

ORDINANCE 96
ZONING ORDINANCE
VILLAGE OF DECATUR, MICHIGAN

An Ordinance to provide for the health, safety morals, and the general welfare of the inhabitants of the Village of Decatur, Michigan, and to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, or other purposes; to regulate and restrict the erection, construction, reconstruction, or alteration of buildings; to regulate and restrict the height, number of stories, and size of all buildings and structures, and the size of yards and other open spaces surrounding buildings; to provide for parking and loading spaces; to regulate and restrict the density of population and for all said purposes to divide the village into districts; to prescribe penalties for the violation of its provisions; to provide districts; to prescribe penalties for the violation of its provisions; to provide for changes and amendments; to provide for its enforcement; to provide for a board of appeals, and to prescribe its powers and duties, and to provide for the administration, interpretation, and resolution of conflicts herewith.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF DECATUR AS FOLLOWS:

ARTICLE I
TITLE

This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of the Village of Decatur, Michigan.

ARTICLE II
DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

1. **ACCESSORY BUILDING.** A subordinate building which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.
2. **ACCESSORY USE.** A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.
3. **ALLEY.** A way which affords only a secondary means of access to property abutting thereon.
4. **APARTMENT.** A room or suite of rooms intended, designed, or used as a residence by a single family.
5. **BASEMENT.** A story having part but not more than one-half of its height below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.
6. **BILLBOARD.** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot.
7. **BOARDING HOUSE.** See Lodging House.
8. **BUILDABLE WIDTH.** The width of the lot left to be built upon after the side yards are provided.
9. **BUILDING.** Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer, (with or without wheels), nor any moveable device, such as furniture, machinery, or equipment.
10. **BUILDING, HEIGHT OF.** The vertical distance from the grade to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, bib, and gambrel roof.
11. **CELLAR.** A story having more than one-half of its height below grade.

12. **CLINIC, MEDICAL.** An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.
13. **CLUB.** A building or portion thereof or premises owned and operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
14. **DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
15. **DWELLING, SINGLE-FAMILY.** A building designed for or occupied exclusively by one family.
16. **DWELLING, TWO-FAMILY.** A building designed for or occupied exclusively by two families living independently of each other.
17. **DWELLING, MULTIPLE.** A building designed for or occupied exclusively by more than two families living independently of each other.
18. **FAMILY.** One or more persons related by blood, marriage, or adoption, occupying a dwelling unit as an individual housekeeping organization. A family may include not more than two persons not related by blood, marriage, or adoption.
19. **FILLING STATION.** Any building or premises used for the sale, at retail, of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacement of motors, bodies, or fenders of motor vehicles, or painting motor vehicles, and excluding commercial garages.
20. **FLOOR AREA.** The total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.
21. **FRONTAGE.** All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
22. **GARAGE, COMMERCIAL.** Any building, or premises except those used as a private or storage garage, used for equipping, repairing, hiring, selling, or storing motor driven vehicles. The term repairing shall not include the rebuilding, dismantling or storage of wrecked or junked vehicles.
23. **GARAGE PRIVATE.** A detached accessory building or portion of the main building, housing the automobiles of the occupants of the premises.
24. **GRADE.** The average level of the finished surface of the ground adjacent to the exterior walls of the building.
25. **HOME OCCUPATION.** Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a name plate no larger than four (4) square feet in area, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as is permissible for domestic household purposes.
26. **HOTEL.** A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or lodging house as herein defined.
27. **INSTITIUTION.** A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
28. **KENNEL.** An establishment where dogs or other pets are boarded for compensation or bred or raised on a commercial scale.
29. **LAUNDROMAT.** A business that provides home-type washing, drying, or ironing machines for hire to be used by customers on the premises.
30. **LOADING SPACE.** A space within the main building or on the same lot providing for the standing, loading, or unloading of trucks, having a minimum width of twelve (12) feet, a minimum depth of forty-five (45) feet, and a vertical clearance of at least fourteen and five-tenths (14.5) feet, and connected with a street or road serving the premises.

31. **LODGING HOUSE.** A building or place where lodging and boarding is provided (or which is equipped regularly to provide lodging and boarding by prearrangement for definite periods), for compensation, for three (3) or more, but not exceed twelve (12) individuals. Such lodging house or boarding house shall not be open to transient guest, in contradistinction to a hotel as is herein defined.
32. **LOT.** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street.
33. **LOT, CORNER.** A lot abutting upon two or more streets at their intersection.
34. **LOT, DEPTH OF.** The mean horizontal distance between the front and rear lot lines.
35. **LOT, DOUBLE FRONTAGE.** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
36. **LOT OF RECORD.** A lot or parcel of land, the plat or deed of which has been recorded in the office of the county Register of Deeds of Van Buren County, Michigan prior to the adoption of this Ordinance.
37. **MOBILE HOME OR HOUSE TRAILER.** A structure, transportable in one (1) or more sections, which is built or transported on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle. A mobile home can be classified as a dwelling or dwelling unit only after meeting and standards of ARTICLE XII and being approved by the Village Council.
38. **MOTEL, MOTOR COURT, MOTOR LODGE, OR TOURIST COURT.** Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used or intended wholly or in part for the accommodation of automobile transients.
39. **NONCONFORMING USE.** Any building or land lawfully occupied by a use at the time of passage of this Ordinance or amendment thereto which does not conform after the passage of this Ordinance or amendment thereto with the use regulations of the district in which it is situated.
40. **PARKING SPACE, OFF-STREET.** An area, enclosed or unenclosed having an area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile, and connected with a street or alley or a surfaced driveway which affords ingress and egress for automobiles.
41. **PATIO OR TERRACE.** An area, improved with concrete, brick or other hard surface, adjacent to a dwelling and used by occupants of the dwelling for leisure time activities, but not used for vehicle parking or storage.
42. **SIGN.** An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, persons, institution, or business.
43. **STORY.** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.
44. **STORY, HALF.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than sixty (60) percent of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with and by the occupancy of the floor immediately below.
45. **STREET.** A public way which affords the principal means of access to abutting property.
46. **STRUCTURE.** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having permanent location on the ground and including, but not limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.
47. **STRUCTURAL ALTERATIONS.** Any change except those required by law or Ordinance, that would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other Ordinances.

48. **TRAILER OR MOBILE HOME.** (see Mobile Home)
49. **TRAILER OR MOBILE HOME PARK.** An area where one or more trailers can be or are intended to be parked and designed or intended to be used as living facilities for one or more families.
50. **YARD.** An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground level upward, except as otherwise provided in this Ordinance.
51. **YARD, FRONT.** A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.
52. **YARD, REAR.** A yard extending the full width of the lot from the rear line of the main building to the rear lot line.
53. **YARD, SIDE.** A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.

ARTICLE III DISTRICT BOUNDARIES AND GENERAL REGULATIONS

SECTION 1. DISTRICTS.

In order to classify, regulate and restrict the location of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and use of buildings hereafter erected or structurally altered; to regulate and limit the intensity of use and the lot areas; and to regulate and determine the areas of yards, courts, and other open spaces surrounding such buildings, the Village is hereby divided into districts of which there shall be five in number, known as:

- R-1 – One and Two Family Residential District
- R-2 – Multiple Family Residential District
- B-1 - Central Business District
- B-2 – General Business District
- I Industrial District

SECTION 2. MAP

The boundaries of these districts are shown upon the Zoning District Map which accompanies and is made a part of this Ordinance. Said map and all the information shown thereon shall have the same force and effect as if all were fully set forth or described herein. The original of this is properly attested and is on file with the Village Clerk.

SECTION 3. ANNEXED TERRITORY.

All territory which may hereafter be annexed to the Village of Decatur shall be classified in the R-1 Residential District, until, within a reasonable time after annexation, the annexed territory shall be appropriately classified by Ordinance, in accordance with Article XVII of this Ordinance.

SECTION 4. VACATED STREET OR PUBLIC WAY.

Whenever any street or other public way is vacated by official action of the Village of Decatur, the zoning district adjoining each side of such street or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply.

- A. Where a boundary line is given a position within a street, alley or non-navigable stream, it shall be deemed to be in the center of the street, alley, or stream, and if the actual location of such street, alley, or stream varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.
- B. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
- C. Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated main line track.
- D. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines and where the districts are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
- E. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such map.

SECTION 6. GENERAL PROVISIONS.

- A. No building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered nor shall any building or land be used except for the uses permitted in the district in which the building or land is located.
- B. No building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, except in conformity with the height, yard, area per family, parking and other regulations prescribed herein for the district in which the building is located.
- C. The minimum parking, yards, and other open spaces, including lot areas per family required by this Ordinance, shall be provided for each and every building or structure hereafter erected, and such minimum parking, yards, open spaces, and lot areas for each and every building of structure whether existing at the time of passage of this Ordinance or hereafter erected shall not be encroached upon or be considered as a yard or open space requirement for any other building or structure.
- D. Where a lot has less area than the minimum requirements for the district within which the lot is located and was a lot of record at the time of passage of this Ordinance, that lot may be used for any purpose permitted in the district within which such lot is located.
- E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Ordinance.
- F. Every lot or other parcel of land which is occupied or intended for occupancy by a use permitted in this ordinance shall adjoin and have direct access to a public street.
- G. All dwelling units hereinafter erected in the Village of Decatur, Michigan shall be erected with the front entrance of the dwelling unit facing the public street adjoin the lot or other parcel of land upon which the dwelling unit is erected.
- H. All dwelling units or other buildings, hereinafter erected in the Village of Decatur, Michigan, which require water and/or emanates sewage shall be connected to the Village of Decatur public water and sanitary sewer systems if same are available, and if not available, to such private water well and septic systems as shall be approved by the Van Buren county Health Department.
- I. All streets constructed in the Village of Decatur, Michigan shall be public streets having a 66 foot right of way, the traveled portion of which shall be paved with bituminous asphalt, and said streets shall be constructed pursuant to the specification of the Village of Decatur, Michigan as set forth in figures 1 and 2 attached hereto and made a part hereof, or as said specifications may subsequently be amended.

- J. In the event public improvements for water and sanitary sewer systems and/or public streets must be constructed to serve a building, satisfactory performance guarantees or bonds shall be required from the developer of the land located in the Village of Decatur, Michigan before any Building Permits for construction of such building(s) shall be issued.

ARTICLE IV

R-1 ONE AND TWO FAMILY RESIDENTIAL DISTRICT REGULATIONS

The purpose of this district is to provide for one and two family residential development of spacious character, together with such churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings and at the same time, to preserve open spaces. This district is located to protect existing development and contains vacant land considered appropriate for such residential development in the future. The regulations set forth in this ARTICLE or set forth elsewhere in this Ordinance, when referred to in this ARTICLE, are the regulations in the R-1 Residential District.

SECTION 1. USE REGULATIONS.

A building or premises shall be used only for the following purposes:

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Churches and church bulletin boards.
- D. Public buildings, parks, playgrounds, and community centers.
- E. Public schools, elementary and high, and private educational institutions having a curriculum the same as ordinarily given in public schools, and having no rooms regularly used for housing and sleeping purposes.
- F. Home occupations.
- G. Country clubs, golf courses, except miniature courses or practice tees operated for commercial purposes.
- H. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not terminal or maintenance facilities.
- I. Temporary buildings, for non-residential purposes, the use of which is incidental to construction operations or sale of lots during development being conducted on the same of adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner.
- J. Signs.
 - 1. For structures other than dwelling units, one identification sign not exceeding ten (10) square feet in area except that church bulletin boards may be up to eighteen (18) square feet in area.
 - 2. Temporary signs not exceeding ten (10) square feet in area pertaining to the lease, hire, or sale of a building or premises on which such sign is located.
- K. The cultivation of gardens but no raising or keeping livestock.
- L. Conditional uses as provided for in ARTICLE XII.
- M. Accessory buildings and uses, including private garages customarily incident to the above uses, but not involving the conduct of a business.

SECTION 2. HEIGHT AND AREA REGULATIONS.

The height and area regulations set forth in ARTICLE X shall be observed.

SECTION 3. PARKING REGULATIONS.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in ARTICLE XI.

ARTICLE V R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

The purpose of this district is to maintain a residential environment while permitting a wide variety of dwelling types. Single-family, two-family, and multiple-family dwelling units are permitted on medium sized lots, together with such churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surrounding. Population densities and height of buildings permitted are low enough to be generally compatible with single-family development in the same general neighborhood. The regulations set forth in this ARTICLE or set forth elsewhere in this Ordinance, when referred to in this ARTICLE, are the regulations in the R-2 Multiple-Family Residential District.

SECTION 1. USE REGULATIONS.

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-1 Residential District.
- B. Multiple-family dwellings.
- C. Boarding houses or lodging houses.

SECTION 2. HEIGHT AND AREA REGULATIONS.

The height and area regulations set forth in ARTICLE X shall be observed.

SECTION 3. PARKING REGULATIONS.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in ARTICLE XI.

ARTICLE VI B-1 CENTRAL BUSINESS DISTRICT REGULATIONS

The purpose of this district is to encompass the retail service and office area of the central business district and permit a wide variety of uses to provide basic trade and services to Decatur and the area surrounding the Village. This district is intended to provide a centralized location for trade and service activities having regional influence. The regulations set forth in this this ARTICLE or set forth elsewhere in this Ordinance, when referred to in this ARTICLE are the regulations in the B-1 Central Business District.

SECTION 1. USE REGULATIONS.

A building or premises shall be used only for the following purposes:

- A. Multiple family residences.
- B. Automobile parking lots.
- C. Dressmaking, tailoring, shoe repairing, repair of appliances, and bicycles, dry cleaning and pressing, and bakery with sale of bakery products on the premises and other uses of a similar character.
- D. Banks, offices, and office buildings.

- E. Outdoor advertising structure or non-flashing sign pertaining only to a use or service conducted within the building. Any sign or display in excess of twenty (20) square feet in area shall be attached flat against a wall of the building (maximum projection from building wall one (1) foot), and in no case shall any sign or display project above the roof line.
- F. Personal service uses, including barber shops, beauty parlors, photographic or artist studios, taxi-cabs, newspaper or telegraphic service stations, dry cleaning receiving stations, restaurants, and other personal service uses of a similar character.
- G. Retail stores or shops such as grocery, drug store, meat market, florist, notion, hardware, clothing, furniture or stationery stores, provided that there shall be no slaughtering of animals or poultry on the premises of any retail store.
- H. Self-service laundries and dry cleaning establishments
- I. Taverns.
- J. Accessory buildings and uses.
- K. Conditional uses as provided for in ARTICLE XII.
- L. Motor vehicle dealerships and sales lots including commercial garage only as an accessory use to dealership and under same ownership.

SECTION 2. HEIGHT AND AREA REGULATIONS.

The height and area regulations set forth in ARTICLE X shall be observed.

SECTION 3. PARKING REGULATIONS.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in ARTICLE XI.

ARTICLE VII B-2 GENERAL BUSINESS DISTRICT REGULATIONS

The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities, including certain uses requiring large land areas which are not desirable in the central business district. These uses are located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor and noise, associated with manufacturing. The regulations set forth in this ARTICLE or set the regulations in the B-2 General Business District.

SECTION 1. USE REGULATIONS.

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the B-1 Central Business District.
- B. Drive-in restaurants, bowling alleys, dance halls, skating rinks, or theatres.
- C. Farm implements, sale or repair.
- D. Funeral homes or mortuaries.
- E. Motels and hotels.
- F. Commercial garages.
- G. Private clubs and lodges.
- H. Medical clinics.
- I. Hospitals or clinics for small animals, dogs, cats, birds and the like, but not kennels.
- J. Laboratories, research, experimental or testing.

- K. General service and repair establishments including dyeing or cleaning works, or laundry, plumbing and heating, printing, painting, upholstering, or tin-smithing.
- L. Accessory buildings and uses.
- M. Auto repair garage and commercial garage, but shall not include rebuilding, dismantling, or storage of wrecked or junked automobiles.
- N. Food storage lockers.
- O. Printing shops.
- P. Conditional uses as provided for in ARTICLE XII.

SECTION 2. HEIGHT AND AREA REGULATIONS.

The height and area regulations set forth in ARTICLE X shall be observed.

SECTION 3. PARKING REGULATIONS.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in ARTICLE XI.

**ARTICLE VIII
I INDUSTRIAL DISTRICT REGULATIONS**

The purpose of this district is to provide for a wide variety of light manufacturing, fabricating, processing wholesale distributing, and warehousing uses appropriately located for access by major thoroughfares or railroads. Commercial uses and open storage of materials are permitted but new residential development is excluded. The regulations set forth in this ARTICLE or set forth elsewhere in this Ordinance when referred to in this ARTICLE are the regulations of the I Industrial District.

SECTION 1. USE REGULATIONS.

A building or premises shall be used only for the following purposes:

- A. Any non-residential use permitted in the B-1 Central Business District or B-2 General Business District.
- B. Wholesale merchandising or storage warehouses.
- C. Trucking terminal.
- D. Contractor's yard.
- E. Coal, coke, wood, lumber yard, feed mill, or grain storage facility.
- F. General service and repair establishments including dyeing, cleaning, or laundry works, cabinet making, plumbing, heating, printing, painting, upholstering, and appliance repair.
- G. Manufacture or storage of food products, including beverage blending or bottling, bakery products, dairy products, candy manufacturing, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
- H. Manufacture of rugs, mattresses, pillows, quilts, millinery, shoes, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.
- I. Assembly and manufacture from prefabricated parts of household appliances, electronic products, machinery and hardware products, and similar products or the processing or assembling of parts for production of finished equipment.
- J. Generally those light manufacturing uses similar to those listed in items A. to I. above which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.
- K. Accessory building and uses including accessory signs and advertising structures related to the activity conducted on the premises but with a total sign area not to exceed one hundred (100) square feet.

L. Kennels.

M. Such uses not specifically permitted are hereby defined as conditional uses and shall be considered under the procedures of ARTICLE XII.

SECTION 2. HEIGHT AND AREA REGULATIONS.

The height and area regulations set forth in ARTICLE X shall be observed.

SECTION 3. PARKING REGULATIONS.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in ARTICLE XI.

ARTICLE IX NONCONFORMING USES

SECTION 1. CONTINUANCE OF NONCONFORMING USE; CHANGE OF USE.

The lawful use of a building existing at the time of the adoption of this Ordinance may be continued even though such use does not conform with the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. The foregoing provisions shall also apply to nonconforming uses in districts as may be hereafter changed. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

SECTION 2. RESTORATION AND REPAIRS OF DAMAGED BUILDINGS.

No nonconforming building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty (60) percent of its replacement value, shall be restored except in conformity with the regulations of this Ordinance. When damaged by less than sixty (60) percent of its replacement value, a nonconforming building may be repaired reconstructed and used as before the time of damage provided such repairs or reconstruction are completed within one (1) year from the date of such damage.

SECTION 3. NONCONFORMING USE DISCONTINUED.

In the event that a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.

SECTION 4. EXTENSION OF NONCONFORMING USE WITHIN A BUILDING.

A nonconforming use occupying only a portion of a building may be extended throughout the building if the same has been lawfully acquired and actually devoted to such use previous to the adoption of this Ordinance or to any affecting amendments thereof.

ARTICLE X HEIGHT AND AREA REQUIREMENTS

The required height and area regulations are hereby established and are shown in Table 1, 15.260, and are qualified or supplemented in the rest of this ARTICLE. The district regulations hereinafter set forth in this ARTICLE qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

SECTION 1. HEIGHT.

- A. Public, semipublic, or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.
- B. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage tower, or scenery lofts, tanks, water tower, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances may be erected to such height as may be authorized by the Village Council, but not to exceed one hundred fifty (150) feet.

SECTION 2. FRONT YARDS.

- A. When forty (40) percent or more of the frontage on one (1) side of the street between two (2) intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a front yard depth shall not be required to exceed fifty (50) percent in excess of the front yard otherwise required in the district in which the lot is located.
- B. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An unenclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.
- C. Where lots have double frontage, the required front yard shall be provided on both streets.
- D. Parking of vehicles shall not be permitted in front yards except that vehicles may be parked on driveways connecting garages, carports, or rear yard parking spaces, with the street.

SECTION 3. SIDE YARDS.

- A. For the purpose of side yard regulations, a two-family dwelling, or multiple dwelling, shall be considered as one (1) building occupying one (1) lot.
- B. Whenever a lot at the effective date of this Ordinance has a width of less than sixty (60) feet, each side yard may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall a side yard be less than three (3) feet.
- C. The required side yard on the street side of a corner lot shall be the same as the required front yard on such street, except that the buildable width shall not be reduced to less than thirty-two (32) feet, and no accessory building shall project beyond the required front yard on either street.
- D. Where dwelling units are erected above a commercial establishment, no side yard is required except when required for the commercial building on the side of a lot adjoining a residential district.
- E. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground story may project into a required yard, provided these projections be at least two (2) feet from the adjacent side lot line.

SECTION 4. REAR YARDS.

- A. Open-lattice enclosed fire escapes, fireproof outside, stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted for a distance of not more than three and one-half (3 ½) feet and where the same are so placed as not to obstruct light and ventilation.
- B. Not more than twenty (20) percent of the required rear yard area may be occupied by unenclosed parking spaces; except in R-2 Districts, where not more than fifty (50) percent of required rear yard may be occupied as unenclosed parking spaces.

SECTION 5. BUILDINGS AND ACCESSORY BUILDINGS

- A. Where a lot or tract is used for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
- B. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for multiple dwellings, institutional, motel or hotel purposes, there may be more than one (1) main building on the lot; provided, however, that the open spaces between buildings that are parallel, or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three-or four-story buildings.
- C. Accessory buildings may be built in a required yard but such accessory buildings shall not occupy more than thirty (30) percent of a required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley, it shall not be located closer than then (10) feet to the alley line. If a garage is located closer than then (10) feet to the main building, the garage shall be regarded as part of the main building for the purposes of determining side and rear yards.
- D. No accessory buildings shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.

SECTION 6. OPEN SPACE.

- A. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the ordinary projection of sills, belt courses, cornices, and ornamental features which may extend to a distance not to exceed eighteen (18) inches into any required yard. Roofs and eaves may extend not more than thirty (30) inches into any required yard.
- B. Where open space is more than seventy-five (75) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three-or-four story buildings.

SECTION 7. MINIMUM DWELLING UNIT FLOOR AREA.

- A. Every dwelling unit, except multiple dwellings, which shall hereafter be constructed, reconstructed or converted at any location in the Village of Decatur shall have a minimum width of twenty (20) feet along sixty (60) percent of its longest side.

District	Maximum Height Of Buildings		Minimum Yard Requirements in Feet			Minimum Lot Area per Family in Square Feet	Minimum Residential Lot Widths in Feet
	Stories	Feet***	Front	Side	Rear		
R-1 Residential	2	35	30	8	80	10,000 One Family 5,000 Two Family	80 80
R-2 Residential	3	45	25	6	25	7,500 One Family 3,750 Two Family 2,500 Multiple Family	60 60 60
B-1 Central District	3	45	--	10*	20*	Same as R-2**	Same as R-2**
B-2 General District	3	45	25	10*	20*	Same as R-2**	Same as R-2**
I-Industrial	3	45	25	10*	30*	Residences not Permitted	Residences not Permitted

*A side or rear yard is required on a commercial or industrial lot abutting a residential district, otherwise, no side or rear yard is required.

**Minimum lot area and minimum lot width requirements do not apply to commercial uses.

***Except as provided in Article X, Section 1.

ARTICLE XI OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 1. REQUIRED OFF STREET PARKING SPACES; EXCEPTION.

In all districts except the B-1 Central Business District, there shall be provided at the time any building or structure is erected or structurally altered (except as specified in Section 2 of this ARTICLE), off-street parking spaces in accordance with the following requirements:

- A. Dwelling, including single- and two-family and multiple: Two (2) parking spaces for each dwelling unit.
- B. Boarding or lodging house: One (1) parking space for each sleeping room.
- C. Private club or lodge: One (1) parking space for every five (5) members.
- D. Church or temple: One (1) parking space for each eight (8) seats in the main auditorium.
- E. School (except high school or college): One (1) parking space for each ten (10) seats in the auditorium or main assembly room, or one (1) space for each classroom, whichever is greater.
- F. College or high school: One (1) parking space for each eight (8) seats in the main auditorium or three (3) spaces for each classroom whichever is greater.
- G. Country club or golf club: One (1) parking space for each five (5) members.
- H. Community center, library, museum or art gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2000) square feet.

- I. Sanatorium, convalescent home, home for the aged or similar institution: One (1) parking space for each six (6) beds.
- J. Theatre or auditorium (except school): One (1) parking space for each five (5) seats or bench seating spaces.
- K. Hotel: One (1) parking space for each three (3) sleeping rooms or suites plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- L. Tourist home, cabin, or motel: One (1) parking space for each sleeping room or suite.
- M. Dance hall, assembly, or exhibition hall without fixed seats: One (1) parking space for each one hundred (100) square feet of floor area used therefor.
- N. Business or professional office, studio, bank, medical or dental clinic: Five (5) parking spaces plus one (1) additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000) feet.
- O. Bowling alley: Five (5) parking spaces for each alley.
- P. Mortuary or funeral home: One (1) parking space for each fifty (50) square feet of floor space in reposing rooms, parlors, or individual funeral service rooms.
- Q. Restaurant, night club, café or similar recreation or amusement establishment: One (1) parking space for each one hundred (100) square feet of floor area.
- R. Retail store or personal service establishment, except as otherwise specified herein: One (1) parking space for each two hundred (200) square feet of floor area.
- S. Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service, clothing or shoe repair or service shop: Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000) feet.
- T. Printing or plumbing shop or similar service establishment: One (1) parking space for each three (3) persons employed therein.
- U. Manufacturing or industrial establishment, research, or testing laboratory, creamery or dairy products, clothing and fabrics, wood products, bottling plant, warehouse or similar establishment: One (1) parking space for each two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

SECTION 2. COMPUTING REQUIRED PARKING SPACES.

- A. In computing the number of such parking spaces required, this shall be construed to be the nearest whole number, and in the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- B. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

SECTION 3. LOCATION OF PARKING SPACES.

- A. All parking spaces required herein shall be located on the same or adjoining lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments the required off-street spaces may be located not to exceed three hundred

(300) feet from an institutional building served and not to exceed five hundred (500) feet from any other nonresidential building served.

- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement to assure their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and executed by the Village Council and shall be filed with the application for a building permit.

SECTION 4. OFF-STREET LOADING SPACE.

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution of vehicles or materials or merchandise shall provide and maintain on the same premises loading space in accordance with the following requirements:

- A. In the B-2 General Business District and the B-1 Central Business District and in the I Industrial District: One (1) loading space for each ten thousand (10,000) square feet or fraction thereof, of floor area in the building.

ARTICLE XII CONDITIONAL USE REGULATIONS

The Village Council, after public hearing, may by resolution grant a conditional use permit for the following uses in any district, except as herein qualified, from which they are otherwise prohibited by this Ordinance, and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the Comprehensive Plan and to preserve and protect property and property values in the neighborhood. Application procedures, processing of applications and approval or rejection shall be in accordance with Public Act 207 of 1921, as amended.

- A. Amusement park, but not in or within three hundred (300) feet of any R district.
- B. Cemetery or mausoleum.
- C. Greenhouse or nursery.
- D. Hospital or institution not primarily for the mentally ill or those with contagious diseases, provided that not over twenty (20) percent of the total lot area is occupied by buildings and that all the buildings shall be set back from all lot lines a distance of not less than two (2) feet for each one (1) foot of building height.
- E. Nursery school.
- F. Commercial radio tower or broadcasting station.
- G. Mobile home park but only in the R-1 and R-2 Districts, and provided that:
 1. The number of mobile homes shall not exceed the number obtained by dividing the total square foot area of the mobile home park by thirty-two hundred (3200).
 2. Twenty-five (25) feet shall be maintained between mobile homes, and between mobile homes and buildings.
 3. Each mobile home site shall abut or face a concrete or asphalt surfaced driveway, roadway, or street of not less than twenty-four (24) feet in width, which shall have unobstructed access to a public highway or street.
 4. Each mobile home park providing more than four (4) mobile home sites shall provide suitable playground area of not less than three hundred (300) square feet per mobile home.
 5. Each mobile home park shall provide sanitary facilities and water supply in accordance with the standards of and meeting the approval of the Michigan State board of Health and of the Village

Engineer. No special permit for mobile home parks shall be granted until approved by the Michigan State Board of Health and the Village Engineer.

6. Electrical facilities provided to each lot must meet the electrical code requirements. Mobile home parks having ten (10) or more lots must provide an overhead street light or night light operating at night. One (1) street light must be provided for each ten (10) lots or portion thereof within the park.
 7. No certificate of occupancy shall be granted until after certification of compliance with the requirements of the Village Engineer. All special permits of mobile home parks shall be temporary and shall be valid only during the period that the park complies with the requirements of the Village Engineer.
 8. Said mobile home park shall comply with all other applicable State statutes, rules and regulations.
- H. Certain industrial uses in the I District as provided in ARTICLE VIII, Section 1. M.
- I. Removal of gravel, topsoil, or similar natural material with safeguards for the protection of adjoining property and the community as a whole.
- J. Outdoor advertising sign, structure, or billboard, but only in the B-1 or I Districts.
- K. Mobile homes for use as a single family dwellings in R-1 or R-2 Districts provided the following standards are met:
1. Mobile homes shall comply with all Village of Decatur regulations applicable to single family homes except as modified herein, including the dimensional requirements of ARTICLE X hereof.
 2. Each mobile home shall contain a seal or other proof of inspection in compliance with Act. 419 of the Michigan Public Acts of 1976, as amended, and shall comply with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) Regulations entitled, "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended.
 3. No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted and all trailer coaches, mobile homes and pre-manufactured dwelling structures shall be placed on a concrete block or poured foundation wall situated on a below frost line footing completely around the perimeter to protect against the dangers of fire and rodents and to prevent deterioration thereof and prohibit the accumulation of rubbish thereunder.
 4. Said dwelling unit shall have a minimum floor to ceiling height of seven and five tenths (7.5) feet and shall have a minimum width of twenty (20) feet along sixty (60) percent of its longest side.
 5. Said dwelling unit shall be tied down or anchored by an anchoring system or devise compatible with the requirements of the Michigan Mobile Home Commission pursuant to the regulations promulgated under said Act 419 of the Public Acts of 1976, as amended.
 6. Said dwelling unit must contain permanently attached steps connected to exterior door areas or to porches connected to said door areas where a difference in elevation requires same.
 7. Said dwelling unit shall have gabled and shingled roofs with a slope of three (3) feet vertical to twelve (12) feet horizontal or steeper.
 8. Said dwelling unit shall be connected to the public sewer and water supply system if same is available or to such private facilities as shall be approved by the Van Buren County Health Department.
 9. Said dwelling unit must contain no additions of rooms or other areas of any less quality of construction than the original construction and which are not constructed with an appropriate footing, foundation and permanent attachment to the principal structure.
 10. No mobile home may be used for any residential purpose or stored either transiently or permanently, unless in compliance with this ARTICLE. This Section does not limit the parking of travel trailers built for recreational purposes that are self-contained and can be pulled down the highway without a special permit.

**ARTICLE XIII
BOARD OF APPEALS**

SECTION 1. ORGANIZATION.

- A. A Board of Appeals is hereby established. The word “Board” when used in this Section, shall be construed to mean the Board of Appeals. Said Board shall consist of the Village Council of the Village of Decatur, Michigan. The Village President shall act as Chairman of said board.

SECTION 2. PROCEDURE.

- A. The board shall adopt rules for the conduct of its business, establish a quorum and procedures and keep a public record of all findings and decisions. Meetings of the board shall be held at the call of the Chairman and at such other times as the Board may determine. Each session of the Board, at which an appeal is to be heard, shall be a public meeting.
- B. An appeal may be taken to the Board of Appeals by any person, group, or organization, public or private, affected by a decision of the Village Building Official. Such appeal shall be taken within sixty (60) days after the decision by the Village Building Official, by filing with the Village Building Official a notice of appeal specifying the grounds thereof. A fee in an amount to be established from time to time by the Village Council shall accompany the notice of appeal. The Village Building Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

SECTION 3. POWERS AND DUTIES.

The Board of Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Village Building Official in the enforcement of this Ordinance, and may affirm or reverse, in whole or part, said decision of the enforcement officer.
- B. To hear and decide requests for a variance in the strict application of the regulations with respect to a specific lot where, by reason of exceptional narrowness, shallowness or shape thereof or by reasons of exceptional topography or other extraordinary or exceptional situation or condition, strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties and would result in peculiar and exceptional practical difficulties and clearly demonstrable hardship upon the owner of such property, and not a mere inconvenience to the owner. Clear indications must be made by the petitioner that conditions of the specific lot under question are different than any other lot, that these conditions may have existed before adoption of this Zoning Ordinance, and the type of hardship to be sustained. The board shall not permit, as a variance, any use in the district that is not permitted under the Ordinance. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.
- C. To hold public hearings on and decide the following special exceptions of this Ordinance:
1. To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of adoption of this Ordinance.
 2. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon Zoning District Map where the street layout on the ground varies from the street layout as shown on this map.
 3. Permit reconstruction of a non-conforming building otherwise prohibited by ARTICLE IX where such action would not constitute continuation of a monopoly.
 4. Vary the parking regulations by not more than fifty (50) percent where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required

by this Ordinance or where it can be conclusively shown that adequate off-street parking to serve a particular use has been provided by or is controlled by the municipality.

- D. Decision of the Board in respect to the above shall be subject to appeal to the Circuit Court of Van Buren County, Michigan.

ARTICLE XIV

CERTIFICATE OF ZONING COMPLIANCE AND BUILDING PERMITS

SECTION 1. BUILDING PERMIT AND CERTIFICATE OF ZONING COMPLIANCE REQUIRED.

It shall be unlawful to commence or to proceed with the excavation for foundation, erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing or moving of any building or structure, or of any portion thereof, and no occupancy, use or change of use shall take place without first having applied in writing to the Village Building Official for a certificate of Zoning Compliance and a Building Permit, and the same having been granted.

SECTION 2. CERTIFICATE OF ZONING COMPLIANCE.

A Certificate of Zoning Compliance shall be required for any of the following:

- A. Occupancy and use of any building hereafter erected or structurally altered.
- B. Change in use of any existing building to a use of a different classification.
- C. Occupancy and use of vacant land.
- D. Change in the use of land to a use of a different classification.
- E. Any change in the use of a non-conforming use.

SECTION 3. STATEMENT OF CONFORMITY OR NONCONFORMITY.

The Certificate of Zoning Compliance shall state that the building or proposed use of a building or land conforms with all the provisions of this Ordinance, If the building or proposed use of a building or land is nonconforming, the Certificate of Zoning Compliance shall specifically state wherein the nonconforming building or proposed use of a building or land differs from this Ordinance.

SECTION 4. BUILDING PERMITS.

A Building Permit shall be required to excavate for foundation, construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, or construct a sign of any description or to install or alter fire-extinguishing apparatus, elevators, engines, or to install a steam boiler, furnace, heater, incinerator, or other heat producing apparatus, or other appurtenances, or to cause any such work to be done, the installation of which is regulated by the Building Code as adopted by the Village of Decatur.

SECTION 5. APPLICATION FOR PERMIT; SET OF PLANS.

Every application for a Building Permit shall be delivered to the Village Building Official and shall be accompanied by a detailed set of plans, in duplicate, showing the size of the proposed building or structure, its location on the lot, the basic materials of which it is to be constructed and the details and type of construction to be used. On the issuance of a Permit, one set of said plans shall be retained by the Village Building Official as a permanent record and one set shall be returned to the applicant. In cases of any building or structure to be located outside the fire districts, the Village Building Official may, at his own discretion, permit the substitution of a written statement covering the essential information required in place of said plans.

SECTION 6. EXPIRATION OF PERMIT.

Any Building Permit, under which no construction work has been commenced within six (6) months after the date of issuance of said Permit or under which the proposed construction has not been completed within two (2) years of the date of issue shall expire by limitation; and no work or operation shall take place under such permit after such expiration or until a new permit is secured. A Building Permit may be extended, after showing cause for one (1) or more extensions of time for periods of not exceeding ninety (90) days.

SECTION 7. APPLICATION FORMS: RECORDS.

Blank forms shall be provided by the Village Building Official for the use of those applying for permits as provided for in this Ordinance. Any permits issued by the Village Building Official shall be on standard forms for such purpose and furnished by the Village. A careful record of all such applications, plans, and permits shall be kept in the Office of the Village Building Official.

ARTICLE XV ENFORCEMENT, VIOLATION, AND PENALTIES

SECTION 1. ADMINISTRATION; ENFORCEMENT.

It shall be the duty of the person designated by the Village Council as Village Building Official to administer and enforce the regulations contained in this Ordinance.

SECTION 2. VIOLATION; PENALTY.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, or having been served with an Order to Remove any such violation, and who fails to comply with said Order within ten (10) days after such notice, shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine not exceeding five hundred (\$500.00) Dollars, plus costs of prosecution, or by imprisonment in the county jail for a term not exceeding ninety (90) days or by both such fine and imprisonment, in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 3. VIOLATION; ADDITIONAL REMEDIES.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this Ordinance, the Village, in addition to other remedies, may institute an injunction, mandamus, or any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct, or abate such violation to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE XVI INTERPRETATION, PURPOSE, AND CONFLICT

In interpreting and applying the provisions of this Ordinance they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any 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 height of buildings or required larger open spaces than are imposed or required by other Ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

ARTICLE XVII AMENDMENTS AND CHANGES

SECTION 1. AMENDMENT PROCEDURE.

The Village Council may, from time to time, on its own motion or on petition, amend, supplement, change, modify, or repeal by Ordinance the boundaries of districts or regulations or restrictions herein established. Any proposed amendment, supplement, change, modification, or repeal shall first be submitted to the Village Planning Commission, if such exists, for its recommendations and report. If the Village Planning Commission makes no report within thirty (30) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification, or change. Upon the filing of the recommendation and report by the Village Planning Commission with respect to any proposed amendment, supplement, change, modification, or repeal, or if no Village Planning commission exists, the Village Council, shall proceed to hold a public hearing in relation thereto, giving at least fifteen (15) days notice of the time and place of such hearing, which notice shall first be published in a newspaper having a general circulation in the Village of Decatur.

SECTION 2. PROTEST PETITION OR ADVERSE REPORT.

In case of any adverse report by the Village Planning Commission, if such exists, or if a protest petition against such proposed amendment, supplement, change, modification, or repeal shall be presented in writing to the Village Council before final legislative actions is taken, duly signed by the owners of at least twenty (20) percent of the area of land included in the proposed change or by the owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change, exclusive of streets, alleys, and publicly owned land, then and in such an event said proposed amendment, supplement, change, modification or repeal shall not become effective unless passed by a two-thirds (2/3) vote of the Village Council.

SECTION 3. FILING OF PETITIONS; CONTENT.

All petitions desiring a change, amendment, or supplement of the established zoning districts of the Village and regulations connected therewith shall be filed with the Village Clerk by the person requesting such action and such petition shall contain the street address of the petitioner, the lot number of any real estate owned by him adjacent to the area proposed to be changed and shall also contain an accurate legal description of the district of parts or parts of districts proposed to be so altered. Such petition shall also recite facts indicating that the proposed change will not be detrimental but be beneficial to the general public interest and the purposes of this Ordinance and shall further disclose the purpose for which such property is sought to be used.

SECTION 4. FILING PETITION; FEE

A petition for a change in the regulations or districts herein subsequently established shall be filed with the Village Clerk in duplicate. A fee in an amount beestablished from time to time by the Village council shall be paid at the time of filing to cover the cost of publication of notice of hearing on said petition and other costs incidental to such hearing.

**ARTICLE XVIII
APPLICATION FEES**

Application fees as hereinafter set forth shall be paid at the time of application to the Village Clerk of the Village of Decatur, Michigan to partially defray expense of processing said application, to wit:

1. Certificate of Zoning Compliance..... \$ 10.00
2. Application to Rezone \$100.00
3. Application for Conditional Use Permit \$100.00
4. Application for Appeal to Zoning Board of Appeals..... \$100.00

**ARTICLE XIX
VALIDITY**

If any ARTICLE, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

**ARTICLE XX
REPEAL AND CONFLICT**

Ordinance No. 34 and all other Ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

**ARTICLE XXI
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after the first day of August, 1986.

