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1978

AUGUSTA ZONING ORDINANCE

GOVE ASSOCIATES, INC.
1601 Portage Street
Kalamazoo, Michigan

AUGUSTA ZONING ORDINANCE

SECTION ONE - TITLE

This ordinance shall be known and may be cited as "The Zoning Ordinance of the Village of Augusta."

SECTION TWO - PURPOSE

This Zoning Ordinance is for the purposes of providing for the establishment of districts or zones within which the use of land and structures, the height, the area, the size, and location of buildings are to be regulated within the Village and within which districts regulations are established for the light and ventilation of those buildings, and within which districts or zones the density of population is regulated by this Ordinance; to provide for the use of certain state licensed residential facilities; to provide for the acquisition by purchase, condemnation, or otherwise of private property which does not conform to the regulations and restrictions of the various zones or districts provided and to provide for the administration of this Zoning Ordinance and to provide for amendments hereto and to provide for any conflict with state law, Village ordinances or other regulations; and to provide penalties for violation of this Ordinance.

SECTION THREE - RESOLUTION

BE IT ORDAINED by the Village of Augusta pursuant to the provisions of the City or Village Zoning Enabling Act that this Ordinance regulates and restricts the use of land and structures within the Village; to meet the needs of the state's residents for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to insure that the use of land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provisions for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility needs; and to promote public health, safety and welfare; and for these purposes, to divide the Village into districts of a number, shape and area considered best suited to carry out these purposes. For each of these districts, regulations are imposed designating the uses for which buildings or structures shall or shall not be erected or altered and designating the trades, industries and other land uses or activities that shall be permitted or excluded or subjected to special regulation.

This Ordinance also regulates and limits the heights and bulk of buildings erected and regulates and determines the area of yards, courts and other open spaces and limits or restricts the maximum number of families which may be housed in dwellings.

This Ordinance provides land development regulations and districts which apply only to land areas and activities to achieve specific land management objectives including the establishment of land development regulations and districts in areas subject to damage from flooding or erosion. This Ordinance provides for the continuation of lawful uses of land or structures existing on the date of the enactment of this Ordinance, subject to conditions and limitations pertaining to alterations, reconstruction, additions or changes thereto.

The Village shall have the authority by this Ordinance to acquire by purchase, condemnation, or otherwise private property for the removal of non-conforming uses and structures except for the purpose of public housing. This Ordinance provides that the elimination of non-conforming uses and structures is declared to be for a public purpose and for a public use. The Village may institute and prosecute proceedings for condemnation of non-conforming uses and structures under the power of eminent domain granted by Michigan law to villages.

SECTION FOUR - DEFINITIONS

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purpose of these Regulations, certain terms and words are defined as follows:

- (1) Accessory Uses: A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.
- (2) Alley: A passage or way open to public travel affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.
- (3) Apartment House: A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service, or utilities in common.
- (4) Basement: That portion of a building below the first floor joists, at least half of whose clear ceiling height is above the level of the adjacent ground.
- (5) Boardinghouse: A dwelling in which lodging or meals, or both, are furnished to three (3) or more guests for compensation.
- (6) Building: A structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.
- (7) Building Accessory: A building subordinate to, and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main building.
- (8) Building Height: The vertical distance measured from the average grade at the building to the average elevation of the roof of the highest story.
- (9) Building Line: A line beyond which the foundation wall or any enclosed porch, vestibule or other portion of a building shall not project.

- (10) Care Home: Includes rest and nursing homes, convalescent homes and boarding homes for the aged; or established to render nursing care for chronic or convalescent patients.
- (11) Cellar: That portion of a building below the first floor joists at least half of whose clear ceiling height is below the level of the adjacent ground.
- (12) District: An area within which certain uses of land and buildings are permitted and all others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for the district in which they apply.
- (13) Dwelling: A building or portion thereof arranged or designed to provide living facilities for one (1) or more families.
- (14) Dwelling, Single Family: A building containing not more than one dwelling unit.
- (15) Dwelling, Semi-Detached: One of two buildings, arranged or designed as dwellings located on abutting lots; separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof, along the dividing lot line; and separated from any other building or structure by space on all other sides.
- (16) Dwelling, Two Family: A building containing not more than two separate dwelling units.
- (17) Dwelling, Multiple-Family: A building containing three or more dwelling units, (An apartment house).
- (18) Dwelling Unit: A building or portion thereof arranged or designed for permanent occupancy by not more than one (1) family for living purposes and having cooking facilities.
- (19) Dump: Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose of trash, refuse or waste material of any kind.
- (20) Facilities and Services: Those facilities and services that are normally accepted as necessary for urban living such as paved streets, public and/or private water supply and sanitary sewer disposal, storm drainage system, utility lines (excluding sub-stations), schools, parks and playgrounds.

- (21) Family: An individual or a group of two or more persons related by blood, marriage or adoption including foster children, together with not more than one additional person not related by blood, marriage, or adoption, living together as a single housekeeping unit.
- (22) Farming: Agricultural activity or the raising of livestock or small animals as a source of income.
- (23) Floor Area: The total enclosed floor area of a structure used for residential purposes, excluding the floor area of uninhabitable basements, cellars, garages, accessory buildings, attics, breezeways, and porches. For manufacturing, business or commercial activities which, in the case of the latter, includes customer facilities, showcase facilities, and sales facilities.
- (24) Frontage: The length of the front property line of the lot, lots or tract of land abutting a public street, road or highway.
- (25) Gasoline Service Station: Building or lot, or portions thereof, used and limited in function to retail sales of gasoline, oil, grease, anti-freeze, tires, batteries and automobile accessories, and such services such as lubrication, washing, polishing and other minor servicing to motor vehicles.
- (26) Home Occupation: An occupation customarily engaged in by residents in their own dwelling, (see Section 9.5).
- (27) Hospital: Any institution, including a sanitarium, which maintains and operates facilities for overnight care and treatment of two or more non-related persons as patients suffering mental or physical ailments, but not including any dispensary of first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent, or convalescent home, as previously defined.
- (28) Hotel: a building occupied as a more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied singly for hire, in which provision is not made for cooking in any individual apartment, except for the management.
- (29) Insubstantial Use - a use of land or premises which does not constitute the sole or major use which can be made of the land or premises and which does not involve or did not involve any large investment; furthermore, the land or premises can reasonably be used economically for other permitted uses.
- (30) Mobile Home or House Trailer: House trailer or mobile home means any vehicle or similar portable structure which was constructed with wheels so as to permit its being used as a duly licensable conveyance upon the public street, whether or not its wheels have been removed, and constructed to permit occupancy as a dwelling, other than travel trailer, camper, or motor homes as defined by Michigan Law.

- (31) Junk Yard: Any land or building used for commercial, storage and/or sale of paper, rags, scrap metals, other scrap or discarding materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not to be used as a dump.
- (32) Lot: Land occupied or to be occupied by a building and its necessary buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance for a lot in the district in which such lot is situated, and having the required frontage on a street.
- (33) Lot Area: The total horizontal area included within lot lines. Where the front lot line is the center line of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.
- (34) Lot, Depth of: The average horizontal distance between the front lot line and the rear lot line.
- (35) Lot, Front of: The side or sides of an interior or through lot which abuts a street; in a corner lot, the side or sides abutting either street may be considered as the front lot line provided that the side selected as the front has the required minimum lot frontage.
- (36) Lot Frontage: That portion of a lot extending along a street line. In odd-shaped or triangular-shaped lots the length of the frontage may be reduced to not less than one-half (1/2) of any minimum frontage herein required and that the actual length of the street line shall be not less than 50 feet.
- (37) Lot, Interior: A lot other than a corner lot.
- (38) Lot Width: The average horizontal width measured at right angles to the lot depth.
- (39) Motel: A group of attached or detached dwellings not more than two (2) stories in height containing guest rooms which are provided for transient occupancy only, including auto courts, motor lodges and tourist homes.
- (40) Non-Conforming Uses: The use of a building or of land lawfully existing at the time this ordinance became effective but which does not conform with the present use regulations of the district in which it is located.
- (41) Non-Conforming Structure: A structure on land which lawfully existed at the time of its construction, but which by terms of the ordinance or any amendment is not now allowed or does not meet certain regulations such as minimum setback, minimum square footage, etc.

- (42) Parking Space, Automobile: That area required for the parking or storage of one automobile including necessary aisle or driveway space providing space thereto, but not on front lawn areas.
- (43) Professional Office: Rooms or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, etc., but not including medical or dental clinics.
- (44) Shelter, Fall-out: A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fall-out, air raids, storms, or other emergencies. Fall-out shelters constructed completely below the ground level, except for a vent not exceeding 30" in height above ground level, may be contained within any yard area.
- (45) Sign: Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, which displays numerals, letters, words, trademark or other representation used for direction, or designation of any person, firm, organization, place, product, service business, or industry which is located upon any land, on any building, in or upon a window, or indoors in such a manner as to attract attention from outside the building.
- (46) Sign Area: The sign area is the surface of the structure used to convey the message exclusive of the necessary supports or any appurtenances required by the building code. The area of open sign structures, consisting of letters or symbols without a solid surface in-between, shall be calculated on the basis of the total area within the perimeter of the group of letters and/or symbols. The area of a double face sign, which is constructed back to back as a single unit, shall be calculated according to the surface area of one side only.
- (47) Sign, Outdoor Advertising: A sign which calls attention to a business, commodity, service, entertainment, or other activity, conducted, sold, or offered elsewhere than on the premises upon which the sign is located.
- (48) Special Exception: The granting to a petitioner, by the Planning Commission, certain uses of land and/or buildings, because of their particular nature and due to certain circumstances, as authorized in this ordinance under the category of Special Exception Use (See Section 9.8).
- (49) Special Exception Uses: Uses of land and/or buildings, because of their particular nature and due to certain circumstances are designated as exceptions, and may be permitted to become established within those districts as specified in this ordinance, (See Section 9.8).

- (50) Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or of the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.
- (51) Street: A public dedicated right-of-way or right-of-way meant for public use other than an alley, which provides primary access to abutting properties, and over which the public has easement of vehicular access.
- (52) Structure: Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground, and shall include fences which are more than 50% solid, tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames of electrical or telephone utilities, or to service utilities entirely below the ground.
- (53) Use: The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is, or may be used, occupied or maintained.
- (54) Variance: The granting to a petitioner, by the Board of Appeals, permission to vary from the strict application of this ordinance as provided in Section 6.2b.
- (55) Yard: Open space on the same lot with a building or group of buildings, lying between the building and the nearest lot or street line, and unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, or fences.
- (56) Yard, Front: Open space extending across the full width of lot between the front lot line or the proposed front street line and the nearest line of the building or portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line or proposed front street line and the nearest point of the building or any portion thereof.
- (57) Yard, Rear: Open space extending across the full width of lot between the rear line of the lot and the nearest line of the building, porch or projection thereof. The depth of such yard is the average horizontal distance between the rear lot line and the nearest point of the building.

(58) Yard, Side: Open space between side lot line, the side street line, or the proposed side street line, if such line falls within the lot, and the nearest line of the building, porch, or projection thereof, extending from the front yard to the rear yard or, in the absence of either of such yards, to the front lot line or rear lot line. The width of side yard shall be the shortest distance between the side lot line and the nearest point of the building, porch or projection thereof.

(59) Zone: (See District)

SECTION FIVE - ADMINISTRATION AND ENFORCEMENT

5.1 THE ZONING ADMINISTRATOR

The office of Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the Village Council and shall serve at its pleasure. He shall receive such compensation as the village council may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of the Village of Augusta. He shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. He shall have no power to vary or waive ordinance requirements.

5.2 ZONING COMPLIANCE PERMITS

Hereafter, no land use shall be commenced or changed and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a zoning compliance permit from the Zoning Administrator. The Zoning Administrator shall issue such permit upon the furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure or addition is in full compliance with all provisions of this Ordinance, a finding by the Zoning Administrator that such is the case and payment of a permit fee in an amount as specified by Village Council. No zoning compliance permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development or use thereof in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property. Any zoning compliance permit based on any material false statement in the application of supporting documents is absolutely void ab initio and shall be revoked. No zoning compliance permit shall remain valid if the use or structure it authorizes becomes nonconforming.

5.3 CERTIFICATE OF OCCUPANCY

No permanent certificate of occupancy shall be issued under the building code of the Village of Augusta until all requirements of the Ordinance have been met. A temporary certificate may be issued under circumstances where expressly permitted by this Ordinance.

5.4 SPECIAL ZONING ADMINISTRATION BOOK AND MAP

The Zoning Administrator shall keep in his office, a book, to be known as the Special Zoning Administration Book, in which he shall list, with a brief description, all variances, special exception permits, authorizations for planned unit developments, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map of the Village to be known as the special zoning administration map, on which he shall record the numbers in the special zoning orders book to indicate the locations affected by the items in the book. The special zoning orders book and map shall be open to public inspection.

5.5 VIOLATIONS

- a. Buildings erected, altered, moved, razed, or converted, or use of land or premises carried on in violation of any provision of this ordinance are declared to be a nuisance per se. Any and all buildings or land use activities considered possible violations of the provisions of this ordinance observed by or communicated to Police and Fire Department employees or to any municipal official shall be reported to the Zoning Administrator.
- b. The zoning enforcement officer shall inspect each alleged violation and shall order correction, in writing or by posting the premises, of all conditions found to be in violation of this ordinance.
- c. An appeal may be taken to the Board of Appeals by any person alleging error in any administrative order concerning the enforcement of this ordinance.
- d. All violations shall be promptly corrected after receipt of notification thereof by writing or by posting premises by the Zoning enforcement officer. A violation not so corrected shall be reported to the municipal attorney who shall initiate prosecution procedures.

5.6 PENALITIES

Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance, or any permit, license or exception granted hereunder, or

any lawful order of the zoning enforcement officer, Board of Appeals, or the municipal body issued in pursuance of this ordinance shall be guilty of a misdemeanor. Upon conviction thereof before any court having jurisdiction, he shall be punishable by a fine of not to exceed one hundred dollars (\$100.00), or by imprisonment not to exceed ninety (90) days, or both. Each day during which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this ordinance.

The foregoing penalties shall not prohibit the Village from seeking injunctive relief against a violator, or such other appropriate relief as may be provided by law.

SECTION SIX - BOARD OF APPEALS

6.1 ESTABLISHMENT OF A BOARD OF APPEALS

The Village Council may appoint a Board of Appeals or shall act as the Board of Appeals acting upon all questions arising under the zoning ordinance, and shall have all such powers and duties as prescribed by law.

6.2 AUTHORITY OF THE BOARD OF APPEALS

- a. Hear and decide upon request, the interpretation of the provisions of this ordinance.
- b. Grant variances from the strict application of the zoning ordinance when by reason of exceptional narrowness, shallowness, shape or topography of specific parcels of property at the time of the original enactment of this ordinance or amendments thereto or where the strict application of these regulations or amendments thereto would result in exceptional or undue hardship upon said property; provided that such relief or variances can be granted without substantial impairment of the intent, or purpose of this ordinance. This provision shall not be construed to permit the Board, under the guise of a variance, to change the uses of land.
- c. Hear and decide appeals where it is alleged by appellants that there is error in any refusal of building, use, or occupancy permit or in any other order, requirement, decision, or determination made by the building inspector, zoning enforcement officer, or other municipal employee when passing upon an application for a building or other permit, or by any other officer or body in the administration of the zoning ordinance.

6.3 LIMITATION OF AUTHORITY OF THE BOARD OF APPEALS

- a. Nothing contained in this chapter shall be deemed to authorize the Board to reverse or modify any refusal of a permit or any other order, requirement, decision, or determination which conforms to the provisions of this ordinance and which, therefore, is not erroneous; nor to authorize the Board to validate, ratify, or legalize any violation of law or any of the regulations of this ordinance.
- b. They shall not amend any portion of this ordinance or the Zoning Map; nor shall such power or authority be vested in the Board.
- c. A decision of the Board permitting the erection or alteration of a building or other use of land shall be valid for a period of six (6) months, during which time a building permit for such erection or alteration must be obtained and the erection or alteration started.

- d. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

6.4 APPLICATION FOR VARIANCES AND APPEALS

- a. Requests for variances and appeals shall be made by submitting an application (or letter) to the Village Clerk. A fee as determined by resolution of the Village Council shall accompany the application to help defray cost of processing said application.
- b. A site plan, plot plan or development plan of the total property involved, showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses, shall be submitted with each request for a variance or appeal.

6.5 DECISIONS

"The concurring vote of 2/3 of the members of the Board shall be necessary to reverse an order, requirement, decision or determination of an administrative official to decide in favor of the applicant a matter upon which they are required to pass under the Ordinance or to effect a variation in the Ordinance."

6.6 PROCEDURE AND HEARINGS

The Board of Appeals shall fix a reasonable time for the hearing of any application or matter pending before it and shall give due notice to the persons to whom real property within 300 feet of the premises in question is assessed and to the occupants of single-family and two-family dwellings within 300 feet the notice to be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. The Board of Appeals shall decide any application, petition or matter pending before it within a reasonable time. At the hearing, a party may appear in person or by agent or by attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal is taken. The Board may impose conditions where making any discretionary decision as authorized by this Ordinance.

SECTION SEVEN - GENERAL PROVISIONS

7.1 INTERPRETATION OF CONFLICTING PROVISIONS

In this ordinance, words used in the present tense include the future; the singular number includes the plural number and plural, the singular; the word "shall" is mandatory and not permissive, and the word "may" is permissive. In interpreting and applying the ordinance, the requirements contained herein are declared to be the minimum requirements for the protection of health, morals, safety or welfare. This ordinance shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatsoever any ordinances, rules, regulations or permits, or by easements, covenants, or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or larger open spaces than are imposed or required by other ordinances, rules, regulations, or permits, or by easements, covenants, or agreements between parties, the provisions of this ordinance shall prevail. Except as hereinafter provided, the following general regulations shall apply:

7.2 LIMITATIONS ON ALL LAND AND STRUCTURES

- a. No building shall be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land or building be used, designed, or arranged to be used for any purpose or in any manner other than that included among the uses hereinafter listed as permitted in the zone in which such building or land is located.
- b. Every building hereinafter erected shall be located on a lot as herein defined; and, except as herein provided, there shall be not more than one (1) single-family dwelling on one (1) lot.
- c. Every dwelling structure shall be built upon a lot with frontage upon a public street, except that any one lot of record created before the effective date of this ordinance without any frontage on a public street but provided with an easement or other right-of-way of no less than 20 feet wide, may be granted a building permit providing all other requirements of this ordinance can be met.
- d. The illumination of any buildings or uses of land shall be designed and operated so that the source of light shall not be directed upon adjacent properties or the public streets. In no event shall the illumination of a building or use of land be permitted to flood upon adjacent residential structures.

7.3 LIMITATIONS ON HEIGHT

No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except the height limitations of this ordinance shall not apply to church spires, solar collectors, bell-fries, cupolas, antennas, domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, silos, bulkheads, and necessary mechanical appurtenances usually carried above the roof level, except where in the opinion of the building inspector such may be deemed to interfere with aerial navigation or constitute a fire hazard. Such features, however, shall not exceed in total coverage 20% of the total roof area and shall not exceed a reasonable height to be determined upon reference of all such cases to the Zoning Board of Appeals by the building inspector.

7.4 LIMITATIONS ON AREA

- a. No building shall be erected, nor shall any existing building be altered, enlarged, moved, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the zone in which such buildings or open space are located, except as otherwise specifically provided.
- b. No yard or other space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as a yard or open space for any other building.
- c. Any lot as defined herein, which was legally recorded and upon the Village tax roll at the time of adoption of the ordinance shall be deemed a buildable lot even though it has less than the minimum area requirements, providing the applicant thereof establishes to the satisfaction of the Zoning Board of Appeals that additional adjoining property cannot be obtained and is not reasonably available.

7.5 BUILDING PERMIT TO ERECT OR ALTER STRUCTURES

No structure shall be erected, altered, or excavation started until a Building Permit for such erection or alteration shall have been issued.

7.6 PRIOR BUILDING PERMITS

Nothing in this ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this ordinance, PROVIDED that construction is commenced within 90 days after the date of issuance of the permit; that construction is carried on diligently and without interruption for a continuous period so that the entire building shall be completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.

7.7 CERTIFICATE OF OCCUPANCY

- a. It shall be unlawful to use or permit the use of any building or premises or part thereof hereinafter created, located, erected, changed, converted or enlarged wholly or partly until a certificate of occupancy has been issued for the premises certifying that the structure or use complies with the provisions of this ordinance.
- b. The issuance of a Certificate of Occupancy shall not be construed as permitting any violation of this ordinance.

7.8 VALIDITY OR SEVERABILITY CLAUSE

Should any section, sub-section, clause or provision of this ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof, other than that portion so declared to be invalid.

7.9 CONFLICT WITH OTHER LAWS

Whenever the requirements of this ordinance are at variance with the requirements of other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

7.10 BOUNDARIES OF ZONES

Where uncertainty exists as to the boundaries of any of the zones as shown on the Zoning, Map, the following rules shall apply.

- a. Zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on said Zoning Map.
- b. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.
- c. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant therefrom, such lot lines shall be such boundaries.
- d. In unsubdivided property or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.
- e. If all or any portion of any public street, alley, right-of-way, easement or land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall

be subject to all of these regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zones, if there be more than one.

SECTION EIGHT - ZONING DISTRICTS AND ZONING MAP

8.1 ZONING DISTRICTS

a. For the purpose of this ordinance, the Village of Augusta is hereby divided into the following zoning districts:

- A Agriculture
- R-1 Residential, Single-Family and Two-Family
- R-2 Residential, Multiple-Family
- R-3 Mobile Home District
- C-1 Commercial, General
- C-2 Commercial, Highway
- I-1 Industrial

b. The location and boundaries of the zones established in the municipality shall be shown a map entitled Zoning Map of the municipality, and as same may be amended subsequent to the adoption thereof; and said map, section or portion thereof, together with all notations, dimensions and other data shown thereon, are hereby made a part of this ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.

c. The official copy of the Zoning Map will be in the custody of the Village Council.

8.2 A - AGRICULTURE DISTRICT

8.21 DESCRIPTION OF DISTRICT

This district is composed of certain land in outlying areas presently of rural character. Such land is zoned agricultural use with the intent that agriculture will be the principal land use within the foreseeable future. The regulations for this district are designed to stabilize and protect the essential characteristics of the district without unduly restricting its use solely to that of an agricultural nature. To these ends, development is limited to a low concentration and to those uses which would not be detrimental to future development.

8.22 PERMITTED USES

- a. The raising and keeping of livestock.
- b. The raising of crops except in greenhouses, including trees.

- c. Hunting preserves.
- d. Wildlife refuges.
- e. Forest preserves and roadside stands for the sale only of products produced on the same property.
- f. The rendering, slaughtering and dressing only of animals raised on the premises.
- g. Single family dwellings (excluding mobile homes and house trailers) are permitted only as an accessory use to the foregoing principal permitted uses conducted on property of at least three acres and having at least 165 foot minimum frontage.
- h. Home occupations.
- i. Signs, when in accordance with the provisions of Sec. 9.2.
- j. Accessory uses or buildings, when in accordance with the provisions of Sec. 9.4.

8.23 SPECIAL EXCEPTION USES

- a. Churches, cemeteries, parochial and private schools.
- b. Charitable and philanthropic institutions.
- c. Public utility buildings and structures necessary for the service of the community except that:
 - 1. There is no zoning restriction for utilities to be located in public streets or public rights-of-way.
 - 2. Public utility activities of an industrial character such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.

8.24 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Sec. 13.

8.3 R-1 - RESIDENTIAL DISTRICT, SINGLE FAMILY AND TWO FAMILY

8.31 DESCRIPTION OF DISTRICT

This district is composed of low and medium density single-family residential areas where medium density single-family residential development has occurred, or appears likely to occur. The regulations for this district are designed to protect and stabilize the

essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development is restricted to medium density single-family residential use, where adequate facilities and services will be provided.

8.32 PERMITTED USES

- a. Single-family dwellings, and the accessory structures and uses normally auxiliary thereto, excluding mobile homes and house trailers.
- b. Two-family dwellings, including duplexes, and the accessory structures and uses normally auxiliary thereto, excluding mobile homes and house trailers used for habitation.
- c. Home occupations.
- d. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- e. Signs, when in accordance with the provisions of Section 9.2.
- f. Accessory uses, or buildings, when in accordance with the provisions of Section 9.4.
- g. Churches, cemeteries, parochial and private schools.
- h. Charitable and philanthropic institutions.

8.33 SPECIAL EXCEPTION USES

- a. Any special exception use permitted in the A-Agriculture District
- b. Care Home
- c. Golf Course
- d. Hospital or Medical Clinic, excluding veterinary hospitals
- e. Funeral Homes
- f. Planned Unit Developments

8.34 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Sec. 13.

8.4 R-2 - RESIDENTIAL DISTRICT, MULTIPLE FAMILY

8.41 DESCRIPTION OF DISTRICT

This district is composed of certain areas within the municipality where multiple-family residential development has occurred, or appears desirable to occur. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas, and to promote and encourage a suitable and safe environment for family life. To these ends, development is restricted to multiple-family residential use where adequate public facilities and services will be provided.

8.42 PERMITTED USES

- a. Two-family, semi-detached, dwellings and the accessory structures and uses normally auxiliary thereto, excluding mobile homes or house trailers used for habitation.
- b. Apartment houses, boarding houses, garden apartment development and the accessory structures and uses normally auxiliary thereto.
- c. Business offices in an apartment building for conducting business incidental to the rental, operation, service and maintenance of the apartment building, or buildings.
- d. Home occupations, limited to existing single-family dwellings and to two-family semidetached dwellings.
- e. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- f. Signs, in accordance with the provisions of Section 9.2.
- g. Accessory uses or buildings, in accordance with the provisions of Section 9.4.

8.43 SPECIAL EXCEPTION USES

- a. Any special exception use permitted in the R-1 Residential District.

8.44 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Section 13.

8.5 R-3 - MOBILE HOME PARK DISTRICT

8.51 DESCRIPTION OF DISTRICT

This district is designed solely for mobile home parks and such accessory structures and uses normally associated thereto, in accordance with those regulations specified by the State of Michigan Public Act 419 of 1976, as amended, and in accordance with the area requirements specified herein.

8.52 PERMITTED USES

Mobile home parks and those uses customarily incidental to the principal use.

8.53 REGULATIONS REQUIRED OF MOBILE HOME PARKS

- a. Mobile homes used for habitation shall be confined to Mobile Home Parks, which are hereafter limited to Mobile Home Park Districts.
- b. Mobile Home Park Districts shall have frontage on a primary or major County street, or similarly adequate thoroughfare or a State trunkline.
- c. Mobile Home Park Districts shall not be less than 5 acres in size.
- d. The owner of every Mobile Home Park which lies immediately adjacent to a residential district shall provide a screening area separating said Park from the adjoining residential district. The screen shall be in the form of either a wall, solid fence, or evergreen planting which is compact and maintained in good condition at all times. The height of the screen shall not be less than 5 feet, except where the screen would interfere with traffic safety, in which case it may be reduced in height to, but not less than 4 feet in height. Adequate landscaping shall also be provided, by the owner of the Mobile Home Park, within the front yard setback area between the mobile home sites and any public street so as to provide an attractive frontage upon said street.
- e. All interior drives within a Mobile Home Park shall be paved with asphalt or a similar hard surface to a minimum width of 20 feet. Paved parking spaces for each mobile home site shall be provided in addition to the 20 foot service drive, either by the provision of additional parking lanes, or by parking spaces off the driveway.
- f. Sidewalks, not less than 30 inches wide, constructed of asphalt or concrete shall be provided extending between individual mobile home sites and the park service buildings, and the common picnic and playground area.

- g. Interior drives and walkways shall be lighted at intervals of not more than 100 feet by electric lamps of not less than 100 watts each.
- h. Each mobile home site shall contain an area of not less than 5,000 square feet and have a width of not less than 50 feet.
- i. Each mobile home site shall be well drained and be provided with a concrete slab base for the storage of each mobile home.
- j. No mobile home within a park shall be within 50 feet of residential district boundary.
- k. Where individual fuel oil tanks are used above ground level, they shall be placed on permanent masonry foundations of uniform design.
- l. There shall be provided a common picnic playground area at a safe location within the mobile home park.
- m. Mobile home parks shall be connected to public sewer and water if and when available.
- n. Site and development plans of new Mobile Home Parks or additions to existing parks shall be submitted to and approved by the Zoning Board of Appeals; and no Mobile Home Park shall be licensed or licensable unless the plans are first approved by the Zoning Board of Appeals.
- o. Every Mobile Home Park established within the municipality shall be inspected periodically by an official designated by the municipal body. The frequency of said inspections, and any fees associated thereto, shall be determined by the municipal body.

8.54 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Section 13.

8.6 C-1 - COMMERCIAL DISTRICT, GENERAL

8.61 DESCRIPTION OF DISTRICT

This district is established for the accommodation of community-wide needs for general retail sales and service facilities. The regulations are designed to permit development of the enumerated functions as limited to protect the abutting and surrounding properties.

8.62 PERMITTED USES

- a. Bakery and dairy products, retail sales only
- a.a. Banks, savings and loan associations
- b. Barber and beauty shops
- b.b. Books, stationery and newspapers

- c. Public Buildings
- c.c. Clothing and dry goods
- c.c.c. Drugs and pharmaceuticals
- d. Florist and garden shops
- d.d. Funeral establishments
- e. Furniture and household furnishings
- e.e. Groceries, food and dairy products
- f. Hardware, hobby shop, household appliances
- f.f. Laundromat, laundry and dry cleaning pick-up station
- g. Music and dancing schools
- g.g. Offices, business or professional
- h. Photography store
- i. Radio and television, sales and service
- j. Restaurant or similar eating establishments
- k. Shoe sales and repair
- l. Signs when in accordance with the provisions of Section 9.2
- m. Tailoring and dressmaking
- n. Variety store, antiques, gifts
- o. Accessory uses or buildings, when in accordance with the provision of Section 9.4
- p. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- q. Automobile sales agency and adjoining outdoor sales area of new or used cars, provided that no dismantling of cars, or storage of dismantled cars shall take place outdoors, unless screened in accordance with provisions in Section 9.6
- r. Boats and equipment sales; indoors
- s. Commercial recreation enterprises; indoors
- t. Contractors' work shops
- u. Greenhouse, nursery
- v. Hotel, motel
- w. Machinery and heavy equipment sales; indoors
- x. Signs, when in accordance with the provisions of Section 9.2
- y. Accessory uses or buildings, when in accordance with the provisions of Section 9.4.

8.63 SPECIAL EXCEPTION USES

- a. Animal hospital and kennel
- b. Any general retail use similar to those uses permitted in this section
- c. Bar, tavern and night club
- d. Bus or truck terminal
- e. Clubs, private non-commercial
- f. Commercial recreation enterprises; outdoors
- g. Earth removal, excavations; commercial
- h. Gasoline service stations and repair garages
- i. Package liquor sales
- j. Automobile repair garages, and automobile sales

- i. Public utility buildings and structures necessary for the service of the community except that:
 - 1. There is no zoning restriction for utilities to be located in public streets or public rights-of-way.
 - 2. Public utility activities of an industrial character such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.
- j. Volunteer or municipal fire station
- k. Used car lot

8.64 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Section 13.

8.7 C-2 - COMMERCIAL DISTRICT, HIGHWAY

8.71 DESCRIPTION OF DISTRICT

This district is composed of certain land along highways or major thoroughfares to service the residents of the community and for the convenience of those persons in transit and for the purpose of accommodating those commercial establishments which are of a similar nature in their service to the public.

8.72 PERMITTED USES

- a. Automobile sales agency and adjoining outdoor sales area, provided that no dismantling of cars, or storage of dismantled cars shall take place outdoors, unless screened in accordance with provisions in Section 9.6
- b. Boats and equipment, sales
- c. Commercial recreation enterprises, indoors and outdoors, excluding campgrounds
- d. Drive-in eating establishments
- e. Greenhouse and nursery
- f. Motel
- g. Restaurant
- h. Convenience food or party stores
- i. Automobile repair and service stations
- j. Signs, when in accordance with the provision of Section 9.2
- k. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas
- l. Accessory uses or buildings, when in accordance with the provisions of Section 9.4

8.73 SPECIAL EXCEPTION USES

- a. Any special exception use permitted in the C-1 Commercial District.
- b. Drive-in theatre
- c. Mobile home sales
- d. Seasonal public and privately owned campgrounds, subject to the following:
 1. Minimum campground size shall be 10 acres. The overall density of the campground shall not exceed 15 camping sites per acre. The campground shall provide direct vehicular access to a paved public street or paved road. Each campground shall be provided with at least one public telephone.
 2. Each campground shall have an area designated for travel trailers, camping trailers, motor homes, truck campers, or tents as defined in Act 171 of 1970 as amended, of the State of Michigan. Also, each campground shall have a separate area designated for tent camping only. Each site designated for travel trailers, camping trailers, motor homes and truck campers shall be provided with individual electrical outlets. All sites shall have a picnic table and a designated place for fires. Only one tent, travel trailer, camping trailer, motor home or truck camper shall occupy any site.
 3. Public stations, housed in all weather structures, containing adequate water outlets, flush toilets, waste containers, electricity and shower facilities shall be provided uniformly throughout the campground at a ratio of not less than one such station per 20 sites.
 4. Each campground containing more than 60 sites shall provide a masonry building containing machine laundry (wash and dry) facilities.
 5. No commercial enterprises shall be permitted to operate on the campground, except that a convenience goods shopping building for the use of the occupants is allowed, providing it is clearly incidental to the needs of the occupants while residing in the campground. Not more than two gas pumps will be allowed; there shall be no highway advertising of these services.
 6. Occupant parking space for two vehicles shall be provided on each site, except tent sites may have parking space for only one vehicle which may be remote from the tent sites, provided it is connected by a trail or path. Also, each, campground shall provide an additional dust-controlled parking area for site occupants and guest parking which is separate from any parking

available at the sites. Parking spaces equal in number to 50 percent of the sites shall be provided in this area; each parking space shall be at least 180 square feet in area.

7. Each site shall contain a minimum of 1,500 square feet except that the minimum size for sites specifically designated for tents shall be at least 2,500 square feet. Each site shall be set back from any right-of-way or property line at least 100 feet.
8. A common use area shall be provided on each campground at a ratio of not less than 1,000 square feet of such area per each site. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e. swings, slides, playground equipment, horseshoe pits, shuffleboard courts and the like) for the general use of the occupants of the entire campground. This area shall be at least 50 feet from any road or area used by motor vehicles.
9. Each site used by travel trailers, camping trailers, motor homes or truck campers shall have direct access to a dust-controlled roadway of at least 20 feet in width for two-lane traffic or 12 feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for and only used for tent camping, need not have direct vehicular access to any street or road but shall be provided with adequately cleared and marked pedestrian pathway access. Motor vehicles shall not be allowed on any portion of the campground other than designated streets, roads or parking areas.
10. Any lighting shall be directed away from camping sites and surrounding residential areas-no arc lights or high-intensity lighting shall be used. All electric lines, telephone lines and gas lines shall be installed underground.
11. The campground shall be kept in a neat and orderly manner. A covered trash and garbage receptacle shall be provided for each five camp sites. The campground shall be kept free of litter, trash and debris.
12. The campground shall post regulations that all radios or other noise-making equipment shall be turned off or reduced in volume between 10:00 p.m. and 7:00 a.m. so as not to be audible at other sites or adjoining residential areas. Dogs and other pets shall be kept on leashes not more than 10 feet in length.
13. All sanitary facilities shall be designed and constructed in strict conformance to all applicable Kalamazoo County Health Regulations and the State Campground Regulations promulgated by the Michigan Department of Public Health.

14. The development of the entire campground is subject to all applicable requirements of the Michigan Department of Natural Resources.
15. Any swimming pool or beach area shall comply with Michigan Law including the regulations promulgated under Act 171 of 1970 as amended and Act 23 of 1966 as amended.
16. No mobile home or trailer coaches designed for permanent habitation shall be allowed. No vehicle or tent shall be used for habitation for longer than thirty (30) days in any one year.
17. Minimum screening shall be provided as required for mobile home parks in 8.53(d). In addition, fencing screening or greenbelts may be required by the Planning Commission. The location of common use areas, roadways, streets and buildings shall be subject to approval of the Planning Commission for its review before any building permit for a campground shall be issued. A site plan shall include a scale drawing showing the entrance, roads, parking areas, designated camping sites, trails, common areas, service buildings, any store, sanitary facilities, etc., together with a descriptive text of the entire campground and the plans and specifications of any buildings to be constructed herein.

8.74 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Section 13.

8.8 I-1 - INDUSTRIAL DISTRICT, RESTRICTED

8.81 DESCRIPTION OF DISTRICT

These regulations are intended to provide standards of intensity of use and standards of external effects or amenities compatible with the surrounding or abutting residential districts.

To these ends, development is limited to a low and moderate concentration, external effects are limited, and uses are limited to those industrial activities which can be operated in a clean and quiet manner and which will be least objectionable to adjoining residential and commercial districts.

8.82 PERMITTED USES

- a. Agriculture
- b. Assembly or processing of merchandise or equipment which does not result in unpleasant odor, smoke, noise, or vibration
- c. Packaging of previously prepared materials.

- d. Printing, lithographic, blueprinting and similar uses.
- e. Signs, when in accordance with the provisions of Section 9.2
- f. Storage or warehousing of commodities such as hardware, wood products, packaged or fresh foods, clothing, drugs (except live fowl or animals, commercial explosives, or above or below ground bulk storage of flammable liquids, or gases, unless and only to the extent that such storage of liquids or gases is directly connected to energy or heating on the premises.
- g. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- h. Accessory uses or buildings, when in accordance with the provisions of Section 9.4.

8.83 SPECIAL EXCEPTION USES

- a. Automobile repair garage
- b. Construction and farm equipment sales
- c. Contractor's equipment yard
- d. Farm equipment, sales
- e. Gasoline service station
- f. Grain equipment and processing
- g. Ice and cold storage plant
- h. Lumber, building supplies, fuel and feed yards
- i. Machine shop
- j. Public utility buildings and storage yards
- k. Riding stable, race track (commercial)
- l. Signs, when in accordance with the provisions of Section 9.2
- m. Storage and warehousing
- n. Truck terminal, maintenance and service yard
- o. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- p. Accessory uses or buildings, when in accordance with the provisions of Section 9.4

SECTION NINE - SUPPLEMENTARY REGULATIONS

9.1 PARKING OF MOTOR VEHICLES

- a. Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto, in each district for all the occupants, employees and patrons of said property.
- b. A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one-family and two-family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.

- c. Parking spaces shall be provided in the manner and location herein specified.
1. No parking area, parking space or loading space which exists, at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.
 2. Parking of motor vehicles in residential zones, except those used for farming, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed one ton. The parking of any other type of commercial vehicle, or buses, except for those parked on school or church property, is prohibited in a residential zone.
- d. Requirements for all parking spaces and parking lots:
1. Each automobile parking space shall be not less than 180 square feet nor less than 9 feet wide exclusive of driveway and aisle space.
 2. All off-street parking facilities shall be drained to prevent damage to abutting properties or public streets and shall be constructed of materials which will have a dust free surface resistant to erosion.
 3. Any lighting fixtures used to illuminate any offstreet parking area shall be so arranged as to reflect the light away from any adjoining residential lots.
 4. No parking space or driveway shall be closer than 5 feet to the property line.
 5. Off-street parking facilities in non-residential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, solid fencing or evergreen planting not less than four feet but not to exceed eight feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.
 6. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two-family dwellings.

7. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian, or vehicular movement.
8. Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same or different types, may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, cooperatively established and operated, provided that the number of spaces designated is not less than the sum of individual requirements and provided further, that the specifications in regard to location, plan, etc., are compiled with.
9. The number of parking spaces required for land or buildings used for two or more purposes, shall be the sum of the requirements for the various individual uses, computed in accordance with this section; parking facilities for one use shall not be considered as providing the required parking facilities for any other use.

e. Minimum Required Parking Spaces:

1. Apartment Houses and Mobile Homes - 2 parking spaces per family unit.
2. Office Buildings - 1 parking space for each 200 square feet of floor space utilized for work space of employees.
3. Retail stores, super markets, department stores, personnel service shops, and shopping centers - 1 parking space for each 150 square feet of floor space and outdoors.
4. Warehouses - 1 parking space for each 500 square feet of floor area.
5. Libraries, museums and post offices - 1 parking space for each 100 square feet of floor area.
6. Bowling Alleys - 3 parking spaces for each alley.
7. Motels and Tourist Homes - 1 parking space for each separate unit.
8. Theaters, auditoriums, stadiums and churches - 1 parking space for each four seats.
9. Dance Halls, Assembly Halls, and Convention Halls without fixed seats - 1 parking space for each 100 square feet of floor area if to be used for dancing or assembly.

10. Restaurants and night clubs - 1.2 spaces for each 100 square feet of floor area.

11. Schools; Private or Public elementary and junior high schools - 1 parking space for each employee normally engaged in or about the building or grounds.

Senior high schools and institutions of higher learning - 1 parking space for each employee normally engaged in or about the building or grounds and one additional space for each five (5) students enrolled in the institution.

12. Other commercial and industrial uses not listed above - .75 times maximum number of employees on premises at any one time.

f. Driveways - All driveways, whether upon public or private property, which are constructed after the effective date of this Ordinance shall have a dust-free surface (such as pavement or gravel) and shall be built so as to avoid erosion of the driveway area.

9.2 SIGNS AND OUTDOOR ADVERTISING STRUCTURES

a. In any residential zone, an incidental sign not exceeding one (1) square foot in area to advertise only home occupations or professional services; such sign may be attached to the building, or may be located on the property of such use, but may be no closer to the street than the building set back line.

b. In any zone where agricultural use is permitted, an incidental sign advertising the sale of farm products grown on the premises, such sign shall not exceed 48 square feet in area and shall be so located that it will not interfere with the full view of traffic.

c. In any zone, one temporary sign not exceeding twelve square feet pertaining to the sale of any real estate shall be allowed during the period of attempted sale only. Also, any new business shall be entitled to have such a temporary sign not exceeding twelve square feet, in addition to any permanent signs allowed hereunder, for a period not to exceed three months from the commencement of such new business, advertising said business, providing said sign complies with the minimum setback requirements of this Ordinance. All "For Sale" signs shall be promptly removed upon the sale of the premises and the temporary business sign shall be removed immediately upon the termination of the three-month period.

d. Building contractors and professional persons temporary signs on buildings under construction shall be limited to a total area for all such signs to forty-eight (48) square feet.

- e. In any commercial or industrial district, a sign is permitted only where it advertises a business occupying the same lot or parcel of land upon which the sign is erected. Signs shall meet the building set-back and height requirements, except for and in addition to, the requirements provided below.
1. In any commercial or industrial district a sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-two (42) inches. Signs projecting over public property shall be at least eleven (11) feet above the finished grade, or sidewalk. The total sign area shall not exceed two (2) square feet for each foot in length or height of the wall to which it is affixed. No such sign shall extend beyond the building wall to which it is affixed.
 2. One identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building or buildings, for which it is established; however, it shall not exceed four-hundred (400) square feet in area, nor be closer to the front, side or rear property line, than one-half the distance of the required building set-back.
 3. Outdoor advertising signs (billboards) are permitted only in industrial zones under the following conditions:
 - a. Except as otherwise provided herein, signs and outdoor advertising structures are required to have the same set-back as other principal structures or buildings in the zone in which they are erected.
 - b. Where two or more outdoor advertising structures are located along the frontage of a single street or highway they shall not be less than 500 feet apart. A double face, (back-to-back) or a V-type structure shall be considered as a single structure.
 - c. The total surface area, facing in the same direction, of any outdoor advertising structure shall not exceed 500 square feet.
 4. No sign or outdoor advertising structure shall be erected at any location where by reason of the position, size, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device so as to interfere with, mislead or confuse traffic.

5. Signs of medical practitioners, commercial and industrial establishments and outdoor advertising structures may be illuminated; however, such illumination shall be concentrated upon the surface of the sign and the sign shall be so located and arranged as to avoid glare or reflection onto any portion of any adjacent highway, or into the path of oncoming vehicles, or onto any adjacent premises.
6. In no event shall any sign, or outdoor advertising structure, have flashing, or intermittent lights, or be permitted to rotate, or oscillate.
7. Signs of a public, or quasi-public nature noting special events of general interest such as a County Fair, public or general election, horse show, etc., shall not exceed 80 square feet in area except by special exception. Such sign shall be removed within ten (10) days after the event.

9.3 NONCONFORMING USES

The following regulations shall control nonconforming uses in existence at the time of passage of this ordinance.

- a. If the cost of repair or replacement of a nonconforming use of structure, which has been destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy, exceeds 50% of the total replacement cost of the use or structure, such use or structure shall not be continued or rebuilt except in conformity with the provisions of this ordinance.
- b. Nonconforming uses or structures in existence at the time of passage of this ordinance shall not be extended, added to or altered unless such extension, alterations or additions are in conformity with the provisions of this ordinance.
- c. If the nonconforming use of any land or structure shall terminate its activity for a continuous period of time exceeding one year, such use shall not be re-established, and any future use of land and structure shall be in conformity with this ordinance.
- d. If a nonconforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a nonconforming or less restrictive use.
- e. Insubstantial nonconforming uses of land shall be discontinued within five years of the date of this ordinance or any amendment which creates the insubstantial nonconforming use.

9.4 ACCESSORY USES OR BUILDINGS

Any use which complies with all of the following conditions may be operated as an Accessory Use:

- a. Is clearly incidental and customary to and commonly associated with the operation of the Permitted Uses.
- b. Is operated and maintained under the same ownership and on the same lot contiguous lot to the Permitted Uses.
- c. Does not include structures or structural features inconsistent with Permitted Uses.
- d. Does not include residential occupancy, except for living quarters for farm, domestic or other employees having employment on the premises.
- e. Accessory buildings, other than farm buildings, shall be located only in the rear yard.
- f. If an accessory use is carried on within the structure containing the Permitted Uses, the gross floor area within such structure utilized by Accessory Uses (except garages and off-street loading facilities) shall be not greater than; twenty (20) percent of the gross floor area, but not to exceed three hundred (300) square feet, of a single unit dwelling; ten (10) percent of the gross floor area of a structure containing any Permitted Uses other than a single unit dwelling.
- g. Fall-out shelters are permitted as accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately and in addition to shelter use may be used for any accessory use permitted in the district, subject to the district regulations on such use. Fall-out shelters constructed completely below the ground level, except for a vent not exceeding 30" in height above ground level, may be contained within any yard area.

9.5 HOME OCCUPATIONS

Any home occupation operated in a single-dwelling unit may be operated only if it complies with all of the following conditions:

- a. Is operated in its entirety within the single-dwelling and not in a garage or accessory building, and only by the person, or persons, maintaining a dwelling therein.
- b. Does not have any employees, or regular assistants not residing in the dwelling; except for offices of doctors, dentists or other similar practitioners.

- c. That the dwelling does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling.
- d. That the occupation conducted therein is clearly incidental and secondary to the residential use of the building.
- e. That no goods, or services are sold which are not produced by the immediate member of the family therein.
- f. Dancing or musical instrument instruction, restaurants, beauty and barber shops, and business or trade shall not be considered home occupation.
- g. Noise or other objectional characteristics incident thereto shall not be discernible beyond the boundaries of the lot.
- h. Does not utilize more than twenty (20) percent of the gross floor area, but not to exceed three hundred (300) square feet, in the single-unit dwelling.

9.6 SCREENING

Hereinafter every commercial or industrial use occupying land immediately adjacent to a residential district shall have a screening area separating the said commercial or industrial use from adjoining residential districts. The screen shall be in the form of either a wall, solid fence, or evergreen planting, which is compact and maintained in good condition at all times. The height of the screen shall not be less than five feet, (or four feet when plantings are used), except where the screen would interfere with traffic safety, in which case it may be reduced in height, to, but not less than four feet in height. Screening shall also occur where there is outdoor dismantling of cars, or outdoor storage of dismantled cars.

9.7 FLOODPLAIN

The land areas adjoining any water course which is expected to be covered by flood waters as a result of a severe combination of meteorological and hydrological conditions shall not be used for buildings or permanent structures.

SECTION TEN - VARIANCES AND SPECIAL EXCEPTIONS

10.1 SPECIAL EXCEPTION, USE VARIANCE OR DIMENSION VARIANCE, EXPLANATION

In order to make this Ordinance flexible to meet the needs of the changing trends in development and new technology, the Planning Commission is authorized to approve special exception uses and use variance. In this way the Ordinance does not become a rigid document that can not be altered, but serves as a guideline upon which the Planning Commission or Board of Appeals may make enlightened judgments keeping development within the general philosophy of this Ordinance.

Certain types of uses in each zoning classification are required to secure a permit as a special exception use to allow them to be placed in such zoning classification as their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few such uses, such as dumps and junk yards, are inherently so objectionable as to make extra regulations and controls advisable even in the zone to which they are permitted. Others such as gasoline stations, taverns, must be located with discrimination in relation to their surroundings. All of the items listed are proper uses of land in the particular zoning classifications, but have certain aspects which call for conditions they would be detrimental to the health, safety or general welfare of the public, or the use, enjoyment or value of adjoining or nearby properties, the uses listed as special exceptions are permitted in certain zones only of granted by the Planning Commission.

10.2 SPECIAL EXCEPTION, PROCEDURES FOR APPLICATION, REVIEW AND APPROVAL

- a. Petitions for special exceptions shall be filed with the Village Clerk on forms provided therefor. The petitioner for a special exception shall submit plans and specifications or other data or explanatory materials stating the methods by which he will comply with the conditions specified for each grant of a special exception. At the time of filing of his application for a grant of special exception, the petitioner shall pay to the Clerk the fee required to cover the cost of advertising and of sending notices as determined by the Village Council and other miscellaneous expenses in connection with his petition, as determined by resolutions of the Village Council.
- b. Upon receipt of an application for a special exception use, a notice that a request for the special exception use has been received shall be published in a newspaper of general circulation in the Village and a copy shall be sent by mail or personal delivery to the owners of property for which the approval is being requested and to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet, such notice being published, given or mailed not less than five and not more than fifteen days before the application is to be considered at a public hearing. If the name of the occupant is not known, the term "Occupant" may be used in making notification. The notice shall:
 1. Describe the nature of the special exception use request.
 2. Indicate the property which is the subject of the special exception use request.
 3. State when and where the matter will be considered at a public hearing.

4. Indicate where the Ordinance, map, plan and other related materials may be examined and where written comments will be received and considered.
 5. Indicate that the public hearing on the special exception use request will be held at the date and time stated and that any interested person may be heard at that time.
- c. The Planning Commission may deny, approve or approve with conditions, requests for special exception uses. The decision on the special exception use shall be incorporated in a statement of conclusions relative to the special exception use under consideration. The decision shall specify the basis for the decision and any conditions imposed. The petitioner and the Village Building Inspector and/or Zoning Enforcement Officer shall receive a copy of the statement containing such decision.

10.3 USE VARIANCE OR SPECIAL EXCEPTION, GENERAL PROVISIONS

In hearing a request for any use variance or special exception, the Board of Appeals or Planning Commission shall be governed by the following principles and conditions:

- a. The applicant for a use variance or exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Board.
- b. A use variance or special exception may be granted when the Board of Appeals or Planning Commission finds from the evidence produced at the hearing that:
 1. The proposed use does not affect adversely the General Plan for physical development of the Village of Augusta as embodied in this ordinance and in the Land Use Plan or portion therefore adopted by the Village of Augusta; and
 2. The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
 3. The standards as may be set forth for a particular use for which a special exception may be granted, can and will be met by the applicant.

10.4 USE VARIANCE OR SPECIAL EXCEPTION, SPECIAL PROVISIONS

The Board of Appeals and Planning Commission may, and is hereby empowered to, add to the specific provisions enumerated herein, others that it may deem necessary to protect adjacent properties, the general neighborhood, and the residents and workers herein.

10.5 SPECIAL EXCEPTION USE, PLANNED UNIT DEVELOPMENT (PUD)

Planned unit development shall be recognized as a special exception use and controlled by the guidelines thereof. Control of such developments shall be the responsibility of the Village Planning Commission.

10.51 PURPOSE

The purpose of the Planned Unit Development regulations is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy and the providing of public services and utilities; encourage useful open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the Village and the entire area. The Planned Unit Development shall afford flexibility, subject to the approval of the overall plan under the following regulations and conditions, as to permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas and land use density.

10.52 GENERAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

- a. Minimum Area: the minimum area for a PUD special exception permit shall not be less than five (5) contiguous acres of land.
- b. Ownership: the tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all properties included.
- c. Location: planned unit developments shall be allowed only within the R-1 and R-2 District providing the applicant can demonstrate that the proposed character of development will meet the objectives of PUD's.
- d. Utilities: public water, sanitary sewer and storm drainage facilities shall be provided as part of the site development. All electric and telephone transmission wires shall be placed underground.
- e. Approval: approval by the Planning Commission of a sketch plan and detailed site plan for all multiple use developments is required.

10.53 PERMITTED USES

No structure or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following regardless of the zoning district in which the same is located:

- a. Residential Uses: single-family detached dwellings, excluding mobile homes; two family dwelling; apartments; townhouses, condominiums; and other multi-family dwellings.

- b. Commercial uses: designed and intended to serve the convenience needs of the people within the PUD.
- c. Accessory and associated uses designed and intended to serve the convenience needs of the people within the PUD.

10.54 DESIGN REQUIREMENTS

Within the multiple use development approved under this section, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations set forth in the district in which the development is located:

- a. Number of Dwelling Units Permitted: the maximum number of dwelling units permitted within the project shall be determined by dividing the net multiple use development area by the minimum residential lot area per dwelling unit required by the district in which the project is located. In the event the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately.
- b. Lot Area Requirements: the minimum lot area shall not be reduced for any permitted use more than 20 percent below that required in the district in which the project is located.
- c. Setback and Yards: the minimum setback and yard or open space requirements for buildings and structures may be reduced or increased in the discretion of the Planning Commission to avoid unnecessary disruption of the environment where reasonably equivalent open space is provided elsewhere upon the site.
- d. Minimum Lot Frontage and Width: the minimum lot frontage and width for any lot designated for single-family dwelling may be reduced 20 percent below the requirements of the district in which the multiple use development is located.
- e. Screening: a screening area may be required by the Planning Commission along the perimeter of the development if deemed necessary to protect the values of adjoining property under separate ownership.
- f. Amount of Open Space Required: within every multiple use development there shall be planned and set aside permanently as part of the total development an amount of open space equal to not less than the aggregate accumulation of lot size reduction below the minimum lot area for the development as a whole. Before accepting the open space as meeting the requirements of this provision, the Planning Commission must find the land thus designated to be: (1) sufficient in size, suitably located, with adequate access, and (2) that evidence is given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the municipality of future maintenance thereof.

- g. Arrangement of Open Space: all required open space within multiple use development shall be arranged so as to provide benefit to the maximum number of dwelling units. Separate tracts of open space shall have adequate access from at least one point along a public street.

10.55 APPLICATION PROCEDURE AND APPROVAL PROCESS

- a. General: Whenever any PUD is proposed, before any building permit is granted, the developer shall apply for and secure approval of a special exception use in accordance with the following procedures and obtain approval of a detailed site plan from the Planning Commission.
- b. Application for Sketch Plan Approval: So that the Planning Commission and the developer can reach an understanding of what is being proposed, and what is required, the developer shall submit a sketch plan to the Planning Commission. The sketch plan shall be drawn to approximate scale and shall clearly show the following information:
 - 1. Boundaries of property.
 - 2. Location and height of all buildings.
 - 3. Interior roadway systems including parking facilities and existing rights-of-way.
 - 4. Interior open space system.
 - 5. The overall storm water drainage system.
 - 6. Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal.
 - 7. Delineation of the various residential and/or commercial areas, including size, number, location and number of housing units.
 - 8. Construction phases if applicable.
 - 9. General statement as to how common open space is to be owned and maintained.
- c. Upon receiving an application for a sketch plan approval, the Planning Commission shall hold a public hearing concerning same and shall give notices as required for applications for special exception uses as contained in this Ordinance (Section 10.2). Within a reasonable time following the public hearing, the Planning Commission shall either approve or disapprove or approve with conditions or modifications, the sketch plan submitted by the developer. The decision of the Planning Commission shall state the reasons for approval, disapproval or

approval with conditions and restrictions. It shall forward a copy of its report to the developer and to the Building and/or Zoning Administrator of the Village.

- d. Upon issuance of the approval or approval subject to conditions and restrictions of the sketch plan, the developer then has six months in which to prepare and submit his detailed site plan. The detailed site plan shall include the following information:
 1. An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets, utilities, and easements within 300 feet of the applicant's property.
 2. A topographic map showing contour intervals of not more than 4 feet of elevation.
 3. A site plan showing location, proposed use and height of all buildings, location of all parking areas, with ingress and egress drives thereto, location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences, description of method of water supply and sewage disposal and location of such facilities; location and size of all signs; location and design of lighting facilities; and the amount of building area proposed for non-residential uses, if any.
 4. A tracing overlay showing all soil types, their location and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.

The Planning Commission shall hold a public hearing upon the detailed site plan upon receipt of the above. Notices of the hearing shall be prepared and given in accordance with the provisions for notices pertaining to special exception uses as stated above. Within a reasonable time following the public hearing, the Planning Commission shall deny, approve or approve with conditions, the detailed site plan for the Planned Unit Development. It shall prepare a report stating its conclusions on the request for the Planned Unit Development, the basis for its decision and any conditions relating to an affirmative decision. Copies of same shall be mailed or given to the developer and to the Building or Zoning Administrator of the Village. Final approvals may be granted on each phase of a multiphase Planned Unit Development if each phase contains the necessary components to insure protection of natural resources and of the health, safety and welfare of the users of the Planned Unit Development and the residents of the surrounding area and same is in compliance with these regulations. All Planned Unit Development approvals shall encourage complimentary relationships between

zoning regulations and other regulations affecting the development of land.

- e. Required Standards for Approval: the Planning Commission shall render its approval or disapproval and so notify the applicant and the building inspector. In any case where construction of the PUD has not been commenced within one year from the date of approval, the special exception use permit shall be null and void. The Planning Commission's review of the Detailed Site Plan shall, moreover, include the following:
1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls, and pedestrian movement.
 2. Location, arrangement, appearance, and sufficiency of off-street parking.
 3. Location, arrangement, size and entrances of buildings, walkway and lighting.
 4. Relationship of the various uses to one another.
 5. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a noise deterring screen between adjacent uses and adjoining land.
 6. In the case of residential uses, the adequacy of usable open space for playground and recreation.
 7. Adequacy of water supply, storm water and sanitary waste disposal facilities.
 8. Adequacy of structures, roadways, and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion.
 9. Compliance with all regulations of the Village Zoning Ordinance.
 10. Compatibility of adjoining uses on and off the site and preservation thereof.

10.6 USE VARIANCE

Land and structure uses not specifically mentioned in the foregoing text or possessing unique characteristics may be allowed as use variances and, as such, may be authorized by the issuance of permits with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare. Use variances shall not be granted until compatible with the uses allowed in the district. Also, the applicant must show necessity for such proposal in order to make reasonable use of the property.

Furthermore, there must be a showing that there will be practical difficulties and undue hardship to the applicant by not being able to obtain permission for the proposed use. The regulations and procedures set forth under Section 6 of this Zoning Ordinance pertaining to the Board of Appeals shall apply to hearings on applications or petitions for use variances.

10.7 DIMENSION VARIANCE

The Zoning Board of Appeals shall have the authority to grant dimension variances upon application of any interested party and upon giving notice as required by law, providing the applicant shows evidence of practical difficulties or unnecessary hardship in complying with the provisions of the Ordinance as to particular property. Dimension variances are those that relate to required size of buildings or structures, height, setback or similar matters, but can not allow an unauthroized use.

SECTION ELEVEN - AMENDMENT PROCEDURES

11.1 AMENDMENT PROCEDURES

- a. Such regulations, restrictions, and boundaries established by this ordinance may from time to time be amended, supplemented, or repealed by the municipality as provided by the applicable State Statute. Requests for amendment of this ordinance may be made by any interested person or governmental agency by submitting an application for the proposed amendment, (or a letter) to the Village Clerk. A fee, to be determined by the Village Council, shall be charged to cover part of the cost of the necessary advertising for public hearing. The Village Clerk shall, within five days after acceptance for filing of an amendment to the zoning ordinance transmit a copy of the application to the Planning Commission.
- b. In case of a text amendment, the applicant shall submit, in writing, the proposed text to be added and/or the existing text to be deleted.
- c. In case of a map amendment, the applicant shall submit a written statement specifying the following:
 1. The name and address of the owner of the land.
 2. The street number, if any, or if none the location with respect to nearby public roads serving the land which is proposed to be reclassified.

SECTION TWELVE - EFFECTIVE DATE OF ORDINANCE

This ordinance shall become effective on October 1, 1978.

SECTION THIRTEEN - SCHEDULE OF LOT YIELD, AND AREA REQUIREMENTS

A R-1 R-2 R-3 C-1 C-2 I-1

PRINCIPAL STRUCTURE

MIN. LOT FRONTAGE, LOT WIDTH (feet)								
Single Family	165	100	100	NA	NA	NA	NA	NA
Two Family	165	100	100	NA	NA	NA	NA	NA
Multiple Family	NA	NA	200	NA	NA	NA	NA	NA
Mobile Home	NA	NA	NA	NA	NA	NA	NA	NA
MIN. LOT AREA PER DWELLING UNIT (sq.ft.):								
Single Family	3 acres	8,000	NA	NA	NA	NA	NA	NA
Two Family	3 acres	5,000	5,000	NA	NA	NA	NA	NA
Multiple Family	---	---	3,000	NA	NA	NA	NA	NA
Mobile Home	---	---	NA	5,000	NA	NA	NA	NA
MAX. BUILDING OR STRUCTURE HEIGHT (feet)								
	35	35	35	25	35	35	35	35
MAX. BUILDING COVERAGE OF LOT (percent)								
	10	20	30	30	100	100	30	20
MIN. FLOOR AREA FOR DWELLING UNIT (percent)								
Single Family	1,000	1,000	1,000	600	NA	NA	NA	NA
Two Family	800	700	700	NA	NA	NA	NA	NA
Multiple Family	NA	NA	500	NA	NA	NA	NA	NA
Mobile Home	NA	NA	NA	NA	NA	NA	NA	NA
MIN. FRONT YARD SETBACK (feet) ¹								
	50	35	30	35	10	50	100	100
MIN. Side Yard (feet) ²								
Min. Rear Yard	20	10	10	10 (3)	None	25	50	50
Min. Rear Yard	50	35	30	25 (3)	None	25	50	50
ACCESSORY BUILDINGS								
Min. Side.Yard ²	5	5	5	25	None	10	25	25
Min. Rear Yard	5	5	5	25	None	10	25	25
Max. Building Height	15	15	15	15	15	15	15	15
Max. Coverage (percent of lot)	5	15	25	20	10	10	10	10

¹ Where the majority of the frontage along one side of a street within 500 feet of a vacant lot has been built upon at the time of passage of this ordinance, any building hereafter erected on said vacant lot shall not be less than the average set back of the improved frontage.

² On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard setback of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line, does not front on the side street of the corner lot, the side yard shall not be less than 2/3 the front yard setback required for that district.

The setback or yard area of any commercial or industrial use, or activity associated thereto, maintained on a parcel of land adjacent to a residential district shall be two times that required within the district as specified above, or a minimum of 25 feet whichever is greater; and said use or activity shall be effectively screened by compact evergreens, fence or wall, from any adjacent residential district.

Where property is contiguous to an existing or an officially proposed major village street or state trunkline, the minimum front, side or rear yard continuous thereto shall be increased in depth so as to permit a: (1) - 100' right-of-way for major Village streets; and (2) - 120' right-of-way for trunklines.

³ Except that portion of the building extending beyond 35 feet in height must be set back from each lot line one (1) additional foot, beyond the minimum requirement for each foot in height above 35 feet.

SECTION FOURTEEN - STANDARDS REQUIRED OF SPECIAL EXCEPTION USES

Special Exception uses shall comply with all of the standards as specified herein. The Planning Commission may add to the standards as provided where it is necessary to protect adjacent properties, the general neighborhood and the residents and workers therein.

Special Exception Use	Minimum Required Standards*
Animal hospital, kennel, bar, tavern & night club	2, 4, 5e, .
Asphalt & concrete ready-mix plant, quarrying	2, 4, 5f
Automobile repair garage	2, 4, 5d, 8
Bus or truck terminal, kennel	2, 4, 5e
Care home	3, 5a
Cemetery	2, 3, 5a
Church	1, 5b
Club, private non-commercial	1, 4, 5b
Drive-in theatre, dump	2, 5f, 9
Earth removal, excavations commercial	2, 5e
Gasoline service station	2, 4, 5d, 7
Gravel processing & quarrying	2, 4, 5f
Hospital	2, 3, 5c
Institutions, charitable, philanthropic	1, 3, 5c
Junk yards, building material salvage yard	2, 4, 5f, 9
Liquor, package sale	5d
Medical clinic	1, 4, 5a
Mobile home sales, recreation, commercial; outdoors	2, 4, 5e
Nursery, childrens	1, 4, 5a
Offices & office buildings	2, 4, 5a
Public utility buildings & structures	1, 4, 5a, 9
Riding stable; commercial	2, 4, 5f
School, parochial and private	1, 5b
Slaughter house	2, 4, 5f
Truck terminal, volunteer or municipal fire station	2, 4, 5e
Used car lot	2.4.5e.8

* The minimum required standards enumerated below are referred to by the numbers following each special exception use.

1. The use shall have frontage on an existing or officially proposed road having a Primary or greater classification.
2. The use shall have frontage on an existing or officially proposed road having a Major or greater road classification.
3. The use shall have off street parking facilities to satisfy average parking needs.
4. The use shall have off street parking facilities to satisfy peak parking needs.
5. Buildings and activities shall not be closer than the specified number of feet to adjacent residential properties.
 - a - 25 feet
 - b - 50 feet
 - c - 100 feet
 - d - 200 feet
 - e - 500 feet
 - f - 1000 feet
6. Public utility buildings shall, whenever practicable, have an exterior appearance similar to those buildings in the immediate area. The public utility buildings and structures shall have suitable landscaping, screen planting and fencing whenever deemed necessary by the Board of Appeals.
7. Gasoline pumps or other service appliances shall be set back at least 20 feet from the lot line.
8. No major repairs or dismantling shall be permitted outside of a closed structure.
9. The use shall be enclosed by a solid wall or compact screening of suitable material as determined by the Planning Commission and shall not be less than 6 feet in height.

SECTION FIFTEEN - TABLE OF USES

USE	A	R-1	R-2	R-3	C-1	C-2	I-1
Animal hospital and kennel					S.E.	S.E.	
Apartment houses			X				
Appliances, household					X		
Asphalt and concrete, Ready-mix plants							
Automobile repair garage					S.E.	S.E.	S.E.
Automobile Sales room and adjoining outdoor sales area					X	X	
Bakery, retail sales only					X		
Banks, savings and loan associations					X		
Bar and Tavern					S.E.	S.E.	
Barber and beauty shop					X		
Boats and equipment sales					X	X	
Books, stationery and newspapers					X		
Bowling Alleys					X	X	
Bus or truck terminal					S.E.	S.E.	
Care Home		S.E.					
Cemeteries		S.E.					
Churches		S.E.					
Clothing and dry goods		X					
Clubs, private non-commercial					X		
Construction and farm equipment sales					S.E.		
Contractor's equipment yard							S.E.
Contractor's work shops					X		
Dairy products, retail sales only					X		
Drive-in eating establishments					X		
Drive-in theatre						X	
Drugs and pharmaceuticals					S.E.	S.E.	

X - Permitted Uses

S.E. - Special Exception Uses

USE	A	R-1	R-2	R-3	C-1	C-2	I-1
Dry cleaners, pickup station					X		
Earth removal, excavations; commercial					S.E.	S.E.	S.E.
Farm equipment, sales							S.E.
Farming or agriculture	X						X
Florist and garden shop					X		
Funeral establishments					X		
Furniture and household furnishings		S.E.	S.E.		X		
Garden shop					X		
Gasoline service stations					S.E.	S.E.	S.E.
Gift shop					X		
Golf courses							
Grain equipment and processing		S.E.	S.E.				S.E.
Greenhouse and nursery					X	X	
Groceries and foodstuffs					X	X	
Hardware and building supplies					X		S.E.
Hobby shop					X		
Home occupations	X	X	X				
Hospital							
Hotel		S.E.	S.E.				
Ice and cold storage plant					X		
Institutions, charitable, philanthropic		S.E.	X	S.E.			
Kennel						S.E.	S.E.
Laundromat, laundry and dry cleaning pickup station					X		
Liquor, package sales					S.E.	S.E.	
Lumber, fuel and feed yards							S.E.
Machine shop							S.E.
Machinery and heavy equipment sales; indoors					X		
Manufacturing; indoors							X
Medical clinic							
Mobile home parks		S.E.	S.E.				
Mobile home sales					X		
Motel						S.E.	
Music and dancing schools					X	X	
					X		

USE	A	R-1	R-2	R-3	C-1	C-2	I-1
Night club					S.E.	S.E.	
Nursery, childrens		S.E.	S.E.				
Nursery, greenhouse					X	X	
Offices, business and professional					X		
Offices and office buildings					X		
Outdoor advertising signs (billboards)					X		
Photography store							X
Printing, lithographic, blueprinting and similar uses					X		
Publicly owned and operated buildings and uses	X	X	X	X	X	X	X
Public utility buildings	S.E.	S.E.	S.E.		S.E.	S.E.	S.E.
Quarrying							
Radio and television, sales and service					X		
Recreation, commercial; indoors					X		
Recreation, commercial; outdoors					S.E.	X	
Residential, multiple family			X				
Residential, single family	X	X					
Residential, two family		X					
Restaurant					X	X	
Riding stable, race track; commercial							S.E.
Schools, parochial and private	S.E.	X	S.E.				
Shoe sales and repair							
Slaughter house							
Stationery supplies							
Storage and warehousing							
Tailoring and dressmaking					X		X
Truck terminal							
Used car lot					S.E.	S.E.	S.E.
Variety store, antiques, ifts					S.E.	S.E.	
Volunteer or municipal fire station					X		
Warehouses; fully enclosed					S.E.	S.E.	X

Note: Any uses not designated as either a permitted or special exception use in one or more of the above districts, are prohibited, unless they are granted a special exception by the Planning Commission as provided in this Zoning Ordinance.

4-17-96
Julie Baker

pages
have been
removed
and
added.

REVISIONS TO VILLAGE OF AUGUSTA ZONING ORDINANCE

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VILLAGE OF AUGUSTA

ZONING ORDINANCE

Amended Sign Regulations

9.2 SIGNS AND OUTDOOR ADVERTISING STRUCTURES

- a. In any residential zone, an incidental sign not exceeding two (2) square feet in area to advertise only home occupations or professional services; such sign may be attached to the building, or may be located on the property of such use, but may be no closer to the street than the building setback line.
- b. The construction and structural components of all signs shall be in accordance with regulations of the Village Building Codes.
- c. In any zone, one temporary sign not exceeding twelve square feet pertaining to the sale of any business shall be allowed during the period of attempted sale only. Also, any new business shall be entitled to have such a temporary sign not exceeding twelve square feet, in addition to any permanent signs allowed hereunder, for a period not to exceed three months from the commencement of such new business, advertising said business, providing said sign complies with the minimum setback requirements of this ordinance. All "For Sale" signs shall be promptly removed upon the sale of the premises and the temporary business sign shall be removed immediately upon the termination of the three-month period.
- d. Building contractors and professional persons temporary signs on buildings under construction shall be limited to a total area for all such signs to forty-eight (48) square feet.
- e. All permanent signs require a permit.
- f. In any commercial or industrial district, a sign is permitted only where it advertises a business occupying the same lot or parcel of land upon which the sign is erected. Signs shall meet the building setback and height requirements, except for and in addition to, the requirements provided below.
 1. In any commercial or industrial district a sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches. Signs projecting over public property shall be at least eight (8) feet above the finished grade, or sidewalk. The total sign area shall not exceed two (2) square feet for each foot in length or height of the wall to which it is affixed. No such sign shall extend beyond the building wall to which it is affixed.

2. A freestanding sign is allowed in any commercial or industrial district. Total surface area on all sides shall not exceed two hundred (200) square feet.
3. Awning signs are permitted, but must meet the 8-foot height requirement above the sidewalk or finished grade and may not project from the building more than forty-eight (48) inches.
4. One identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building or buildings, for which it is established; however, it shall not exceed three hundred (300) square feet in area nor be closer to the front, side or rear property line, than one-half the distance of the required building setback.
5. Where a sign has more than one display face, all faces shall be included in determining the total surface area of the sign.
6. Outdoor advertising signs (billboards) are not allowed in the Village.
7. No sign or outdoor advertising structure shall be erected at any location where by reason of the position, size, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device so as to interfere with, mislead or confuse traffic.
8. Signs of medical practitioners, commercial and industrial establishments and outdoor advertising structures may be illuminated; however, such illumination shall be concentrated upon the surface of the sign and the sign shall be so located and arranged as to avoid glare or reflection onto any portion of any adjacent highway, or into the path of oncoming vehicles, or onto any adjacent premises.
9. In no event shall any sign, or outdoor advertising structure, have flashing, or intermittent lights, or be permitted to rotate or oscillate.
10. Signs of a public or quasi-public nature noting special events of general interest such as a County Fair, public or general election, horse show, etc. shall not exceed eighty (80) square feet in area except by special exemption. Such signs shall be removed within ten (10) days after the event.
11. Real estate signs:
 - a. On-site real estate signs: One (1) sign not exceeding six (6) square feet in total surface area and four (4) feet above grade shall be permitted on the private property that is subject of the sign. Signs shall not be permitted in the public right-of-way.
 - b. On-site open house signs: one (1) open house sign, not to exceed six square feet in total surface area may be located on the private property where the open house is to take place. The top of the sign shall not exceed four (4) feet above grade.
 - c. Off-site open house sign: Two (2) open house signs may be placed in the public right-of-way no more than two days per week. Such signs shall not exceed the dimensions set forth in subsection 10a above.
12. Garage/Yard sale signs: refer to Ordinance #179

13. No temporary signs shall be placed to interfere with sidewalks or pedestrian traffic.
14. Political message signs shall be located on private property and shall not exceed six (6) square feet in total surface area.
15. No signs shall be affixed to utility poles, trees or traffic signs in the public right-of-way.
16. All signs and parts thereof shall be maintained in conformance with this ordinance and in secure and safe condition. Faded, peeling and broken lettering is prohibited.
17. All sign applications are to be submitted to the Village Planning Commission for review and recommendation to the Village Council.

These regulations shall take effect upon the date of its publication, which shall be within 15 days after its adoption.

Julie Glenn
Village Clerk

CERTIFICATE

I hereby certify that the foregoing amendments to the Village of Augusta Zoning Ordinance sign regulations were adopted by the Village of Augusta Council at a meeting held on Monday September 13, 2004 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, and was published as required by law.

I further certify that a Notice of Adoption of the foregoing amendments were published in the Horizon News, a newspaper of general circulation in the Village, within fifteen (15) days of the adoption of the Ordinance, on September 15, 2004.

Julie Glenn
Village Clerk

AUGUSTA ZONING ORDINANCE

SECTION ONE - TITLE

This ordinance shall be known and may be cited as "The Zoning Ordinance of the Village of Augusta."

SECTION TWO - PURPOSE

In the interest of the public health, safety, and general welfare, the purpose of this zoning ordinance is to prevent the overcrowding of land and buildings, avoid undue concentration of population, provide adequate light and air with due consideration to the character of the zone and its peculiar suitability for particular uses, and with the objective of conserving the value of property and encouraging the most appropriate use of the land. Therefore,

SECTION THREE - RESOLUTION

Be it ordained by the Village of Augusta pursuant to the provisions of the State of Michigan Act as amended, that the ordinance heretofore enacted as the Zoning Ordinance of Village of Augusta is for; the establishment of zoning districts within which districts the use of land for agriculture, recreation, residence, industry, trade, soil conservation, water supply conservation and additional uses of land may be encouraged, regulated, or prohibited, and for such purposes may divide portions of Village of Augusta into districts of such number, shape and area as may be deemed best suited to carry out the provisions of the Act; and to adopt within each district provisions of the Act; and to adopt within each district provisions designating and limiting the location, height, number of stories, size of dwellings, buildings, and structures that may hereafter be erected, or altered, including mobile homes, and the specific uses for which dwellings, buildings, and structures, including mobile homes, may hereafter be erected, or altered; and for the regulation of the area of yards, courts, and other open spaces and the sanitary, safety, and protective measures that shall be required for such dwellings, buildings, and for the designation of the maximum number of families which may be housed in buildings, dwellings, and structures, including mobile homes hereafter erected, or altered; to provide for a method of amending said ordinance; to provide for the repeal of the Village of Augusta zoning ordinance adopted on August 14, 1978, as subsequently amended; to provide for the administering of the ordinance; to provide for conflicts with other acts, ordinance, or regulations; to provide for the collection of fees for the furtherance of the purpose of this ordinance; to provide for petitions and public

hearings; to provide for appeals and for the organization and procedure of the Village of Augusta Board of Appeals; and to provide for penalties for the violation of said ordinance.

SECTION FOUR - DEFINITIONS

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purpose of these Regulations, certain terms and words are defined as follows:

- (1) Accessory Uses: A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.
- (2) Alley: A passage or way open to public travel affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.
- (3) Apartment House: A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service, or utilities in common.
- (4) Basement: That portion of a building below the first floor joists, at least half of whose clear ceiling height is above the level of the adjacent ground.
- (5) Boardinghouse: A dwelling in which lodging or meals, or both, are furnished to three (3) or more guests for compensation.
- (6) Building: A structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.
- (7) Building Accessory: A building subordinate to, and located on, the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main building.
- (8) Building Height: The vertical distance measured from the average grade at the building to the average elevation of the roof of the highest story.
- (9) Building Line: A line beyond which the foundation wall or any enclosed porch, vestibule or other portion of a building shall not project.

- (42) Parking Space, Automobile: That area required for the parking or storage of one automobile including necessary aisle or driveway space providing space thereto, but not on front lawn areas.
- (43) Professional Office: Rooms or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, etc., but not including medical or dental clinics.
- (44) Shelter, Fall-out: A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fall-out, air raids, storms, or other emergencies. Fall-out shelters constructed completely below the ground level, except for a vent not exceeding 30" in height above ground level, may be contained within any yard area.
- (45) Sign: Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, which displays numerals, letters, words, trademark or other representation used for direction, or designation of any person, firm, organization, place, product, service business, or industry which is located upon any land, on any building, in or upon a window, or indoors in such a manner as to attract attention from outside the building.
- (46) Sign Area: The sign area is the surface of the structure used to convey the message exclusive of the necessary supports or any appurtenances required by the building code. The area of open sign structures, consisting of letters or symbols without a solid surface in-between, shall be calculated on the basis of the total area within the perimeter of the group of letters and/or symbols. The area of a double face sign, which is constructed back to back as a single unit, shall be calculated according to the surface area of one side only.
- (47) Sign, Outdoor Advertising: A sign which calls attention to a business, commodity, service, entertainment, or other activity, conducted, sold, or offered elsewhere than on the premises upon which the sign is located.
- (48) Special Exception: The granting to a petitioner, by the Board of Appeals, certain uses of land and/or buildings, because of their particular nature and due to certain circumstances, as authorized in this ordinance under the category of Special Exception Use (See Section 9.8).
- (49) Special Exception Uses: Uses of land and/or buildings, because of their particular nature and due to certain circumstances are designated as exceptions, and may be permitted to become established within those districts as specified in this ordinance, (See Section 9.8).

SECTION SIX - BOARD OF APPEALS

6.1 ESTABLISHMENT OF A BOARD OF APPEALS

The Village Council may appoint a Board of Appeals or shall act as the Board of Appeals acting upon all questions arising under the zoning ordinance, and shall have all such powers and duties as prescribed by law.

6.2 AUTHORITY OF THE BOARD OF APPEALS

- a. Hear and decide upon request, the interpretation of the provisions of this ordinance.
- b. Grant variances from the strict application of the zoning ordinance when by reason of exceptional narrowness, shallowness, shape or topography of specific parcels of property at the time of the original enactment of this ordinance or amendments thereto or where the strict application of these regulations or amendments thereto would result in exceptional or undue hardship upon said property; provided that such relief or variances can be granted without substantial impairment of the intent, or purpose of this ordinance. This provision shall not be construed to permit the Board, under the guise of a variance, to change the uses of land.
- c. Hear and decide appeals where it is alleged by appellants that there is error in any refusal of building, use, or occupancy permit or in any other order, requirement, decision, or determination made by the building inspector, zoning enforcement officer, or other municipal employee when passing upon an application for a building or other permit, or by any other officer or body in the administration of the zoning ordinance.
- d. Hear and decide petitions for special exceptions. *Eliminated*

6.3 LIMITATION OF AUTHORITY OF THE BOARD OF APPEALS

- a. Nothing contained in this chapter shall be deemed to authorize the Board to reverse or modify any refusal of a permit or any other order, requirement, decision, or determination which conforms to the provisions of this ordinance and which, therefore, is not erroneous; nor to authorize the Board to validate, ratify, or legalize any violation of law or any of the regulations of this ordinance.
- b. They shall not amend any portion of this ordinance or the Zoning Map; nor shall such power or authority be vested in the Board.
- c. A decision of the Board permitting the erection or alteration of a building or other use of land shall be valid for a period of six (6) months, during which time a building permit for such erection or alteration must be obtained and the erection or alteration started.

d. No application for a variance or special exception which has been denied wholly or in part by the Board shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

6.4 APPLICATION FOR VARIANCES, APPEALS OR SPECIAL EXCEPTIONS

a. Requests for variances, appeals or special exceptions shall be made by submitting an application (or letter) to the Village Clerk. A fee as determined by resolution of the Village Council shall accompany the application to help defray cost of processing said application.

b. A site plan, plot plan or development plan of the total property involved, showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses, shall be submitted with each request for a variance, appeal or special exception.

14. The development of the entire campground is subject to all applicable requirements of the Michigan Department of Natural Resources.
15. Any swimming pool or beach area shall comply with Michigan Law including the regulations promulgated under Act 171 of 1970 as amended and Act 23 of 1966 as amended.
16. No mobile home or trailer coaches designed for permanent habitation shall be allowed. No vehicle or tent shall be used for habitation for longer than thirty (30) days in any one year.
17. Minimum screening shall be provided as required for mobile home parks in 8.53(d). In addition, fencing screening or greenbelts may be required by the Zoning Board of Appeals. The location of common use areas, roadways, streets and buildings shall be subject to approval of the Zoning Board of Appeals. Any applicant shall submit a site plan to the Zoning Board of Appeals for its review before any building permit for a campground shall be issued. A site plan shall include a scale drawing showing the entrance, roads, parking areas, designated camping sites, trails, common areas, service buildings, any store, sanitary facilities, etc., together with a descriptive text of the entire campground and the plans and specifications of any buildings to be constructed herein.

8.74 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Section 13.

8.8 I-1 - INDUSTRIAL DISTRICT, RESTRICTED

8.81 DESCRIPTION OF DISTRICT

These regulations are intended to provide standards of intensity of use and standards of external effects or amenities compatible with the surrounding or abutting residential districts.

To these ends, development is limited to a low and moderate concentration, external effects are limited, and uses are limited to those industrial activities which can be operated in a clean and quiet manner and which will be least objectionable to adjoining residential and commercial districts.

8.82 PERMITTED USES

- a. Agriculture
- b. Assembly or processing of merchandise or equipment which does not result in unpleasant odor, smoke, noise, or vibration
- c. Packaging of previously prepared materials.

- c. That the dwelling does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling.
- d. That the occupation conducted therein is clearly incidental and secondary to the residential use of the building.
- e. That no goods, or services are sold which are not produced by the immediate member of the family therein.
- f. Dancing or musical instrument instruction, restaurants, beauty and barber shops, and business or trade shall not be considered home occupations.
- g. Noise or other objectional characteristics incident thereto shall not be discernible beyond the boundaries of the lot.
- h. Does not utilize more than twenty (20) percent of the gross floor area, but not to exceed three hundred (300) square feet, in the single-unit dwelling.

9.6 SCREENING

Hereinafter every commercial or industrial use occupying land immediately adjacent to a residential district shall have a screening area separating the said commercial or industrial use from adjoining residential districts. The screen shall be in the form of either a wall, solid fence, or evergreen planting, which is compact and maintained in good condition at all times. The height of the screen shall not be less than five feet, (or four feet when plantings are used), except where the screen would interfere with traffic safety, in which case it may be reduced in height, to, but not less than four feet in height. Screening shall also occur where there is outdoor dismantling of cars, or outdoor storage of dismantled cars.

9.7 FLOODPLAIN

The land areas adjoining any water course which is expected to be covered by flood waters as a result of a severe combination of meteorological and hydrological conditions shall not be used for buildings or permanent structures.

SECTION TEN · VARIANCES AND SPECIAL EXCEPTIONS

10.1 USE VARIANCE OR SPECIAL EXCEPTION, EXPLANATION

In order to make this ordinance flexible to meet the needs of changing trends in development and new technology, the Board of Appeals is authorized to approve the establishment of special

exception uses. In this way the ordinance does not become a rigid document that cannot be altered, but serves as a guideline upon which the Zoning Board of Appeals may make enlightened judgments keeping development within the general philosophy of this ordinance. Land and structure uses not specifically mentioned in the foregoing text or possessing unique characteristics may be allowed as variances, and, as such, may be authorized by the issuance of a permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare. Use variances shall not be granted unless compatible with the uses allowed in the district. Also, the applicant must show necessity for such proposal in order to make reasonable use of the property. Furthermore, there must be a showing that there will be undue hardship to the applicant by not being able to obtain permission for the proposed use.

Certain types of uses are required to secure a permit as a special exception to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few such uses, such as dumps and junk yards, are inherently so objectionable as to make extra regulations and controls advisable even in the zone to which they are permitted. Others, such as gasoline stations, taverns, must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public, the uses listed as Special Exceptions are permitted in certain zones only if granted by the Board of Zoning Appeals.

10.2 USE VARIANCE OR SPECIAL EXCEPTION, FILING REQUEST

- a. Petitions for the grant of use variances or special exceptions shall be filed with the Village Clerk on forms provided therefore. The petitioner for use variances or special exceptions shall submit plans and specifications or other data or explanatory material stating the methods by which he will comply with the conditions specified for each grant of a use variance or special exception. At the time of filing his request for a grant of special exception or use variance, the petitioner shall pay to the Clerk the fee required to cover the cost of advertising and of sending notices as determined by the Village Council and other miscellaneous expenses in connection with this petition, as determined by resolutions of the Village Council.
- b. The Board shall review the application and after a public hearing shall grant or refuse the use variance or special exception, and notify the petitioner and building inspector and/or Zoning enforcement officer.

10.3 USE VARIANCE OR SPECIAL EXCEPTION, GENERAL PROVISIONS

In hearing a request for any use variance or special exception, the Board of Appeals shall be governed by the following principles and conditions:

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- a. The applicant for a use variance or exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Board.
 - b. A use variance or special exception may be granted when the Board of Appeals finds from the evidence produced at the hearing that:
 1. The proposed use does not affect adversely the General Plan for physical development of the Village of Augusta as embodied in this ordinance and in the Land Use Plan or portion therefore adopted by the Village of Augusta; and
 2. The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
 3. The standards as may be set forth for a particular use for which a special exception may be granted, can and will be met by the applicant.

10.4 USE VARIANCE OR SPECIAL EXCEPTION, SPECIAL PROVISIONS

The Board of Appeals may, ^{and plan com.} and is hereby empowered to, add to the specific provisions enumerated herein, others that it may deem necessary to protect adjacent properties, the general neighborhood, and the residents and workers herein.

10.5 SPECIAL EXCEPTION USE, PLANNED UNIT DEVELOPMENT (PUD)

Planned unit development shall be recognized as a special exception use and controlled by the guidelines thereof. Control of such developments shall be the responsibility of the Village Zoning Board of Appeals. ^{Planning Com.}

10.51 PURPOSE

The purpose of these regulations is to permit greater flexibility in the development of residential areas than is generally possible under conventional zoning regulations. It is further intended to promote more efficient use of the land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities and the preservation of open space for park and recreational use. A permit may be issued for construction and occupancy of a PUD subject to compliance with the requirements, standards and procedures set forth in this ordinance.

10.52 GENERAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

- a. Minimum Area: the minimum area for a PUD special exception permit shall not be less than five (5) contiguous acres of land.
- b. Ownership: the tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all properties included.
- c. Location: planned unit developments shall be allowed only within the R-1 and R-2 Districts providing the applicant can demonstrate that the proposed character of development will meet the objectives of PUD's.
- d. Utilities: public water, sanitary sewer and storm drainage facilities shall be provided as part of the site development. All electric and telephone transmission wires shall be placed underground.
- e. Approval: approval by the Zoning Board of Appeals of a sketch plan and detailed site plan for all multiple use developments is required. Review of the sketch plan and detailed site plan shall be preceded by review and recommendations by the Village Planning Commission.

*elaborate
land
requirements*

10.53 PERMITTED USES

No structure or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following regardless of the zoning district in which the same is located:

- a. Residential Uses: single-family detached dwellings, excluding mobile homes; two family dwellings; apartments; townhouses, condominiums; and other multi-family dwellings.
- b. Commercial uses: designed and intended to serve the convenience needs of the people within the PUD.
- c. Accessory and associated uses designed and intended to serve the convenience needs of the people within the PUD.

10.54 DESIGN REQUIREMENTS

Within the multiple use development approved under this section, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations set forth in the district in which the development is located:

- a. Number of Dwelling Units Permitted: the maximum number of dwelling units permitted within the project shall be determined by dividing the net multiple use development area by the minimum residential lot area per dwelling unit required by the district in which the project is located. In the event the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately.
- b. Lot Area Requirements: the minimum lot area shall not be reduced for any permitted use more than 20 percent below that required in the district in which the project is located.
- c. Setback and Yards: the minimum setback and yard or open space requirements for buildings and structures may be reduced or increased in the discretion of the Zoning Board of Appeals to avoid unnecessary disruption of the environment where reasonably equivalent open space is provided elsewhere upon the site.
- d. Minimum Lot Frontage and Width: the minimum lot frontage and width for any lot designated for single-family dwelling may be reduced 20 percent below the requirements of the district in which the multiple use development is located.
- e. Screening: a screening area may be required by the Zoning Board of Appeals along the perimeter of the development if deemed necessary to protect the values of adjoining property under separate ownership.
- f. Amount of Open Space Required: within every multiple use development there shall be planned and set aside permanently as part of the total development an amount of open space equal to not less than the aggregate accumulation of lot size reduction below the minimum lot area for the development as a whole. Before accepting the open space as meeting the requirements of this provision, the Zoning Board of Appeals must find the land thus designated to be:
 - (1) sufficient in size, suitably located, with adequate access, and
 - (2) that evidence is given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the municipality of future maintenance thereof.
- g. Arrangement of Open Space: all required open space within multiple use development shall be arranged so as to provide benefit to the maximum number of dwelling units. Separate tracts of open space shall have adequate access from at least one point along a public street.

10.55 APPLICATION PROCEDURE AND APPROVAL PROCESS

- a. General: whenever any PUD is proposed, before any building permit is granted, the developer shall apply for and secure approval of a Special Exception Use in accordance with the following procedures and obtain approval of a detailed site plan from the Zoning Board of Appeals. *Plan Com.*
- b. Application for Sketch Plan Approval: so that the Zoning Board of Appeals and the developer can reach an understanding of what is being proposed, and what is required, the developer shall submit a sketch plan to the Zoning Board of Appeals. The sketch plan shall be drawn to approximate scale and shall clearly show the following information:
 1. Boundaries of property
 2. Location and height of all buildings
 3. Interior roadway system including parking facilities and existing rights-of-way
 4. The interior open space system
 5. The overall stormwater drainage system
 6. Principle ties to the neighborhood and community with respect to transportation, water supply and sewage disposal
 7. Delineation of the various residential and/or commercial areas, including size, number, location, and number of housing units
 8. Construction phases if applicable ?
 9. General statement as to how common open space is to be owned and maintained
- c. Application for Detailed Site Plan Approval: after receiving approval of a Sketch Plan from the Zoning Board of Appeals, the Applicant may within six (6) months prepare his detailed site plan and submit it to the Zoning Board of Appeals. Furthermore, the Detailed Site Plan shall include the following information:
 1. An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets, utilities, and easements within three hundred (300) feet of applicant's property.

2. A topographic map showing contour intervals of not more than four (4) feet of elevation shall be provided.
 3. A site plan showing location, proposed use, and height of all buildings, location of all parking areas, with ingress and egress drives thereto, location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences, description of method of water supply and sewage disposal and location of such facilities; location and size of all signs; location and design of lighting facilities; and the amount of building area proposed for nonresidential uses, if any.
 4. A tracing overlay showing all soil types, their location, and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.
- d. Required Standards for Approval: the Zoning Board of Appeals shall render its approval or disapproval and so notify the applicant and the building inspector. In any case where construction of the PUD has not been commenced within one year from the date of approval, the special exception use permit shall be null and void. The Zoning Board of Appeal's review of the Detailed Site Plan shall, moreover, include the following:
1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls, and pedestrian movement
 2. Location, arrangement, appearance, and sufficiency of off-street parking
 3. Location, arrangement, size and entrances of buildings, walkways and lighting
 4. Relationship of the various uses to one another
 5. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a noise deterring screen between adjacent uses and adjoining lands.
 6. In the case of residential uses, the adequacy of usable open space for playground and recreation
 7. Adequacy of water supply, storm water and sanitary waste disposal facilities

8. Adequacy of structures, roadways, and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion
9. Compliance with all regulations of the Village Zoning Ordinance
10. Compatibility of adjoining uses on and off the site and preservation thereof.

10.6 DIMENSION VARIANCE

The Zoning Board of Appeals shall have the authority to grant dimension variances upon application of any interested party and upon giving notice as required by law, providing the applicant shows evidence of practical difficulties or unnecessary hardship in complying with the provisions of the Ordinance as to particular property. Dimension variances are those that relate to required size of buildings or structures, height, setback or similar matters, but cannot allow an unauthorized use.

SECTION ELEVEN - AMENDMENT PROCEDURES

11.1 AMENDMENT PROCEDURES

- a. Such regulations, restrictions, and boundaries established by this ordinance may from time to time be amended, supplemented, or repealed by the municipality as provided by the applicable State Statute. Requests for amendment of this ordinance may be made by any interested person or governmental agency by submitting an application for the proposed amendment, (or a letter) to the Village Clerk. A fee, to be determined by the Village Council, shall be charged to cover part of the cost of the necessary advertising for public hearing. The Village Clerk shall, within five days after acceptance for filing of an amendment to the zoning ordinance transmit a copy of the application to the Planning Commission.
- b. In case of a text amendment, the applicant shall submit, in writing, the proposed text to be added and/or the existing text to be deleted.
- c. In case of a map amendment, the applicant shall submit a written statement specifying the following:
 1. The name and address of the owner of the land.
 2. The street number, if any, or if none the location with respect to nearby public roads serving the land which is proposed to be reclassified.

3. A description by metes and bounds, courses and distances of the land, or if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded in the Land Records of Kalamazoo County, then a lot, block, and subdivision designation with appropriate plat reference.
4. An identification plat prepared by a civil engineer, surveyor, or other competent person, and certified thereon by him to be correct and in conformity with this section, showing the land proposed to be re-classified, or if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded among the Land Records of Kalamazoo County, then a copy of such plat, the land proposed to be re-classified appearing in a color distinctive from that of other land shown on the plat.
5. The area of the land proposed to be re-classified, stated in square feet if less than one (1) acre and in acres if one (1) acre or more.
6. The present classification and the classification proposed for such land.

SECTION TWELVE - EFFECTIVE DATE OF ORDINANCE

This ordinance shall become effective on October 1, 1978.

SECTION FOURTEEN - STANDARDS REQUIRED OF SPECIAL EXCEPTION USES

Special Exception uses shall comply with all of the standards as specified herein. The Board of Appeals may add to the standards as provided where it is necessary to protect adjacent properties, the general neighborhood and the residents and workers therein.

Special Exception Use	Minimum Required Standards*
Animal hospital, kennel, bar, tavern & night club	2,4,5e
Asphalt & concrete ready-mix plant, quarrying	2,4,5f
Automobile repair garage	2,4,5d,8
Bus or truck terminal, kennel	2,4,5e
Care home	3,5a
Cemetery	2,3,5a
Church	1,5b
Club, private non-commercial	1,4,5b
Drive-in theatre, dump	2,5f,9
Earth removal, excavations commercial	2,5e
Gasoline service station	2,4,5d,7
Gravel processing & quarrying	2,4,5f
Hospital	2,3,5c
Institutions, charitable, philanthropic	1,3,5c
Junk yards, building material salvage yard	2,4,5f,9
Liquor, package sale	5d
Medical clinic	1,4,5a
Mobile home sales, recreation, commercial; outdoors	2,4,5e
Nursery, childrens	1,4,15a
Offices & office buildings	2,4,5a
Public utility buildings & structures	1,4,5a,9
Riding stable; commercial	2,4,5f
School, parochial and private	1,5b
Slaughter house	2,4,5f
Truck terminal, volunteer or municipal fire station	2,4,5e
Used car lot	2.4.5e.8

* The minimum required standards enumerated below are referred to by the numbers following each special exception use.

1. The use shall have frontage on an existing or officially proposed road having a Primary or greater classification.
2. The use shall have frontage on an existing or officially proposed road having a Major or greater road classification.
3. The use shall have off street parking facilities to satisfy average parking needs.
4. The use shall have off street parking facilities to satisfy peak parking needs.
5. Buildings and activities shall not be closer than the specified number of feet to adjacent residential properties.

- a - 25 feet
- b - 50 feet
- c - 100 feet
- d - 200 feet
- e - 500 feet
- f - 1000 feet

6. Public utility buildings shall, whenever practicable, have an exterior appearance similar to those buildings in the immediate area. The public utility buildings and structures shall have suitable landscaping, screen planting and fencing whenever deemed necessary by the Board of Appeals.
7. Gasoline pumps or other service appliances shall be set back at least 20 feet from the lot line.
8. No major repairs or dismantling shall be permitted outside of a closed structure.
9. The use shall be enclosed by a solid wall or compact screening of suitable material as determined by the Board of Appeals and shall not be less than 6 feet in height.

SECTION THIRTEEN SCHEDULE OF LAND USE ZONING, AND AREA REQUIREMENTS

A R-1 R-2 R-3 C-1 C-2 I-1

PRINCIPAL STRUCTURE

MIN. LOT FRONTAGE, LOT WIDTH (feet)

Single Family	165	100	100	NA	NA	NA	NA	NA	NA
Two Family	165	100	100	NA	NA	NA	NA	NA	NA
Multiple Family	NA	NA	200	NA	NA	NA	NA	NA	NA
Mobile Home	NA	NA	NA	NA	NA	NA	NA	NA	NA

MIN. LOT AREA PER DWELLING UNIT (sq.ft.):

Single Family	3 acres	8,000	NA	NA	NA	NA	NA	NA	NA
Two Family	3 acres	5,000	5,000	NA	NA	NA	NA	NA	NA
Multiple Family	---	---	3,000	NA	NA	NA	NA	NA	NA
Mobile Home	---	---	NA	5,000	NA	NA	NA	NA	NA

MAX. BUILDING OR STRUCTURE HEIGHT (feet)

	35	35	35	25	35	35	35	35	35
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MAX. BUILDING COVERAGE OF LOT (percent)

	10	20	30	30	100	30	30	20	20
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MIN. FLOOR AREA FOR DWELLING UNIT (percent)

Single Family	1,000	1,000	1,000	600	NA	NA	NA	NA	NA
Two Family	800	700	700	NA	NA	NA	NA	NA	NA
Multiple Family	NA	NA	500	NA	NA	NA	NA	NA	NA
Mobile Home	NA	NA	NA	NA	NA	NA	NA	NA	NA

MIN. FRONT YARD SETBACK (feet)¹

Min. Side Yard (feet) ²	20	10	10	10 (3)	None	25	50	50	50
Min. Rear Yard	50	35	30	25(3)	None	25	25	25	50

ACCESSORY BUILDINGS

Min. Side Yard ²	5	5	5	25	None	10	25	25	25
Min. Rear Yard	5	5	5	25	None	10	25	25	25
Max. Building Height	15	15	15	15	15	15	15	15	15
Max. Coverage (percent of lot)	5	15	25	20	10	10	10	10	10

¹ Where the majority of the frontage along one side of a street within 500 feet of a vacant lot has been built upon at the time of passage of this ordinance, any building hereafter erected on said vacant lot shall not be less than the average set back of the improved frontage.

² On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard setback of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line, does not front on the side street of the corner lot, the side yard shall not be less than 2/3 the front yard setback required for that district.

The setback or yard area of any commercial or industrial use, or activity associated thereto, maintained on a parcel of land adjacent to a residential district shall be two times that required within the district as specified above, or a minimum of 25 feet whichever is greater; and said use or activity shall be effectively screened by compact evergreens, fence or wall, from any adjacent residential district.

Where property is contiguous to an existing or an officially proposed major village street or state trunkline, the minimum front, side or rear yard continuous thereto shall be increased in depth so as to permit a: (1) - 100' right-of-way for major Village streets; and (2) - 120' right-of-way for trunklines.

³ Except that portion of the building extending beyond 35 feet in height must be set back from each lot line one (1) additional foot, beyond the minimum requirement for each foot in height above 35 feet.

USE	A	R-1	R-2	R-3	C-1	C-2	I-1
Night club					S.E.	S.E.	
Nursery, childrens		S.E.	S.E.				
Nursery, greenhouse					X	X	
Offices, business and professional					X		
Offices and office buildings					X		
Outdoor advertising signs (billboards)							X
Photography store					X		
Printing, lithographic, blueprinting and similar uses							X
Publicly owned and operated buildings and uses	X	X	X	X	X	X	X
Public utility buildings	S.E.	S.E.	S.E.		S.E.	S.E.	S.E.
Quarrying							
Radio and television, sales and service					X		
Recreation, commercial; indoors					X		
Recreation, commercial; outdoors					S.E.	X	
Residential, multiple family			X				
Residential, single family	X	X					
Residential, two family		X	X				
Restaurant					X		X
Riding stable, race track; commercial							S.E.
Schools, parochial and private	S.E.	X	S.E.				
Shoe sales and repair							
Slaughter house							
Stationery supplies							
Storage and warehousing							X
Tailoring and dressmaking					X		
Truck terminal							
Used car lot					S.E.	S.E.	S.E.
Variety store, antiques, ifts					S.E.	S.E.	
Volunteer or municipal fire station					X		
Warehouses; fully enclosed					S.E.	S.E.	
							X

Note: Any uses not designated as either a permitted or special exception use in one or more of the above districts, are prohibited, unless they are granted a special exception by the Board of Appeals as provided in this Zoning Ordinance.