

Ordinance No. 73 Zoning Ordinance

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An Ordinance to regulate the usage of Property in certain designated areas or zones on the Village.

THE SOUTH RANGE VILLAGE ORDAINS.

CHAPTER I

Title

This ordinance shall be known and referred to as the zoning ordinance.

CHAPTER II

Purpose

The plan of this ordinance is for the purpose of regulating and restricting, for the health, safety, convenience, prosperity and attractiveness of the community, the land-use of certain areas to preserve a more favorable environment, stabilize property values and facilitate traffic and other public requirements.

CHAPTER III

Designation of Areas

In order to promote the general welfare and accomplish the aims and purpose of this plan, the Village Council shall classify the town into districts of such number, shape and area, and of such common adaptability and use deemed most suitable for general civic use and the protection of common rights and interest within each district and the general rights and interest of all, and shall by further regulation limit, the use, location and occupancy of structure and land therein.

CHAPTER IV

Districts

For the purposes of this ordinance the village is hereby divided into the following districts:

- (a) Residential
- (b) Residential-Commercial
- (c) Commercial

CHAPTER V

Regulations of Residential, Residential-Commercial and Commercial Districts

Section (a) USES PERMITTED

No building structure on land, or part thereof, shall be erected, altered or used, in whole or in part, for other than one or more of the following specified uses.

1. One family dwelling
2. Churches
3. Publicly owned and operated parks, schools, playgrounds, or other educational or recreational uses of the public.
4. Educational institutions offering courses of study leading to an academic degree and clubs, lodges, dormitories, fraternities connected therewith, and other necessary uses thereto of services of design and size to cater primarily to

the uses of the main use.

5. Two family dwellings
6. Buildings for public purposes used by the Federal, State, County, Township or Village Governments.
7. Apartments, housekeeping units, tourist homes, multiple family dwellings and boarding houses.
8. Business and professional offices rendering personal service by the owner of, and located in 1), 5) or 7).
9. Signs advertising the main use of the premises and special accessory uses may be placed on the exterior of the building. Ground signs may be placed in the front yard, but not closer than ten (10) feet to the street line, and exceeding (5) five feet in overall area, and are limited to advertising the main use.
10. The building, or a subordinate building or structure, on the same plot, or a part of the main building, which is occupied by, or devoted to a main or accessory use, including garages, may be erected anywhere on the lot, except that they shall not be placed closer to the street than the plumb line of structures on the street abutting that half of the lot on which the structure is to be placed, on either side of said lot.

Section (b) USES PROHIBITED

1. Trailer or Trailers used as a dwelling whether in parks, courts or on private property
2. Billboards or general advertising signs
3. Bulk sales display or storage
4. The erection or maintenance of anything which would constitute nuisance to the adjoining property area
5. Machine shops, mills, manufacturing, canning or such commercial enterprises

CHAPTER VI

Regulation of Residential-Commercial and Commercial Districts

Section (a) USES PERMITTED

All Commercial and business enterprises including any use permitted or prohibited under Chapter V with the exception of Section (b) 4 thereof, which uses shall be prohibited; and by way of specification, but not by way of limitation, the following shall be a prima facie nuisance:

1. Distillation of bones, fat rendering, glue soap or fertilizer manufacturing
2. Manufacture of cement, lime gypsum or storage of explosives or fireworks
3. Oil refineries
4. Junk yards or scrap or salvage yards

CHAPTER VII

Non-Conforming Use

Any lawful use existing, and in use on the enactment date of this ordinance, and which by the terms of this ordinance has become a nonconforming or prohibited use, is hereby declared not to be in violation of this ordinance per se, but shall thereafter be subject thereto pertaining to continuance, extension, change or discontinuance, and the following terms and conditions shall apply thereto:

Section 801. Such repair and maintenance work as are required to keep it in a modern and sound condition are permitted.

Section 802. A non-conforming use may not be extended or exchanged to another non-conforming use.

Section 803. No building structure or premises, where a non-conforming use has ceased for more than one year, shall again be devoted to a non-conforming use.

Section 804. The lawful use of any land or structure exactly such as existed at the time of enactment of this ordinance may be continued, even though such use or structure does not conform with the provisions of this ordinance, provided that a certificate of occupancy is issued for such use or structure, within 120 days of the passage of this ordinance.

Section 805. Application for such certificate shall be in writing to the Council, within sixty (60) days after enactment of this ordinance, and shall set forth the use made of such property, and shall be accompanied by a plat, or sketch, to scale showing the dimensions of the premises to which the certificate will apply in relation to the lines of the lots under ownership or control of the applicant, so that usage will thereafter be of record and defined.

Section 806. The Council shall within sixty (60) days after receipt of such application issue a certificate of occupancy on the representations of said application, if after investigation it is found to have been the use of said property at the time of enactment of this ordinance and is not injurious and opposed to the health, safety and welfare of the area, or the community, as a whole.

Section 807. The certificate of occupancy shall be in force for one year and renewable each year at the time of expiration, without the necessity of a new application, providing no complaints in writing are registered with the Council, that the use being made is in excess of the grant of the certificate, or on other grounds whereby the Council is empowered to refuse the certificate.

Section 808. The Council may refuse to issue a certificate of occupancy as above prescribed or a renewal thereof, on the grounds:

(a) That the application sets forth a usage not in existence at the time of this ordinance and may limit the certificate as the facts of their investigation and determination warrant; or

(b) That the maintenance of the premises has become injurious and opposed to the health, safety and welfare of the area, or the community, as a whole.

Section 809. The existence of the non-conforming use shall not in itself be the sole reason for the refusal of certificates hereunder, and refusal shall be in writing and state the cause therefor.

CHAPTER VIII Certificate of Compliance

Section 901. After the effective date of this ordinance it shall be unlawful to build, construct, or substantially alter, or to use or permit the use of any building, or premises, or any part thereof, or to change or enlarge the use of any building, or premises or part thereof, until a certificate of compliance with the provisions of this ordinance, as provided below, shall have been issued by the Village Council.

Section 902. In any premises where a building, or structure, is to be constructed, erected, or altered, or a new or enlarged use is intended to begin on any premises, an application shall be filed with the Council, setting forth in sufficient detail such information as may be deemed necessary for the proper enforcement of this ordinance by the Council, including a plot or drawing to scale of the premises, the dimensions, lot lines, plumb line of structures on adjoining lots and other details, where the location on the lot is a necessary determination; and also including the use, where that is a necessary determination, and also including the manner of construction, as may be required under ordinance No. 36, the same to be supplemented by an application under this section, and a certificate of compliance under the following section.

Section 903. Whenever the building, premises, alteration, or use thereof, as set forth on the application, are in conformity with the provisions of this ordinance, it shall be the duty of the Council, within forty (40) days after said application is submitted to it at a regular meeting to issue a Certificate of Compliance, or in writing state wherein the application is insufficient and in what respects it should be submitted or resubmitted under this section, or in the alternative, if the Council refuses the same, they shall state in writing the refusal and the cause therefor.

Section 904. Any certificate issued under this section shall be valid if the work thereunder is completed within one year from the issuance date.

Section 905.

a) Whenever, a conforming use by reason of the maintenance of any thing which constitutes any eyesore, a nuisance, or has become injurious to the health, safety and welfare of the area, or the community, as a whole, the Council shall notify the owner, or user of the premises, in writing, of the reasons why such maintenance, or use, has become non-conforming in the opinion of the Council, and such notice shall advise the time and place when the Council will hold a public hearing thereon.

b) Upon said hearing the Council may make such reasonable orders effective, in such reasonable time, as will abate, correct or prevent the non-conforming use.

c) Refusal of the owner, or user, of said premises to comply with the time, or terms, of said orders above made, shall be unlawful and a violation of this ordinance.

CHAPTER IX Districts

The terms, Village as used herein, shall apply to all areas becoming a part of the Village, since the adoption of this Ordinance on March 2, 1972, and shall, by this amendment, be incorporated into this Chapter; Wherefore:

After this date this Chapter shall apply to those areas annexed or acquired or hereafter to be annexed or acquired by South Range as a Village since March 2, 1972, and the Zoning Regulations applicable to the areas to which annexed or acquired areas are contiguous and adjoining shall apply to these newly annexed or acquired areas.

CHAPTER X Board of Appeals

The Council shall, unless it shall later establish a Board of Appeals on Zoning in accordance with Act 207 of the Public Acts of Michigan for 1921, act as a board of appeals upon all questions arising under this ordinance and in addition to its general duties and powers, as such may in specific cases vary or nullify the regulations herein established in harmony with their general purpose and intent.

CHAPTER XI General Provisions

Section 1101. Except where otherwise stated herein, a vote of a majority of the Council elect shall control the acts of the Council hereunder.

Section 1102. Conveyances which create non-conforming uses are forbidden.

Section 1103. The Council may establish districts with regulations designed to limit overcrowding of land and facilitate sanitation, health, safety and general welfare.

Section 1104. The Council may conduct surveys or consult housing authorities for standardization of regulations.

Section 1105. Definitions regarding family occupancy and interpretation of terms are established.

CHAPTER XII Enforcement

Section 1201. The provisions of this ordinance shall be enforced by the Council through the Chief of Police.

Section 1202. Violations may result in fines, imprisonment, nuisance abatement, and each day of violation constitutes a separate offense.

Section 1203. Owners, contractors, agents or other parties knowingly assisting violations may be held liable.

CHAPTER XIII
Amendments

Section 1301. The Council may amend zoning districts and regulations in accordance with Michigan law.

Section 1302. Property owners may petition for amendments, supplements, changes or repeal of district regulations.

CHAPTER XIV
Repealing Chapter

Ordinances Nos. 38, 51, 53, and 96 and all ordinances or parts of ordinances in conflict with the foregoing are hereby repealed.

CHAPTER XV
Validity

Should any section, clause or provisions of this ordinance be declared by a court to be invalid, the same shall not affect the validity of the ordinance as a whole.

CHAPTER XVI
Unlawful Use Not Authorized

Nothing in this ordinance shall be interpreted as authorization for unlawful uses.

CHAPTER XVII

This ordinance enacted this March 2, 1972 shall be effective twenty (20) days from this date.

Geno Lucchesi, President
Elsie Eskola, Clerk

AMENDMENTS

Ordinance 1985-1:
Added minimum residential structure setback requirements and established a maximum structure height limit of 30 feet within residential districts.

Ordinance 1991-4:
Added newly annexed parcels to the Residential zoning classification under the Village Zoning Ordinance.

Ordinance 1992-3:
Added minimum 1,800 square foot residential floor area requirements in residential, residential-commercial, and commercial districts and classified the Whealkate property as Residential zoning.

Ordinance 1995-1:
Rezoned multiple Village parcels and annexed properties between Residential, Residential-Commercial, and Commercial zoning classifications and updated the Village zoning map accordingly.

Ordinance 1997-1:
Amended minimum residential floor area requirements in residential, residential-commercial, and commercial districts by reducing the required minimum size from 1,800 square feet to 1,300 square feet.

Ordinance 2002-2:
Rezoned specified property within the Village from its previous zoning classification to Residential-Commercial and updated the Village zoning map accordingly.

