placing of fill material in a wetland; dredge remove or permit the removal of soil or minerals from a wetland; construct, operate, or maintain any use or development in a wetland; or drain surface water from a wetland unless a permit is granted by the Michigan Department of Natural Resources. A wetland shall be defined as any area shown as a marsh, wooded marsh or submerged marsh on United States Geological Survey data or any other area so defined by the Michigan Department of Natural Resources or Public Act 203 of 1979. All proposed development on property with identified wetlands shall require site plan review and approval by the Planning Commission prior to beginning construction. Where there is an identified flood plain, no development shall occur within the flood plain or an area 30 feet above the established 100-year flood plain level. Where no official flood plain level has been established, there shall be no development within an area 30 feet above the water's edge.

SECTION 16.13 - FRONTAGE

Every dwelling or principal building shall be located on a lot or parcel

which fronts upon a public road for the minimum width of the lot or upon an approved private road or private drive which meets all requirements of the City.

SECTION 16.14 - GENERAL YARD AND AREA LIMITATIONS

- . Non-duplication. In determining area and yard requirements, no area shall be counted as accessory to more than one dwelling or main building or use, and no area necessary for the compliance with the open-space requirements for one dwelling or main building or use shall be counted in the calculation of the open-space accessory to any other dwelling or main building or use.
- B. Minimum Area. No parcel of land shall be so reduced that the yards or other open spaces or the area thereof is less than the minimum required by this Ordinance. Accessory buildings, including garages, enclosed porches and carports attached to a dwelling or other main building shall be deemed part of such building for the purpose of determining yard requirement.
- . Yard Abutting Highways. Where a rear yard abuts upon a public highway, the setback of all buildings from the nearest side of the highway right-of-way shall be no less than the yard requirements of other buildings fronting upon such highway.
- . Established Front Yards. In the event that any vacant parcel of land on which a dwelling or other main building is to be erected is located between other lots or parcels of land on which existing dwellings or main buildings have front yards less than the depth required by appropriate section of this Ordinance, then the front yards shall not be less than the average depth of the front yards of all such buildings within one hundred (100) feet of the side lines of such parcel.
- . Rear Yard Uses. No accessory building or structure shall be erected, nor shall any vehicle or structure be stored in any yard except the rear yard.
- . In all districts, vehicles, travel trailers and motor homes shall only be permitted in rear and side yards.

SECTION 16.15 - NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES

A. Intent:

It is the intent of this Ordinance to permit nonconforming lots structures or uses to continue until they are removed but not to encourage their survival.

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

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

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

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the approved plans, construction or designated use of any structure or land on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance and that there is likelihood that said lawful construction will be completed twelve (12) months after the effective date of this Ordinance.

Actual construction is hereby defined to include any lawful and approved physical operation on the premises which is preparatory to intended development or to the establishment of a use such as excavation, grading, fill, drainage, and the like or the placing of construction materials in permanent position and fastened in a permanent manner; except that where lawful and approved demolition or removal has begun preparatory to rebuilding, such lawful and approved demolition or removal shall be deemed to be actual construction, provided that said lawful and approved demolition and subsequent reconstruction of the building or structure involved is completed within eighteen (18) months after the effective date of this Ordinance.

The adoption of this Ordinance shall not be deemed to affect, alter or change any conditional use, special exception, interpretation or variance previously decided or granted by the appropriate administrative or legislative body of the City or by a court of a competent jurisdiction upon review of the action of such administrative or legislative body.

B. Lawfully Existing Nonconforming Lots

1. The intent of this Section is to allow reasonable development of lawfully existing nonconforming lots.
2. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which

such lot is located. Yard requirements variances may be obtained through approval of the Board of Appeals.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

C. Definition and Classification of Nonconforming Uses and Structures

Nonconforming uses and structures are those which do not conform to certain provisions or requirements of this Ordinance but were lawfully established prior to the time of its applicability. Class A nonconforming uses and structures are those which have been so designated by the Board of Appeals, after application by any interested person or the Building Inspector upon findings that (a) continuance thereof would not be contrary to the public health, safety or welfare, (b) that the use or structure does not and is not likely to significantly depress the value of nearby properties, (c) that the use or structure was lawful at the time of its inception and (d) that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

All nonconforming uses, buildings or structures not designated as Class A are Class B nonconforming uses, buildings or structures.

D. Procedure for Obtaining Class A designation, Conditions

A written application shall be filed with the Building Inspector setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains, a site plan, and including such other information as may be necessary to enable the Board of Appeals to render a decision. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Board of Appeals shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based.

Conditions may be attached, including any time limit, where necessary, to assure that the use, building or structure does not become contrary to the public health, safety or welfare or

the spirit and purpose of this Ordinance.

No vested interest shall arise out of a Class A designation.

E. Revocation of Class A Designation

Any Class A designation shall be revoked, following the same procedure required for designation, upon finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.

F. Regulations Pertaining to Class A Nonconforming Uses and Structures

1. No Class A nonconforming use of land, building or structure shall be resumed if it has been, for any reason, discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period.
2. A Class A use or structure may be used, altered or enlarged provided that it does not violate any condition imposed by the Board of Appeals at the time of its designation.

G. Regulations Pertaining to Class B Nonconforming Uses and Structures

1. Intent

It is the purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation.

2. No Class B nonconforming use shall be resumed if it has been discontinued for a continuous period at least eighteen (18) months or if it has been changed to a conforming use for any period or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50%) percent of the reproduction cost of such structure.
3. No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other causality to the extent that the cost of reconstruction or repair exceeds fifty (50%) percent of the reproduction cost of such structure.
4. No Class B nonconforming use shall be changed to a substantially different nonconforming use, not enlarged so as to make use of more land area than used at the time of becoming nonconforming.

5. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts be established.
6. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.
7. No Class B nonconforming use or shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
8. If a Class B nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
9. Ordinary repair and maintenance work may be done on any Class B nonconforming structure including repair and replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the state equalized value of the structure provided that the cubic content of the building as it existed at the time of adoption of this Ordinance shall not be increased.

H. Repairs and Maintenance

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to safe conditions of any nonconforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

I. Chancre of Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

J. Record of Nonconformity

The Zoning Administrator shall keep and maintain a record of all known nonconforming uses and structures (existing at the time of the adoption of this Ordinance) based on information submitted to the City and observations that may be made from time to time.

Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description or parcel number of the land, and the nature and extent of use. Such record shall also contain any information regarding action by the Board of Appeals

for designation of Class A status.

Such record shall be available at all times in the office of the City Clerk.

SECTION 16.16 - RESERVED FOR FUTURE

SECTION 16.17 - PRIVATE DRIVES

Private drives, other than private roads, which serve parcels of land without frontage are subject to the following requirements:

- A. Only one (1) residence may have access to and from a private drive.
- B. The private drive easement shall be a minimum of sixty-six (66) feet wide for its entire length. It shall be shown on the deed or land contract as being for ingress, egress and roadway purposes and a copy of same provided to the City.
- C. A copy of the property deed or land contract shall be submitted and shall clearly indicate that the maintenance of the private drive is the responsibility of the owners of said parcel.
- D. The driveway shall be properly landscaped and maintained, and dust shall be controlled at all times by hard surfacing or alternative treatment approved by the Planning Commission.
- E. The address of the subject parcel shall be permanently and conspicuously posted.

SECTION 16.18 - PRIVATE ROADS

No private road shall be developed in the City of Yale unless it is part of an approved site condominium or functions as an internal circulation drive within a multi-family development, commercial development or industrial development and meets all requirements of the City of Yale and is paved with an asphalt or concrete surface in accordance with the standards of the St. Clair County Road Commission for public roads.

SECTION 16.19 - SCOPE OF ORDINANCE

Except as otherwise provided in this Ordinance, no land or existing building or structure, and no new building or structure, or part thereof, shall hereafter be located, erected, used or altered other than in conformity with the provisions of this Ordinance.

SECTION 16.20 - SINGLE FAMILY DWELLING STANDARDS

All single family dwellings, whether site-built or factory built,

shall comply with the following:

- A. All such dwelling units must meet the current construction standards of the State of Michigan and the City of Yale prior to being brought into the City and prior to issuance of a building permit. The minimum acceptable standard for factory-built manufactured homes shall be the Department of Housing and Urban Development "Mobile Home Construction and Safety Standards" being 24 CFR 3280, and as from time to time such standards may be amended.
- B. All such dwelling units must meet the minimum floor area requirements of this ordinance for the district in which they are located. Any addition to a single-family home must be designed and constructed consistent with an architectural plan showing a compatible addition, as approved by the Building Official. All additions shall be constructed with similar quality workmanship as the original structure, shall be permanently attached to the principal structure, and permanently supported by and anchored to an approved foundation.
- C. All such dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code in effect in the City and shall have a wall of the same perimeter dimensions as the dwelling, and constructed of such materials and type as required in the building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
- D. All wheels, axles and towing apparatus must be removed from a mobile home prior to issuance of a certificate of occupancy.
- E. All such dwellings shall be connected to a public sewer and water system or private facilities approved by the local health department.
- F. All such dwellings shall be compatible in appearance with other single-family homes in the surrounding area. To this end, a roof with a minimum pitch of 3/12 (three foot rise to twelve foot run) shall be required with overhangs or eaves of at least six (6) inches. There shall not be less than two (2) exterior doors, on different sides of the dwelling, with access to both doors by means of exterior steps or porches, where a difference in elevation requires the same. All such dwelling units shall have a minimum width on all sides of at least twenty-three (23) feet.

- G. All such dwellings shall contain a storage capability area in a basement under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
- H. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State Law or Federal Law.

SECTION 16.21 - TEMPORARY DWELLING STRUCTURES

No garage, tent, trailer, basement, or similar fixed or moveable structure shall be used as a dwelling except under the following conditions: A tent, travel trailer, motor home or similar enclosure maybe occupied for periods up to thirty (30) days only within an approved and licensed campground or other overnight camping facility.

SECTION 16.22 - WATER SUPPLY AND SEWAGE DISPOSAL

- . Every building and principal structure hereafter erected, or moved upon any premises and used in whole or in part for dwelling, recreational, camping, business, commercial, farming, agricultural or industrial purposes, including churches, schools, and other buildings and structures in which persons customarily congregate shall be provided with a safe and sanitary water supply, and safe means of sewage collection and disposal. All industrial wastes shall be pre-treated for hazardous contents. Under no conditions shall such waste be deposited upon the surface of the ground or in lagoons in such manner as to create a nuisance or health hazard.
- B. Every dwelling hereafter erected, altered or moved shall be connected to a public sanitary sewer or to a private sewage disposal system approved by the St. Clair County Health Department.

SECTION 16.23 - CONDOMINIUM APPROVAL

The following standards are adopted to insure that Condominium Subdivisions comply with the Condominium Act, the City or Village Zoning Act, and the requirements of the City.

A. REVIEW AND MEETING MINIMUM REQUIREMENTS

All condominium developments (including site condominiums) shall be submitted to the Yale Planning Commission for review and approval, pursuant to the terms of this Ordinance and all building sites and condominium units created from the subdivision or development of land under Condominium Act shall, at a minimum, contain the required square footage, dimensions,

ratios, setbacks and other requirements of a lot as provided in the Zoning Ordinance.

B. VARIANCE

A variance from the terms and conditions herein may be obtained, as provided for in the Zoning Ordinance, from the Zoning Board of Appeals.

C. CONDOMINIUM PLAN AND DOCUMENT REQUIREMENTS

1. All condominiums submitted for review by the Planning Commission shall contain all required information for site plan review as set forth in Section 14.09 of this Ordinance. Nothing in this section shall be construed as requiring a condominium subdivision (site condominium) to obtain plat approval under the Subdivision Control Act.
2. A copy of the proposed Master Deed and By Laws shall be submitted to the Planning Commission for review.
3. All condominium plans submitted for review by the Planning Commission shall include the information required by Section 66 of the Condominium Act and the following:
 - (A) A survey Plan of the Condominium Development.
 - (B) A flood plain plan when appropriate.
 - (C) A site plan showing the location, size, shape, area and width of all condo units and building sites, including building setback lines showing the width of each lot/building site at the front setback line.
 - (D) The boundaries of all wetlands as determined by an individual recognized by the Michigan Department of Natural Resources as a Wetlands Consultant.
 - (E) A utility plan showing all sanitary sewer, water and storm sewer lines and easements granted to the City for installation, repair and maintenance of all utilities.
 - (F) A street construction, paving, and maintenance plan for all private and public streets within the proposed condominium subdivision showing conformance with the requirements of the City Road Ordinance or St. Clair County Road Commission.
 - (G) A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities.
 - (H) Easements for utilities. The Condominium shall

include all necessary easements granted to the Yale City for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or moving pipelines, mains, conduits, and other installations of a similar character (hereinafter collectively call "Public Structures") for the purpose of providing public utilities, including conveyances of sewage, water and stormwater runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of such structures.

D. INTERPRETATION BY THE PLANNING COMMISSION

Where there is no equivalent term or phrase defined in this Ordinance, the Planning Commission shall interpret the appropriate equivalent term in the Zoning Ordinance and/or Subdivision Ordinance for the purpose of applying the standards and requirements of those Ordinances to the proposed site condominium so as to carry out the purpose of the Ordinance as set forth in the introductory paragraph in this Ordinance.

E. MINIMUM BUILDING SEPARATION REQUIREMENTS

Where there is any ambiguity in the application of minimum setback requirements of the Zoning Ordinance to a condominium subdivision plan, the individual condominium units shall maintain the following minimum separation requirements between individual units and from individual units to the center of all internal streets:

Minimum Building Separation From:

	Front to		Side to		Rear to	
Zoning Center	Side to	Side to	Rear to	Center	Center	District of
Street*	Side	Rear	Rear of	Street*		

R-1	63'	20'	40'	60'	43'	63'
R-2 (w/sewers)	63'	20'	40'	60'	43'	63'
	63'	40'	70'	100'	53'	83'
R-2 (w/o	20'	40'	60'	43'	63'	
sew'rs)	93'	20'	40'	60'	43'	63'
R-3	63'	30'	45'	60'	48'	63'
MIH	63'	0'	0'	0'	33~**	
MF	63'	20'	20'	40'	43'	53'
C	33~**	40'	50'	60'	53'	63'
DD	43'	20'	20'	40'	43'	53'
I	63'					
	0	43'				

* These figures are based on a standard 33 feet half right-of-way from the street centerline (local Street). Increase by appropriate width if street is classified as a collector or thoroughfare. (See Thoroughfare Plan).

** In the C district, no front or side setback is required. Hence the separation from the center of the street would be 33 feet, or, if greater, the width of the right-of-way from the centerline.

F. ENCROACHMENT PROHIBITED

Encroachment of one condominium unit upon another as described in Section 40 of the Condominium Act shall be prohibited by the Condominium By Laws and shall be recorded as part of the Master Deed. In addition, no common elements shall be permitted within the limited common elements utilized as part of the building site.

G. MOBILE HOME CONDOMINIUM PROJECT

Mobile Home Condominium Project shall conform to all requirements of this Ordinance and shall be located only in mobile home park districts.

H. PRIVATE STREETS

If a condominium subdivision is proposed to have private streets, they shall be developed to the minimum design and construction standards of the St. Clair County Road Commission for public streets and maintenance shall be provided for.

I. MASTER DEED REQUIRED PROVISIONS

The Master Deed for condominium subdivisions shall be approved by the City Council and shall contain a provision that the Master Deed shall not be amended without the prior approval of the Yale Planning Commission.

J. APPROVAL/AMENDMENT

Approval by the Planning Commission of a condominium subdivision plan shall confer upon the applicant the right to a building permit for a period of twelve months from and after approval. Upon receipt of a building permit, reasonable construction shall be commenced within twelve months and reasonably continued or the site plan and the building permit shall be declared invalid, unless the applicant requests and obtains a new approval from the Planning Commission.

K. AMENDMENTS AND RENEWALS

Any amendments or renewals to a condominium plan, including its Master Deed, shall require the approval of the Planning Commission. The Planning Commission shall apply, as its standards in determining whether to grant a renewal or amendment, the City's then existing condominium standards and requirements.

L. AMENDMENT TO ZONING ORDINANCE

Any amendments to the Zoning Ordinance shall, where applicable, be the zoning ordinance provision to be applied under this Section, Condominium Approval.

M. CONFLICTING REGULATIONS

Where other sections of the Zoning Ordinance are in conflict with this Ordinance, the provisions of this Ordinance shall control.

N. CONDOMINIUM LAYOUT AND DEVELOPMENT STANDARDS

The standards herein are development guides and all developments of more than one condominium building site must be reviewed and meet the approval of the City.

[1] Streets:

Streets shall conform to all minimum requirements, general specifications, typical cross-sections and other conditions set forth in this Ordinance, other applicable City Ordinances, the City Comprehensive Plan, and any other requirements of the St. Clair County Road Commission (where applicable).

[A] Location and Arrangement:

- i. The proposed plan shall conform to the various elements of the Master Plan and Road Ordinance, and shall be considered in relation to existing and planned major thoroughfare and collector streets, and streets shall be developed in the location and the width indicated on the Master Plan.
- ii. The street layout shall provide for continuation of collector streets in the adjoining developments or subdivisions or of the proper projections of streets when adjoining property is not subdivided or otherwise developed.
- iii. For residential developments, the street layout shall include local streets so laid out that their use by through traffic will be discouraged.
- iv. Should a proposed development border on or contain an existing or proposed major thoroughfare, the City may require a side lot relationship to the major thoroughfare with an approved screen planting contained in a dedicated non-access reservation

along the side property lines having a minimum width of 12 feet, or such other treatment as may be necessary for adequate separation of the residential properties from the major thoroughfare. The City may also require reverse frontage, marginal access streets, or other such treatments necessary for smooth and safe traffic flow.

[B] Street Layouts: The following design standards shall be used:

1. Major and secondary arterial/thoroughfare minimum right-of-way width = 120 feet.
 - ii. Residential collector streets minimum right-of-way = 86 feet.
 - iii. Non-residential collector streets minimum right-of-way = 70 feet.
 - iv. Local street minimum right-of-way width = 66 feet (unless otherwise designated on Thoroughfare Plan).
- V. Cul-de-Sac streets minimum right-of-way = 66 feet.
- vi. Cul-de-Sac street maximum length = 660 feet measured from the center of the intersecting street to the center of the turn-around.
- vii. Half streets are prohibited.
- viii Alleys = 20'.

[C] Grade Standards, Vertical Alignment, Street Intersections, and Horizontal Alignment shall be to County Road Commission specifications.

[2] Blocks

If blocks are proposed, they shall conform to the following standards:

[A] Sizes:

- i. Maximum length for blocks shall not exceed 1,400 feet in length, except where in the opinion of the City, with the advice of the City Planner and the City Engineer, conditions may justify a greater distance.

- ii. Widths of blocks shall be determined by the conditions of the layout and shall be suited to the intended design of the development.

[B] Public Walkways:

- i. Public walkways or crosswalks or easements for same shall be required by the City to obtain satisfactory pedestrian circulation within the development and the periphery to public or private facilities.
- ii. Right-of-way widths of public walkways when not adjacent to or a part of street rights-of-way shall be at least 15 feet and shall be dedicated to the use of the public. Walkways, when required shall be made of concrete, 4 inches thick and five feet wide.

[C] Easements:

- 1. Location of utility line easements shall be provided in a uniform location approved by the City. Every lot/building site, park or public grounds shall have access of not less than 12 feet wide.
- 2. Recommendations on the proposed layout for telephone, electric, and gas utility easements shall be obtained from the utility companies serving the City.
- 3. Easements three (3) feet in width shall be provided where needed along side lot lines so as to provide for street light dropouts. Prior to the approval of the plan for a proposed development, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific lots. A notation shall be made on the plan indicating: " The side lot lines between lots (indicating lot numbers) are subject to street light dropout rights granted to the Detroit Edison Company". Note that for condominium building sites, the condominium unit and limited common elements together shall equate to the requirements of a lot and a lot's required elements.
- 4. Where a development is traversed by a water course, drainage way, channel or

stream, there shall be provided a storm easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction or both as will be adequate for the purpose. Such easements shall meet the approval of the City and, where appropriate, the County.

[3] Lots/Building sites:

Lots/building sites within developments shall conform to the following standards:

[A] Sizes and Shapes:

1. The lot/building site size, width, depth and shape in any development proposed shall be appropriate for the location and the type of development contemplated.
2. Lot/building site areas, widths, and setbacks shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the development is proposed.
3. Excessive lot depth in relation to width shall be avoided. A building site depth-to-width ratio of not more than 3 to 1 shall be desirable.
4. Corner lots/building sites shall be designed at least ten (10) feet wider than the minimum width permitted by the Zoning Ordinance.
5. Lots/building sites intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provisions for off-street parking setbacks, and other requirements in accordance with the Zoning Ordinance.

[B] Arrangement:

1. Every lot/building site shall front or abut upon an approved street except those involving a development of multi-family housing, commercial development, or industrial development where, in the opinion of the City Council, such requirements would not serve the best interests of the City.

2. Side lot/building site lines shall be at right angles or radial to the street lines.
3. Residential lots/building sites abutting major thoroughfares or collector streets shall be designed for reverse frontage, with side lot lines parallel to the major traffic streets, or with marginal access streets.
4. Lots/building sites shall have a front-to-front relationship across all streets where possible.
5. Wetlands, lands subject to flooding or lands otherwise deemed by the City to be uninhabitable shall not be shown as available for development purposes, or for uses that may in the judgment of the City diminish a natural resource or tend to endanger health, life, or property or increase the flood hazard. Such land within a development shall be set aside for other uses, such as open space or parks.

[4] Trees and Natural Features:

The natural features and character of lands must be preserved wherever practical.

- [A] Due regard must be shown for all natural features such as large trees, natural groves, and similar community assets that will add attractiveness and value to the property if preserved. Existing trees shall be preserved wherever possible; removal must be justified to the City.
- [B] Areas identified as wetlands on the National Wetlands Inventory Maps or other maps recognized by the Michigan Department of Natural Resources shall not be filled, drained, developed, or otherwise altered in any way. This Ordinance intends to protect and preserve wetlands.

[5] Greenbelts:

Greenbelts acceptable to the City may be required to be placed next to incompatible features such as highways, commercial or industrial uses in order to screen the view from residential properties. Such screens or greenbelts shall be a minimum of fifteen (15) feet wide and shall not be a part of the normal

roadway right-of-way or utility easement.

[6] Flood Hazard Areas:

Any areas of land within the proposed development which lie either wholly or in part within the floodway of a stream, creek or drain, or any other areas which are subject to flooding or inundation by storm water shall require specific compliance with the applicable State Law.

[7] Topsoil:

Removal of topsoil from areas to be developed shall be prohibited except in those areas to be occupied by buildings, roads, or parking areas. A plan for storage or stockpiling of topsoil shall be submitted by the proprietor and shall be approved by the City.

[8] Utility Improvements I Erosion Control I Storm water:

A set of engineering plans shall be prepared by a Professional Engineer showing all utility improvements, storm water control, and erosion control measures. The plan shall show and conform to all ordinance requirements and standards of the City.

[9] Other Improvements:

[A] Street Signs:

An appropriate street sign shall be erected at each street intersection within the development. The type of sign and location thereof, shall be subject to the approval and direction of the City or, where appropriate, County Road Commission. If any proposed streets are private, signs shall conform to County standards and the Michigan Manual of Uniform Traffic Control Devices. Temporary signs shall be installed by the developer before construction in the subdivision is begun to facilitate the location of given lots by emergency vehicles.

[B] Pedestrian walkways, Open Spaces and Trees:

Pedestrian walkways, open spaces and trees shall be installed and preserved in accordance with this Ordinance.

SECTION 16.24 - EARTH-SHELTERED BUILDINGS

Because of the unique nature of earth-sheltered and underground buildings, all such buildings including single family residences

shall submit the following for approval by the Building Inspector.

- . Structural integrity of the building, particularly the increased wall and roof loads involved in building underground, shall be certified by a Registered Architect or Professional Engineer (Structural) licensed by the State of Michigan.
- . Special attention shall be given to the design of the systems for waterproofing all areas of the building to be located cracks and accommodate minor structural movements, resist temperature extremes, soil chemicals and aging in underground service, and have the ability to locate a leak should it be necessary; the Building Inspector may seek the advice of the City's Engineers in evaluating such systems.
- . Guard rails should be provided on or near the edge of any accessible roof where there is a grade change greater than 30 inches.
- . Alternative fire-fighting entrance provisions should be made for inner courts below grade, such as a stairway within the court leading directly to the exterior ground level.
- . Total window area must exceed 8% of total inhabitable floor area, but individual rooms may be windowless where ventilation and exit requirements are met.
- . Setbacks shall be the same as those for above ground buildings.

ARTICLE 17
SPECIAL LAND USES

SECTION 17 • 01 - GENERAL REQUIREMENTS

Special land uses are uses which would ordinarily not be appropriate in a particular district but which at certain locations, can be compatible with other uses in the district subject to meeting special standards and any specific conditions imposed by the Planning Commission that are designed to insure their compatibility with neighboring uses.

For all special land uses, a site plan shall be submitted for approval by the Planning Commission and shall conform to the requirements and procedures for site plan review set forth in Section 15.09. If the plans meet the required standards of this ordinance and indicate no adverse effects, which in the opinion of the Planning Commission, cause injury to the residents, users, or owners of adjoining property, or the City as a whole, the Commission shall approve the use. In consideration of all applications for special land use approval, the Planning Commission shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as set forth below.

- . The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- . The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location of and access to off-street parking, and provisions for pedestrian safety.
- . The location, size, intensity, site layout and periods of operation of any such proposed use shall be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- . The proposed use shall be such that the proposed location and height of building or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

- E. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the City.
- . The proposed use is necessary for the public convenience at the proposed location.
- . The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
- . The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

SECTION 17.02 - PROCEDURES

A-1. Approval

If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which have been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the City not later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked, provided, however, the Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.

A-2. Denial.

If the Planning Commission shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the City, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.

- . Decision of Planning Commission and Appeal.

The decision of the Planning Commission to grant or deny the special land use shall be final; provided, however, that an appeal may be made to the ZBA within 30 days of the Planning Commission's action.

C. Record.

The decision on a special land use shall be incorporated in the minutes of the Planning Commission meeting at which it was considered. The minutes shall specify any conditions imposed.

D. Hearings.

The Planning Commission shall investigate the circumstances of each such case and give notice of the time and place of any hearing, meeting or review which may be held relative thereto by publishing one notice in a newspaper which circulates in the City, and sent by mail or personal delivery to the owners of property and occupants of structures within 300 feet of the boundary of the property in question. The notice shall be given not less than 5 nor more than 15 days before the date the application will be considered.

. Conditions.

The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by State Law and this Ordinance, which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land and to promote the use of the land in a socially and economically desirable manner. Conditions imposed shall be all the following:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well being of those who will use the land use or activity adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power and purposes, which are affected, by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Planning Commission shall maintain a record of changes granted in conditions.

SECTION 17.03 - ACCESSORY APARTMENT

One (1) accessory apartment per single family dwelling unit may be permitted in R-1, R-2 and R-3 districts subject to the following:

- . The dwelling unit must be situated on a lot or parcel in conformance with the minimum lot area and setback requirements of the Schedule of Regulations.
- . The Health Department shall certify that the on-site septic system is properly designed to handle the anticipated additional load.
- C. Exterior changes to the dwelling shall be kept to a minimum and shall not change the overall single family character of the dwelling unit or the surrounding neighborhood.
- . Only one accessory apartment shall be permitted per lot and per single family dwelling.
- . One (1) additional off-street parking space shall be provided, exclusive of the driveway.
- . Only one entrance to the building shall face the street on which the dwelling is located.
- . An accessory apartment shall contain at least 550 square feet and shall not exceed 35% of the total floor area of the principal unit and the accessory apartment combined. This shall be construed to prohibit the creation of an accessory apartment in a single family dwelling unit with a total floor area of less than 1,600 square feet.
- . No accessory apartment shall include more than 2 bedrooms or exceed 700 square feet.

SECTION 17.04 - AGRIBUSINESS USES

Agribusiness uses, such as but not limited to, cider mills, farmers markets, and elevators may be permitted subject to the following:

- . All such uses shall be located on a paved, major or secondary thoroughfare unless the use is seasonal in nature and has no permanent buildings for use by the public.
- . All buildings, any equipment, materials or produce being stored or for sale shall be set back at least one hundred (100) feet from all property lines.
- . Adequate off-street parking shall be provided to serve the expected number of patrons and shall have at least a gravel surface properly graded and dust-free at all times. In determining the adequacy of the number of spaces being proposed, the Planning Commission shall compare the proposed use to

similar uses.

- . Whenever the proposed use is adjacent to a Residential Zoning District (R-1, R-2, R-3, NH or MF), a fifteen (15) foot wide landscaped greenbelt shall be provided along the entire property line between the Residential Zoning District and the agribusiness use.

SECTION 17.05 - AUTO SERVICE CENTERS

Auto service centers such as muffler and brake shops, new tire sales, tune-up shops, quick oil change shops, and similar establishments for minor repairs, routine maintenance and auto accessories, may be permitted in the DD District subject to the following:

- . The use shall be completely enclosed within a building.
- . No vehicles awaiting repair shall remain on-site for more than 72 hours.
- . All parking areas shall be paved and screened from view of an abutting residential district by a 4 foot 6 inch high masonry wall of face brick or pre-cast masonry panels with the appearance of face brick.
- . All trash storage areas shall be screened from view by a 6-foot high enclosure approved by the Planning Commission. Old parts such as tires, mufflers, pipes, and the like, shall be kept inside the enclosure and shall not be permitted to accumulate for periods longer than 1 week unless stored within the building.
- . Managements plans shall be submitted for the collection, storage, and recycling or proper disposal of all used or waste automotive fluids resulting from repair or service operations.

SECTION 17.06 - AUTO SERVICE STATIONS

Auto service stations for sale of gasoline, oil, minor accessories and minor repairs, but not including body repair, engine rebuilding, rust-proofing, and similar activities, may be permitted in the DD district, subject to the following:

- A. No vehicles awaiting service shall remain on-site for more than 36 hours.
- B. All repair services shall be conducted within a completely enclosed building.
- C. All trash storage areas shall be screened from view by a 6-foot high enclosure approved by the Planning Commission. The trash containers shall be emptied at least once each week.

- D. All parking areas shall be paved and screened from view of an abutting residential district by a 4 foot 6 inch high masonry wall of face brick or pre-cast masonry panels with the appearance of face brick.
- E. Management plans shall be submitted for the collection, storage, and recycling or proper disposal of all used or waste automotive fluids resulting from repair or service operations.

SECTION 17.07 - CAMPGROUNDS, OVERNIGHT CANPING PARKS

Campgrounds and overnight camping parks for tents, campers, travel trailers, and similar recreational vehicles may be permitted on a minimum site of twenty (20) acres in the R-2 district, subject to the following:

- A. There will be no permanent storage of tents, campers, or travel trailers, and mobile home units will not be allowed in the development. No individual tent or recreational vehicle may occupy the same site in any campground for periods longer than 30 days.
- B. Accessory commercial uses, such as convenience food stores, gift shops, self-service laundries, and similar uses, shall be housed in a single building and designed to serve primarily the needs of park users and shall provide off-street parking in accordance with the standards of this ordinance.
- C. Where a campground site abuts property zoned residential, the entire perimeter shall be properly fenced. In addition, no active use areas shall be situated within 100 feet of the abutting residential zone and a 30 foot wide greenbelt shall be provided unless a dense growth of natural vegetation already exists.

SECTION 17.08 - CARETAKER'S RESIDENCE

One caretaker's residence, where such residence is accessory to a permitted agricultural use, may be permitted in R-2 district, subject to the following:

- . Where a caretaker's residence will be located within or attached to a permitted agricultural building, it shall not be constructed prior to a permanent residence on the same parcel.
- . Where a caretaker's residence will be located as a separate building on the property, it shall meet all requirements of the appropriate zoning district for lot size, house size, setbacks and height limits.

SECTION 17.09 - CAR WASH

A car wash may be permitted in the DD district, subject to the following:

- . Where the site abuts a residential districts, a 4 foot 6 inch high masonry wall of face brick or precast masonry panels with the appearance of face brick shall be provided around all of fstreet parking and waiting areas.
- . The design of the facility shall insure that vehicles entering or leaving the site will not have to stand in the public right-of-way.

SECTION 17.10 - CEMETERIES

Cemeteries may be permitted in the R-2 and P1 districts, subject to the following:

- . Minimum site size shall be 20 acres with a minimum lot width of 330 feet.
- . There shall be no burial plots within 50 feet of any property line.
- . No service building shall be located closer than 100 feet to any property line and all service and storage yards shall be screened from view by an obscuring wall or fence at least 6 feet high.
- . On all sides abutting property in a zoning district that permits residential uses, there shall be a landscaped greenbelt at least 25 feet wide.

SECTION 17.11 - CHURCHES, HOUSES OP WORSHIP

Churches and other places of worship may be permitted in all Residential districts, subject to the following:

- . The site shall have direct access to a major or secondary thoroughfare as designated on the City's adopted Master Plan.
- . All parking areas shall be screened from adjoining properties by a four foot six inch high masonry wall or similar material suitable to the Planning Commission. The Planning Commission may permit the substitution of a landscaped greenbelt or earth berm after submission and review of a Landscape Plan.
- . A Drainage and Retention Plan shall be submitted for the parking area and all other impervious surfaces showing the method of holding storm water and preventing it from flowing onto or otherwise affecting adjoining properties.
- . The principal building shall comply with all setback requirements of the district in which it is located provided, however, that in no case

shall the principal building be located closer than twice its height to any property line.

- . The applicant shall provide evidence of Health Department approval of all on-site water supply and sewage disposal facilities to be used by the public.

SECTION 17.12 - COMPOSTING, YARD WASTE

Yard Waste Composting Facilities, those that manage the biological decomposition of organic matter under controlled, aerobic conditions, may be permitted in Industrial and Public Institutional districts only, subject to the issuance of a Special Land Use Permit and compliance with the following conditions and standards:

Site Location and Design

1. Because of the level of truck traffic associated with this use, direct access to a paved public roadway designated as a secondary or major thoroughfare in the City of Yale Master Plan is required.
2. All internal roads and operation areas shall be kept dust-free at all times.
3. The site shall be level and well-drained. A grading and drainage plan prepared by a licensed civil engineer should be submitted as part of the site plan application package.
4. If the site abuts property shown as residential on the Zoning Map or Master Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to 500 feet from existing residences and 50 feet from adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants from storm water runoff.
5. All site access roads or drives and all areas for employee parking shall be paved with asphalt or concrete. Internal haul roads may be unpaved.
6. The portion of the compost site visible from a public street shall be screened from public view by a combination berm/landscaped buffer or other method acceptable to the Planning Commission.
7. A minimum of four (4) paved, off-street parking spaces shall be provided on-site.

Operation

8. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours. The operator shall establish a procedure and mechanism for proper disposal of non-yard wastes at an approved sanitary landfill.
9. Only yard wastes shall be composted at such facilities, typically

including leaves, grass clippings, brush, and tree or shrub trimmings. All yard wastes must be brought to the site loose or in biodegradable bags with a cornstarch or similar base designed to degrade rapidly under aerobic conditions. All bags brought to the site shall be broken up and turned into compost windrows within 5 days of delivery to the site. In no instance shall yard wastes be accepted in non-degradable plastic bags.

10. The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors. Towards this end, the temperature of compost piles shall be monitored regularly during the decomposition process, and all unfinished compost piles shall be turned when the internal temperature drops below 120~ F.
11. Ponded water shall not be permitted to collect on a yard waste-composting site. A plan for collection, retention and drainage of storm water shall be provided for review and approval. Vegetation filtration of runoff prior to discharge off-site shall be accomplished by use of a 50 foot wide (minimum) perimeter strip/swale of grass, or similar measure. Any direct discharge to a water body may require a Michigan Department of Natural Resources permit.
12. The operator shall provide sufficient equipment on-site to properly manage the composting process. At a minimum this shall include a front end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product.
13. The volume of yard wastes handled by the facility shall not exceed 7,000 cubic yards of incoming yard wastes per acre of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas.
14. The operator shall provide a name, address, and phone number of the person responsible for operation of the site and who is also responsible for correcting all operational problems that may result in complaints being made to the City.
15. The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for enforcement action by the City of Yale.
16. Treated yard wastes shall be actively rotated in an aerobic condition. Wastes shall not be allowed to accumulate for longer than 3 years before being finished and removed from the site.
17. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product-tight containers for primary containment.

18. The applicant shall provide a plan for the removal of unmarketable compost.
19. An annual inspection/permit fee for all yard waste composting facilities shall be established by resolution of the Yale City Council.
20. Copies of all Michigan Department Natural Resources applications/permits, if required, shall be provided to the Planning Commission as part of the application package.
21. The use must conform with the Performance Standards of this ordinance.

SECTION 17.13 - COLLEGES AND UNIVERSITIES

Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education may be permitted in R-2 and P1 district subject to the following:

- A. All ingress and egress from said site shall be directly onto a major or secondary thoroughfare.
 - . No building other than a single family residential dwelling shall be closer than 100 feet to any property line and/or existing or proposed public right-of-way.
 - . All service and storage areas shall be screened from view by a masonry wall or a decorative fence of pressure-treated wood panels at least 6 feet high, approved by the Planning Commission.
 - . All areas for student and staff parking shall be set back at least 100 feet from an abutting residential district or residential use.

SECTION 17.14 - COMMERCIAL GREENHOUSE

A commercial greenhouse may be permitted in I, subject to the following:

- . Accessory retail sales shall be limited to only those products which are grown
- . All areas for customer and employee parking shall be set back at least 100 feet from all property lines. A Drainage and Retention Plan shall be submitted for proper control of storm water run-off from the parking areas.
- . All greenhouse buildings shall be set back at least 50 feet from any property line.
- . All service and storage areas for equipment and materials shall

be screened from view of an abutting residential district or residential use by a 6 foot high masonry wall or obscuring fence approved by the Planning Commission.

SECTION 17.15 - COMMERCIAL OUTDOOR RECREATION

Commercial outdoor recreation such as, golf driving ranges, miniature golf, batting practice cages, water slide parks, tourist- oriented outdoor amusements, and similar uses, may be permitted in P1 district, subject to the following:

- . No activities shall take place within 100 feet of an abutting residential district.
- B. Use of loudspeaker or public address systems for broadcasting music or continuous announcements shall be prohibited.
- . An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or interfere with driver visibility on any public or private street or public right-of-way.
- . Hours of operation may be restricted by the Planning Commission where protection of abutting residential areas is desirable and necessary.

SECTION 17 • 2.6 - CONVALESCENT OR REST HOME

A convalescent or rest home, orphanage, or home for the elderly may be permitted, in the MF districts, subject to the following:

- . The minimum site size shall be five (5) acres.
- . Ambulance and delivery areas shall be obscured from all residential view by a screen wall or greenbelt of six (6) feet in height as determined by the Planning Commission.
- C. In order to provide for outdoor recreation and enjoyment, the site shall be so developed to provide 50 square feet of open space for each bed up to a maximum required of 10,000 square feet, designed for pedestrian/wheelchair access and landscaped.

SECTION 17.17 - DRIVE-IN RESTAURANT

Because of the auto-oriented character of drive-in restaurants and similar establishments, they shall be permitted in DD District only, provided the following conditions are met:

- . Ingress and egress points shall be located at least fifty (50) feet from the intersection of any two (2) street right-of-way lines or abutting residential district.
- . Lighting shall be shielded so that it does not project onto

abutting residential districts, nor shall it interfere with driver visibility on nearby streets.

- . The side and rear of the parcel abutting any residential district shall be screened from view by a 6 foot high masonry wall of face brick or precast masonry panels with the appearance of face brick. The Planning Commission may substitute a decorative, pressure treated wood fence where a fence is determined to be more appropriate.

SECTION 17.18 - GOLF COURSE

Golf courses which do not include driving ranges or miniature golf courses, may be permitted in R-2 and P1 districts, subject to the following:

- . Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop may be located in separate structures. No structure shall be located closer than seventy-five (75) feet from the lot line of any adjacent residential district or public right-of-way.
- . All maintenance, service, and storage yards shall be screened from view by a 6 foot high masonry wall or pressure treated wood fence approved by the Planning Commission.
- . All parking areas shall be paved and shall be located or screened so as not to affect any adjoining residential district.
- . All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.
- . All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.
- . Whenever included, swimming pools shall be provided with a protective fence not less than six (6) feet in height, and entry shall be provided by means of a controlled gate or turnstile.

SECTION 17.19 - KENNELS, COMMERCIAL

Commercial kennels, animal hospitals, offices of a veterinarian and the like, may be permitted in DD district only, subject to the following:

- . The site shall abut a public road shown as a major or secondary thoroughfare on the City's adopted Master Plan.
- . Pens and runs shall be located no closer than one hundred (100) feet to any property line.

- . All runs and breeding areas shall be enclosed.
- . All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.
- . Kennels housing more than 10 dogs shall provide one (1) off-street parking space for each five (5) kennel runs. Other uses shall provide parking to accommodate the maximum number of patrons using the facility at any one time. The parking area shall be screened from view of an abutting residential district in a manner that is satisfactory to the Planning Commission.
- . All objectionable noise shall be controlled as required by the Performance Standards of this ordinance.
- . Any use permitted by the City under this section shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this ordinance violated.

SECTION 17.20 - KENNELS, PRIVATE

Private kennels for housing only those animals owned by the proprietor, may be permitted in R-2 districts, subject to the following:

- . A private kennel must be accessory to a permitted single-family residence.
- . No animal shall be allowed to run free. Pens and runs shall be located no closer than 100 feet to any property line.
- . The minimum site size shall be 5 acres with a minimum width of 300 feet.
- D. All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.

SECTION 17.21 - GROUP CHILD CARE FACILITY OR CENTER

Group Child Care Facilities and similar uses shall be permitted in the MH, MF, DD and C districts, subject to the following:

- . All such uses shall provide adequate drop-off and waiting spaces so that parents' cars are not required to stand in a public right-of-way.

- . Outdoor play space shall be provided in the ratio of 100 square feet per child to be cared for, to a maximum required of 10,000 square feet. No outdoor play area shall be less than 1,000 square feet.
- . To insure child safety, all outdoor use areas shall be enclosed by a 4 foot 6 inch high chain link fence. On those sides abutting residential property, it shall be a 6-foot high obscuring fence of masonry or pressure treated wood.
- . The site layout shall be designed to insure pedestrian safety by separating play areas from parking and driveways.

SECTION 17.22 RESERVED

SECTION 17.23 - OUTDOOR SALES LOTS

Outdoor sales lots for automobiles, trucks, trailers, boats, mobile homes, and similar uses may be permitted in the I district subject to the following:

- . All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way.
- . There shall be no strings of flags, pennants or bare light bulbs permitted.
- . No vehicles or merchandise for sale shall be displayed within any required yard.
- . There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.
- . On all sides adjacent to a residential district, there shall be provided a masonry wall of face brick or a pressure treated, completely obscuring wood fence, as approved by the Planning Commission.

SECTION 17.24 - RESERVED

SECTION 17.25 - PUBLIC BUILDINGS WITHOUT STORAGE YARDS

Public buildings such as libraries, fire stations, recreation centers, and similar uses, may be permitted in any R-1 and R-3 district, subject to the following:

- . There shall be no storage yard or uses like a public works garage.
- . The site shall have all access from a major or secondary thoroughfare.

- . All off-street parking shall be screened from abutting residential property by a brick wall, decorative wood fence, or a landscaped greenbelt at least 15 feet wide.

SECTION 17.26 - RETAIL USES IN INDUSTRIAL ZONES

Retail uses may be permitted by the Planning Commission in the I district upon a finding that they meet one of the following two standards:

- . Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities, such as lumber yards, building materials outlets, outdoor boat, house trailer, automobile or agricultural implement sales, and similar uses.
- . Retail uses which serve the convenience needs of the establishments and employees of the I district such as, restaurants, branch offices of financial institutions, automotive service stations and service centers, motels, trade or industrial schools, medical offices and clinics, and similar uses.

The Planning Commission reserves the right to restrict retail development in industrial districts to a level that maintains retail as an accessory use only.

SECTION 17.27 - RIDING ACADEMIES AND STABLES, COMMERCIAL

Commercial riding academies and stables may be permitted only in the R-2 and P1 districts, subject to the following:

- . All buildings, corrals, or other enclosures for animals shall be set back at least 250 feet from any property line abutting a residential use.
- . The entire area of the site used for riding trails shall be fenced to prevent horses and riders from entering adjoining properties
- . There shall be no storage of customers' trailers or other vehicles for transporting horses except in a completely enclosed building.
- . Adequate off-street parking shall be provided for customers in the ratio of one space for every horse boarding stall. All parking areas shall be screened from view of an abutting residential use by either a greenbelt, obscuring fence, or masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective.
- . All areas for stockpiling manure shall be screened from view,

shall not be located closer than 200 feet to any property line, and shall not be allowed to become a nuisance.

SECTION 17.28 - ROADSIDE MARKETS/STANDS

Because roadside markets are seasonal in character and utilized on a temporary basis, roadside markets may be allowed in R-2 districts, for periods not to exceed six (6) months subject to the following:

- . The sale of farm products in a roadside market shall not take place within the dedicated right-of-way of any road within the City, and assurances shall be made to the City that ample off street parking has been provided, and adequate ingress and egress provided to the market.
- . No permanent structure of any type shall be erected, and upon discontinuance of the temporary use, the temporary structures shall be removed from the roadside.
- . Vehicular access must be to an arterial road, as designated on the City's Thoroughfare Plan.

SECTION 17.29 - SCHOOLS

Public and private primary and secondary schools (including preschool and pre-kindergarten through grade 12) may be permitted in the R-2 and R-3 Residential districts, subject to the following:

- . Adequate off-street parking shall be provided for all teachers, employees, and visitors.
- . Off-street waiting space shall be available so that school buses and parents' automobiles are not forced to stand within the right-of-way of any public street.
- . The layout of all parking lots, driveways, waiting areas and loading zones shall be designed with pedestrian safety as the primary consideration.
- . All buildings shall be set back at least 50 feet from all lot lines abutting a residential use.

SECTION 17.30 SECOND STORY RESIDENTIAL IN A BUSINESS DISTRICT

Upper story apartments improve the City's business district by lowering vacancies in upper stories and by bringing people back into the downtown. Special land use approval shall be subject to the following:

- . All upper story apartments shall meeting the minimum allowable floor area requirements for the applicable district.

- . There shall be no open, exterior stairways facing the front lot line providing access to upper story apartments.

SECTION 17.31 - UTILITY STRUCTURES, UTILITY TRANSMISSION SYSTEMS, WIRELESS TRANSMISSION/RECEPTION RELAY TOWERS

- . Local Utility Structures

Utility structures, such as but not limited to, electric transformer stations and sub-stations, gas regulator stations, sewer lift stations, and the like, shall be permitted subject to Site Plan Approval by the Planning Commission and the following standards:

1. operating requirements necessitate the proposed location in order to serve the residents of the City.
2. All such uses shall be completely enclosed and without storage yards.
3. No structure shall exceed the height limit of the district in which it is to be located.
4. All buildings shall be designed to be compatible in style and materials with other uses permitted in the district.
5. No building shall be located closer than fifty (50) feet to any property line abutting land zoned for residential use.
6. A minimum fifteen (15) foot landscaped greenbelt shall be provided around the entire perimeter of the utility building site.
7. Adequate off-street parking shall be provided for any service personnel and all drives and parking areas shall be paved with asphalt or concrete.

- . Utility Transmission Systems

Utility transmission systems, such as but not limited to, high voltage electric transmission lines, high pressure gas pipelines, and oil pipelines shall require Special Land Use Approval by the Planning Commission subject to the following requirements and standards:

1. All such utility lines shall follow existing utility corridors where possible, and reasonable, as determined by the Planning Commission.
2. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be

maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.

3. Any area destroyed by necessity in the construction of such approved facilities, may be subject to conditions imposed by the Planning Commission for its immediate restoration by replanting or similar techniques.
4. During construction or repair of any facilities approved hereunder, the following shall be required:
 - a. All internal roads shall be kept dust-free by an appropriate treatment approved by the Planning Commission.
 - b. Any damages to public or private roads, fences, structures, or facilities shall be repaired immediately.
 - c. No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.
 - d. All construction operations shall be confined to daylight hours, Monday through Saturday, unless permitted in writing by the Planning Commission.
5. The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

. Utility Transmission Structures

Utility transmission structures, such as but not limited to, high voltage electric stations, gas compressor stations, oil well pumping/storage facilities, and wireless communications, receiving or transmitting towers, shall require Special Land Use Approval by the Planning Commission subject to the following requirements and standards:

1. The following types of utility transmission structures shall be permitted only in the listed districts:

Use	District
Electric Stations	R-2, MH, MF, DD, I
Gas Compressor Stations	I
Oil Storage Facility	I
Wireless Communications Tower	R-2, I

2. In order to provide a pleasing community appearance and to prevent noise levels, odors, dust, and similar external

physical effects from adversely affecting adjoining properties, all equipment shall be completely enclosed within a building, unless the setback and screening guidelines specified in subsection "3" below are followed, as approved by the Planning Commission.

3. If the equipment proposed will not be enclosed within a building, a setback of three hundred (300) feet from all property lines shall be required. In addition, an obscuring, landscaped buffer shall be provided, based on the following guidelines, as determined by the Planning Commission after considering the type, size, height, and anticipated noise levels of all equipment being proposed:
 - a. A landscaped earthen berm at least eight (8) feet high, along all sides of the equipment.
 - b. A landscaped greenbelt at least twenty-five (25) feet in width, along all sides of the equipment.
 - c. An obscuring fence or a masonry wall at least six (6) feet high, completely surrounding the equipment.
 - d. Any combination of the above requirements approved by the Planning Commission.
4. All buildings and equipment permitted under this section shall be setback at least one hundred (100) feet from all adjoining property lines. Expansions of transmission facilities, which facilities existed prior to the effective date of this amendment, may be placed within one hundred (100) feet of an adjoining property line only after approval of the Zoning Board of Appeals and only when fully enclosed within a building.
5. Where there will be employees stationed at the utility building on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface.
6. There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations of any utility building site, except those which are necessary for safety or emergency repairs at that particular utility transmission structure site.
7. Where the utility transmission structure proposed is a wireless transmission, receiving or relay tower which exceeds the height limit of the particular zoning district in question, it shall comply with the following special standards:
 - a. No wireless transmission tower in excess of one hundred (100) feet in height shall be located closer than 2,000 feet to any other such tower.

- b. All wireless transmission towers not subject to the regulations of the Federal Aviation Administration shall be painted with a color designed to cause the tower to blend in with the surrounding landscape.
- c. No new wireless transmission tower shall be constructed where there exists another tower that could reasonably be used to carry the transmission or receiving equipment proposed. The purpose of this section is to require the sharing of tower space by more than one company where broadcast and receiving frequencies do not prohibit such sharing of tower space.

SECTION 17.32 - JUNK YARDS

Junk yards may be permitted in the I district, subject to approval by the Planning Commission and the following special standards:

- A. A screen wall of decorative, pressure-treated wood; brick or poured concrete with a brick-like texture shall be provided to screen all items stored on-site from public view. The wall shall be at least six (6) feet tall. In no instance shall material be stacked at a height higher than the wall.
- . The site shall have access to a major thoroughfare or local industrial street.
- . Hours of operation shall be limited to 7 a.m. to 7 p.m. weekdays so as to minimize the impacts on adjacent property.

SECTION 17.33 - BED & BREAKFAST

Bed & Breakfast Inns may be permitted in the R-1, R-2, and R-3 districts, subject to approval by the Planning Commission and the following special standards.

- . All guest rooms shall be a minimum of one hundred (100) square feet for double occupancy, equipped with a smoke detector/alarm, and shall have lavatory and bathing facilities available to the overnight guests.
- . The Bed & Breakfast Inn shall have a minimum of two (2) means of exit directly to the outdoors. A floor plan and elevation drawings (or photographs) shall accompany the application.
- . There shall be no exterior alterations to the dwelling that are not customary for other principal single family residences in the City. If guest rooms are not part of the original structure but are proposed to be added, plans prepared by a Registered Architect shall be submitted to the Planning Commission for approval which demonstrate the following:
 - 1. The addition is compatible in style and design with the

original structure.

2. The rooms proposed to be added could be incorporated into the structure for single family residential use in the future, if the owner chooses to terminate the use of the dwelling as a Bed & Breakfast Inn.

- . Two (2) off-street parking spaces for the dwelling and one (1) for each double-occupancy room shall be provided. All of f- street parking shall be designed and arranged to maintain the residential character of the principal use. To that end, parking "lots" are to be avoided and the use of grass pavers or similar materials is encouraged.
- . One (1) non-illuminated sign, not to exceed four (4) square feet may be displayed flat against the wall of the building or within the non-required front yard only.
- . The applicant shall submit proof of the local Health Department's evaluation regarding the adequacy of the on-site sewage disposal system, in relation to the number of guest rooms proposed, in addition to the principal residential use.
- . The maximum length of stay of any guest(s) shall be fourteen (14) days.
- . To prevent over concentration and negative impacts on the single-family residential character of the area, Bed and Breakfast Inns shall be spaced at least 800 feet apart.

ARTICLE 18

GENERAL EXCEPTIONS

SECTION 18.01 - ESSENTIAL SERVICES

Essential services, as defined in this Ordinance, shall be permitted, as authorized and regulated by State Law and other ordinances of the city, it being the intent to exempt essential services from the provisions of this Ordinance.

SECTION 18.02 - VOTING PLACE

The provisions of this Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a City or other public election.

SECTION 18.03 - HEIGHT LIMIT

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles or public monuments, provided, however, that the Board of Appeals may specify a height

limit for any such structure when it requires authorization as a special land use.

SECTION 18.04 - LOT AREA

Any lot existing and of record at the time this Ordinance became effective may be used for any principal use permitted, other than special land uses for which special lot area requirements are specified in this Ordinance, provided all yard area and setback requirements of the specific zoning district are complied with, and provided that not more than one (1) principal building occupies the lot.

SECTION 18.05 - PORCHES AND PATIOS

An open, unenclosed, and uncovered porch or patio may project into a required front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies or other roof-like structures.

SECTION 18.06 - PROJECTIONS INTO YARDS

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard not more than three (3) feet.

SECTION 18.07 - ACCESS THROUGH YARDS

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yard and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yards.

ARTICLE 19

ADMINISTRATION AND ENFORCEMENT

SECTION 19.01 - ZONING ADMINISTRATOR

The provisions of this ordinance shall be administered and enforced by the City Zoning Administrator, appointed by the City Council for such term and to such conditions and at such rate of compensation as the Board shall determine. Said appointment shall be at will and at the pleasure of the Council, unless otherwise agreed to by a written contract with the City Council.

SECTION 19.02 - ADDITIONAL ZONING ADMINISTRATORS

The City Council may appoint one or more deputy zoning administrators.

SECTION 19.03 - CERTIFICATE OF APPROVAL

- . Certificate of Approval Required. No building or structure subject to the provisions of this Ordinance other than single-family, two-family, and multi-family dwellings of six(6) units or less shall be erected, altered, enlarged, or moved upon any premises until a "Certificate of Approval" has been issued to the Owner of the premises by the Zoning Administrator, certifying that the proposed undertaking is in conformity with the provisions of the Ordinance. For those projects excluded from this requirement, the Zoning Administrator shall review each building permit to insure compliance with this Ordinance. No certificate shall be transferrable. The certificate shall be obtained before any work, excavation, erection, alteration, enlargement or movement is begun. Any agricultural building or structure on a bona-fide farm shall be exempt to the extent required under State Law except for buildings used for dwelling purposes. The certificate shall be posted in a prominent place on the premises during the period of construction, alteration, enlargement or movement.
- . Application for Certificate of Approval. An application for a Certificate of Approval shall be made at least ten (10) days prior to the commencement of any construction, alteration, enlargement or movement. This may be waived by the Zoning Administrator for good cause. The application shall be accompanied by the following:
 1. Proof of ownership.
 2. Two (2) copies of a plot plan, drawn to scale, showing the actual dimensions of the premises, the location and dimensions of all existing and proposed structures, the location and width of all abutting public and private streets, rights-of-way, easements, and public open spaces, the location of all buildings on abutting properties that are within eight (8) feet of the common property line, location of the domestic water well, septic tank, and tile field disposal system.

- . Issuance of Certificate of Approval. Whenever the Zoning Administrator shall determine that the building or structure is in conformity with the provisions of this Ordinance, he shall issue a Certificate of Approval to the applicant within ten (10) days after receipt of the application, and when such certificate is refused, he shall state the reasons for such refusal in writing. The Zoning Administrator shall deposit one copy of the application with the City Clerk with notations relative to its approval or disapproval, including the date thereof, and one copy shall be returned to the applicant with similar notations.
- . Fees. For each certificate of approval issued, a fee shall be paid by the applicant, said fee to be established by the City Council. No Certificate of Approval shall be issued or be valid until the required fee has been paid.
- . Expiration of Certificate of Approval. Any Certificate of Approval issued by the Zoning Administrator under which no work has been done above the foundations within one (1) year from the date of issuance shall expire; but upon request, such permit shall be renewable for an additional one (1) year from the date of expiration of the original permit, after payment of a renewal fee subject however, to the provisions of the Zoning Ordinance in force at the time of such renewal.
- . Cancellation of Certificate of Approval. The Zoning Administrator shall have power to revoke and cancel any Certificate of Approval in case of failure or neglect to comply with any of the provisions of this Ordinance or in case of any false statement or misrepresentation made in the application for a Certificate of Approval. The owner or his duly authorized agent shall be notified of such revocation and cancellation in writing.

ARTICLE 20 BOARD OF APPEALS

SECTION 20.01 - CREATION AND MEMBERSHIP

There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in Act 207 of Public Acts of 1921, as amended, and in such a way that objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board shall consist of the following five (5) members. Appointments for the first year shall be for a period of 1, 2, and 3 years, respectively, so as nearly as may be possible to provide for appointment of an equal number each year. Thereafter each member shall be appointed for a full term of three (3) years.

- . The first member shall be a member of the City Planning Commission, for the term of his office. (Initially to be appointed for one (1) year.)
- B. The second member may be a member of the City Council, appointed by

the City Council for the term of his office. (Initially to be appointed for two (2) years.)

- . The next three (3) members shall be selected, and appointed by the City Council from among the electors, residing in the City of Yale. Provided, that no other elected officer of the City nor any employee of the City Council may serve simultaneously as the third member of or as an employee of the Board of Appeals. (Initially one member to be appointed one (1) year, one for two (2) years, and one for three (3) years.)

The City Council shall also appoint two (2) alternate members. (One initially to serve two (2) years and the other three (3) years thereafter both to serve full three (3) year terms.) The alternate members may be called to sit as regular members if a regular member of the Board of Appeals is absent from or unable to attend. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. In all cases, the alternate member shall be given at least three (3) days advance notice so he/she has adequate time to review pertinent materials related to matters to be heard. An alternate may waive the three (3) day requirement if he/she feels less time would be adequate to review materials. The alternate member having been appointed shall serve in the case until a final decision has been made. The two designated alternates shall rotate service unless only one alternate is available to serve. The alternate member shall have the same voting right as a regular member of the Board of Appeals.

SECTION 20.02 - MEETINGS AND DECISIONS

- . All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating said fact; it shall file a record of its proceedings in the office of the City Clerk, and those records shall be public record. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.
- . The concurring vote of a majority of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of an administrative official or body or to decide in favor of an applicant any matter upon which they are authorized to pass under this Ordinance, except that a concurring vote of a 2/3 of the members of the board shall be necessary to grant an exception, as provided for in Section 20.05 (C) of this Ordinance, from uses of land permitted. In making a decision upon a matter, the Board shall state the grounds upon which it justifies its decision. The Board of Appeals does not have the authority to grant "use" variances except as provided by Section 20.05 (C)

- . In exercising its appeal powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator or official or body from when the appeal is taken.
- . The Board may attach such conditions regarding the location, character and other aspects of the proposed uses or structures as it may deem reasonable in furtherance of the purpose of this Ordinance in the exercise of any of its powers and jurisdiction, including but not limited to appeals, variances, and exceptions.
- . No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for the same is obtained, and construction commences within such time period and then reasonably proceeds to completion in accordance with the terms of such permit.
- . No order of the Board permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; PROVIDED HOWEVER, that where such use permitted is in conjunction with the erection or alteration of a building, if the building permit for the same is obtained and construction commences within such period and reasonably proceeds to completion in accordance with the terms of such permit, the one year to commence a use within such building shall begin the day after the occupancy permit is issued.

SECTION 20.03 – (Reserved for future use)

SECTION 20.04 – FEES

The City Council may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants to the Board of Appeals. Fees shall be paid to the City Clerk or Treasurer at the time of the filing of any application, appeal or other document, and said payment shall be credited to the general revenue fund of the City of Yale.

SECTION 20.05 – JURISDICTION

The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to amend the terms of this Ordinance, but does have the jurisdiction and power to act on those matters as provided for by State Law and this Ordinance, including but not limited to administrative review, interpretation, exceptions, and to authorize a variance as provided for in this Section and in the laws of the State of Michigan. Said powers include:

- . Appeals

1. An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by any officer, Department, Board or Bureau affected by any order, requirement, permit, approval or disapproval or other decision of the Zoning Administrator or any other administrative official and an appeal may be taken from a decision of the Planning Commission relative to Special Land Uses; any appeal relative to Special Land Uses shall only be considered if it is filed within 30 days of the decision of the Planning Commission, unless any other appeal time is hereafter provided for, in writing, by rules adopted by the Zoning Board of Appeals.
2.
 - (a) Such appeal shall be taken within such time as provided herein or as shall be prescribed by the Board of Appeal by general rule, by filing with the Zoning Administrator and with the official or body from whom an appeal is taken, and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator or other applicable official or board shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.
 - (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 notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause important imminent peril to life or property, in which case, the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by the Board of Appeals or by a court or record.
 - (c) The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal within a reasonable time. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

3. Non-Use Variances On Appeal.

The following non-use variances may be approved after notice is given as set forth in Section 20.07-A:

- (a) The modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purposes and intent of such requirements and there would otherwise be practical difficulties.
- (b) Such modification of the height and all area regulations including but not limited to set-backs and minimum widths, as may be necessary to secure an appropriate improvement of a lot which is of such size, shape, or so located with relation to surrounding development or physical

characteristics, that it cannot otherwise be reasonably improved without such modification and there would otherwise be practical difficulties.

- (c) The modification of any of the literal provisions herein relating to the location of, construction of, or alteration of a building or structure or activity permitted in that district, so that the spirit of the ordinance shall be observed, public safety secured, and substantial justice done and where there would otherwise be practical difficulties, but excluding any use variance.
- (d) In addition to any other standards listed in the Zoning Ordinance, the following standards for reviewing practical difficulties shall be considered, to the extent applicable:
 - (1) Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
 - (2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners;

In granting a variance, the ZBA must insure that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

- . Interpretation and General Matters. To hear and decide in accordance with the provisions of this Ordinance; requests for interpretation of the Zoning Map or Ordinance, determine matters relative to nonconforming uses, buildings and lots, and act upon any other provisions of this Ordinance that the Board of Appeals is authorized to act; the Zoning Board of Appeals shall interpret the provisions of this Ordinance, including the map which is a part of this Ordinance, in such a way so as to carry out the intent and purpose of this plan, including the determination of and fixing of the use districts shown on the map.

- . Exceptions.

1. The Board of Appeals may approve the following temporary uses:
 - (a) Temporary buildings and uses for periods not to exceed six (6) months if the temporary use is not otherwise permitted in any district; the Zoning Board of Appeals may grant up to six (6) month extensions for good cause.

- (b) Uses for periods not to exceed six (6) months which do not require the erection of any capital improvement of a structural nature, including mobile home. (Storage of a travel trailer or motor home owned by the occupant of a single-family dwelling are exempted from these provisions).

Subject to a determination that the same can comply with the following conditions:

- (a) The temporary use must not constitute a change in the basic uses permitted in the district or on the property wherein the temporary use is permitted.
- (b) Any approval of a temporary use shall specifically address, in writing, all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary use; this shall include but not be limited to all setbacks, land contracts, off-street parking, and lighting, and a security deposit to insure performance and to be used for all enforcement costs.
- (c) In classifying any uses as not requiring capital improvement, the Board of Appeals shall determine that they are neither demountable structures related to the permitted use of the land; recreation developments, such as but not limited to : golf-driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
- (d) The use shall be in harmony with the general character of the district.
- (e) No temporary use shall be approved without first giving notice to owners of adjacent properties of the time and place of a public hearing to be held as is required for a variance.

SECTION 20.06 — STANDARDS

- . In consideration of all proposed variances, exceptions, or any other similar matter, the Board shall, before making any decision, first determine that the proposed variation will be consistent with all of the following standards in that it will not unreasonably:
 - 1. Impair an adequate supply of light and air to adjacent property.
 - 2. Increase the congestion in public streets.
 - 3. Increase the danger of fire or endanger the public safety.
 - 4. Diminish or impair established property values with the surrounding area.

5. Impair the public safety, health, comfort, morals, or welfare of the inhabitants of the City of Yale.
6. Interfere with any other nearby permitted uses by reason of dust, noise, fumes, vibration, smoke, lights or any other similar nuisance factor.
7. Deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance if the ordinance is strictly and literally interpreted.

- . Additionally, if the Zoning Board of Appeals determines that the basis of any request or issue arises from special conditions and circumstances that are self-created, the Zoning Board of Appeals shall deny the request or resolve such issue in favor of the strict application of the ordinance without variations, unless, based on the degree of intentional misconduct or negligence by the applicant or his/her predecessors, if any, the Zoning Board of Appeals also determines that approval of the relief requested can be granted in a manner that is just and fair to the other property owners in the district, consistent with the orderly development of the City relative to the intent and purposes of the applicable standards herein and this paragraph.
- . The Zoning Board of Appeals may, but is not required, to seek a recommendation from any other person, official or body, prior to rendering its decision.

SECTION 20.07

A. Notice

1. The Board of Appeals shall make no decision except in a specific case at a public meeting, and after a public hearing, if the latter is required. It shall by general rule or in specific cases, determine the interested parties who, in the opinion of the Board, may be affected by any matter brought before it, and the same shall, to the extent required by State Law, include all owners of record of property within three hundred (300') feet of the specific premises in question; such notice shall be reasonably and where required by State Law, it shall be delivered personally or by first-class mail addressed to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupants" may be used.
2. The Board may require any party applying to the Board for relief to give such notice to other interested parties as it shall prescribe.

ARTICLE 22.
PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

SECTION 21.01

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements, adopted for the promotion of public health, safety, morals, or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the more restrictive or that imposing the higher standards shall govern.

ARTICLE 22
ANENDMENTS

SECTION 22.01

Amendments to the Zoning Map and/or the text of this Ordinance shall follow the requirements and procedures of the City or Village Zoning Act, as amended.

ARTICLE 23
LEGAL PROCEDURES & PENALTIES FOR VIOLATION

SECTION 23.01 - ABATEMENT OF NUISANCE

Any use of land or buildings, and any building or structure that is erected, altered or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se. The City, the Prosecuting Attorney for St. Clair County, or the Zoning Administrator may take action in any court of competent jurisdiction to cause the abatement of such nuisance.

SECTION 23.02 - PENALTIES

Any person, firm, corporation, or other organization which violates any provision of this Ordinance or fails to obey or execute any lawful order issued in pursuance of this Ordinance shall, upon conviction, be fined not more than Five Hundred Dollars (\$500.00) together with the costs for prosecution and/or shall be punished by fine and imprisonment for no more than ninety (90) days in the discretion of the Court. Where a violation is of a continuing nature, each and every day during which the violation continues to occur shall be deemed as a separate offense.

ARTICLE 24
FEEs

SECTION 24.01

The City Council shall establish by resolution a schedule of fees and charges and a collection procedure for zoning compliance permits, site plan review, special approval uses, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the City Clerk, and may be altered or amended from time to time by resolution of the City Council. Until all applicable fees and charges have been paid in full, no action shall be taken on any application or appeal.

ARTICLE 25
VALIDITY & SEVERABILITY

SECTION 25.01

Each and every part of this Ordinance is hereby declared to be severable. Should any Article, Section, subsection or provision be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 26
REPEAL OF PRIOR ORDINANCE

SECTION 26.01

The City of Yale Zoning Ordinance, which became effective on January 5, 1983, and all amendments thereto, is hereby repealed in its entirety.

ARTICLE 27
EFFECTIVE DATE

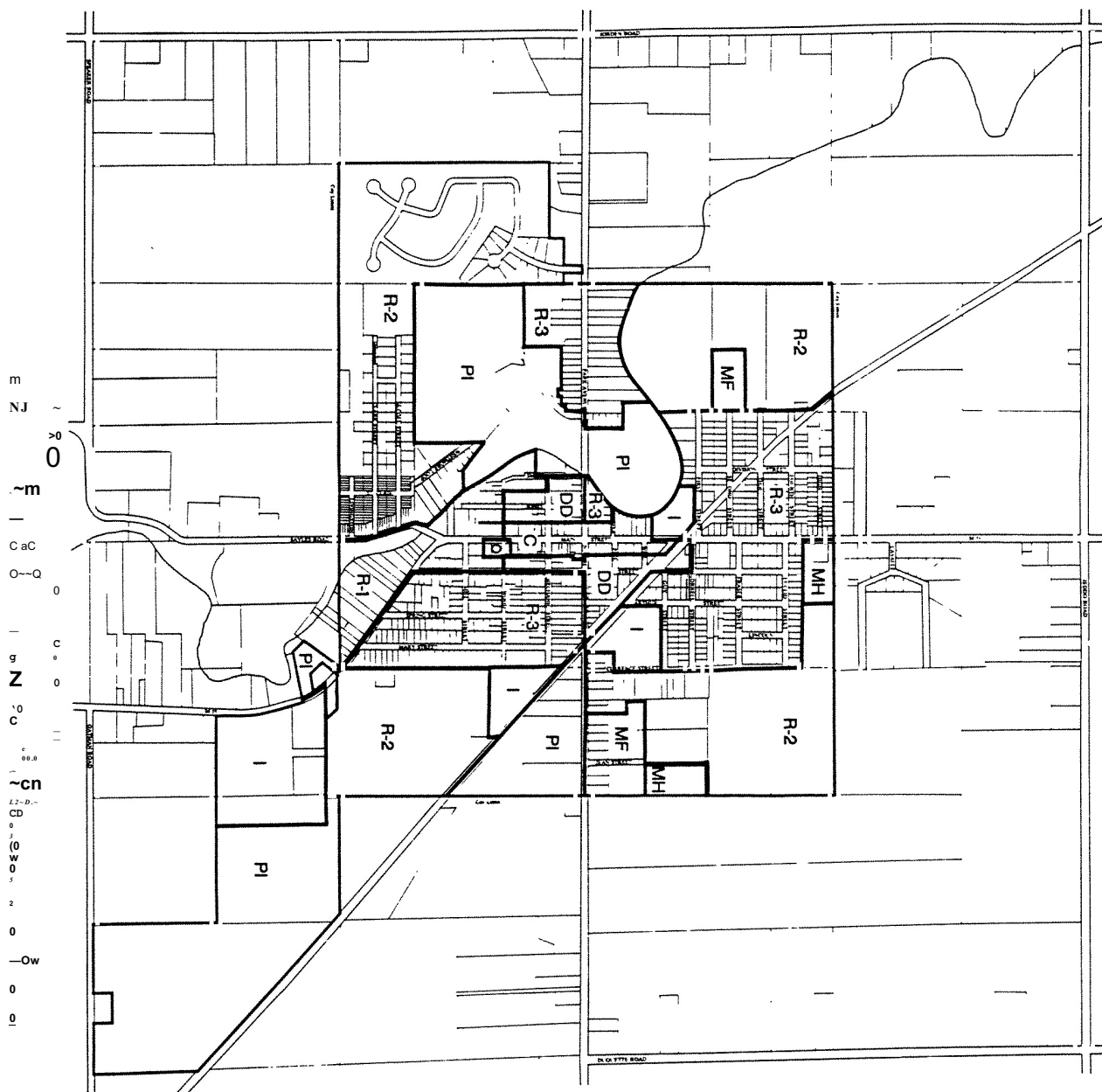
SECTION 27.01

This Ordinance shall take effect the day following the date of publication of a notice of adoption by the City Council in the Yale Expositor.

CERTIFICATION OF CITY CLERK

I, Linda Cronin, City Clerk, hereby certify that this Zoning Ordinance was adopted by the Yale City Council at a meeting held on July 6, 1992, after a public hearing had been held by the Yale City Planning Commission on November 21, 1991 and a recommendation for adoption was transmitted to the Yale City Council, pursuant to the requirements of the City or Village Zoning Act, as amended.

Linda Cronin, Clerk
City of Yale



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