Zoning Ordinance

Village of Sanford, Michigan

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See updated Zoning Map on Page 101 and Refer to Ordinance Number 46 for the definition of Resource Conservation District adopted in 2023.

CHAPTER 1
DEFINITIONS

SECTION 1.1 CONSTRUCTION OF LANGUAGE

The following rules apply to the text of this Ordinance:

A. The particular shall control the general.
B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
E. A "building" or "structure" includes any part thereof.
F. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
G. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.

    1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
    2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
    3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

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

SECTION 1.2 DEFINITIONS - A

ACCESSORY BUILDING

A subordinate building on the same premises with a main building or portion of a main building and occupied or devoted to an accessory use; for example, a private garage or a storage shed.

ACCESSORY USE, OR ACCESSORY

A use which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. An accessory use shall be located on the same lot as the principal use. When "accessory" is used in this text, it shall have the same meaning as accessory use.

ADULT BOOKSTORE

A building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for sale to patrons therein.

ADULT FOSTER CARE FACILITY

A facility defined as an "adult foster care facility" by the adult foster care facility licensing act, Act No. 218 of the Public Acts of Michigan of 1979 (MCL 400.701 et seq.), as amended, having as its principal function the receiving of adults for foster care, and licensed by the state under the act. An "adult foster care facility" includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an on-going basis, but who do not require continuous nursing care.

ADULT FOSTER CARE FAMILY HOME

A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

ADULT LIVE ENTERTAINMENT THEATER

A building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of "specified anatomical areas," individuals who are partially clothed and partially unclothed so as to permit the view of "specified anatomical areas," or individuals conducting "specified sexual activities."

ADULT MOTION PICTURE THEATER

A building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for observation by patrons therein.

ALLEY

Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic.

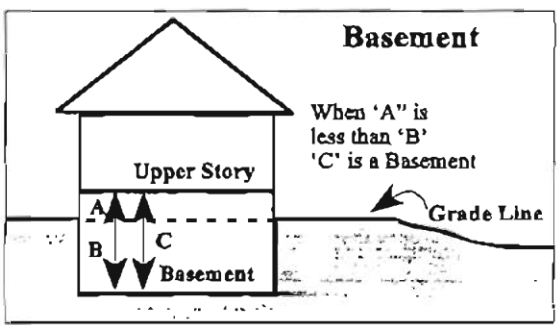
ALTERATIONS

Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders.

SECTION 1.3 DEFINITIONS - B

BASEMENT

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.



BED AND BREAKFAST ESTABLISHMENT

A use within a detached single family dwelling in which transient guests are provided a sleeping room, breakfast, and access to bathing and lavatory facilities in return for payment.

BERM

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

BLOCK

The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

BOARD OR, ZONING BOARD OF APPEALS, OR BOARD OF APPEALS

The Zoning Board of Appeals of the Village of Sanford.

BUFFER STRIP

A strip of land required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier or to block noise, light, and other impacts.

BUILDING

An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support and used for the enclosure of persons, animals, possessions, or the conduct of business activities or other uses.

BUILDING CODE

The code or codes governing the erection and maintenance of buildings as currently adopted by the Village of Sanford.

BUILDING LINE

A line parallel to the street line formed by the face of the building or touching that part of a building closest to the street. For the purposes of this Ordinance, a minimum building line is the same as the front setback. (See also Chapter 13, District Regulations, and Section 2.8 Projections into Yards)

BUILDING OFFICIAL, OR BUILDING INSPECTOR

The person designated by the Village Council to administer the provisions of the adopted Building Codes for the Village of Sanford.

BUILDING SITE

This term shall be used in connection with site condominiums and shall mean either:

A. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
B. The area within the condominium unit (as described above), taken together with any contiguous and appurtenant limited common element.

SECTION 1.4 DEFINITIONS - C

CERTIFICATE OF OCCUPANCY

A document signed by an authorized Village official as a condition precedent to the commencement of a use which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

CHILD CARE CENTER OR DAY CARE CENTER

A facility, other than a private residence, licensed by the Michigan Department of Social Services, in which one (1) or more preschool or school age children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child. Child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

Child care center does not include a Sunday school, a vacation Bible school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.

CITY OR VILLAGE ZONING ACT

Act 207 of the Michigan Public Acts of 1921, as amended.

CLUB

An organization of persons for special purposes such as sports, arts, sciences, literature, politics, or the like, but not operated for profit.

COMMERCIAL STORAGE WAREHOUSE

A building or buildings used primarily as a commercial business for the storage of goods and materials.

CONVALESCENT OR NURSING HOME

A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

COUNCIL, OR VILLAGE COUNCIL

The Village Council of the Village of Sanford.

SECTION 1.5 DEFINITIONS - D

DAY CARE CENTER

See "child care center."

DRIVE-THROUGH BUSINESS

A business establishment so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

DWELLING UNIT

A room, or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family occupancy, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom, and sleeping facilities. In no case shall a motor home, trailer, automobile chassis, tent, or portable building be considered a dwelling. In the case of mixed occupancy, the part of a building occupied as a dwelling shall be deemed the dwelling unit and shall comply with all applicable provisions of this Ordinance for dwellings.

DWELLING, MULTIPLE-FAMILY

A building containing three (3) or more separate dwelling units.

DWELLING, SINGLE FAMILY DETACHED

A building containing only one (1) dwelling unit.

DWELLING, TWO-FAMILY

A building on a single lot containing two (2) separate dwelling units.

SECTION 1.6 DEFINITIONS - E

ERECTED

Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.

ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains,

sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. The term "Essential Public Services" shall not include wireless communication towers, unless located on public property, and used as part of a municipal emergency communications network.

EXCAVATION

Any breaking of ground, except common household gardening and ground care.

SECTION 1.7 DEFINITIONS - F

FAMILY

A person living alone in a single dwelling unit or two (2) or more persons whose domestic relationship is of a continuing, non-transient character and who reside together as a single housekeeping unit in a single dwelling unit. "Family" does not include a collective number of individuals occupying a motel, fraternity, sorority, society, club, boarding, or lodging house, or any other collective number of individuals whose domestic relationship is of a transient or seasonal nature.

FAMILY DAY CARE HOME

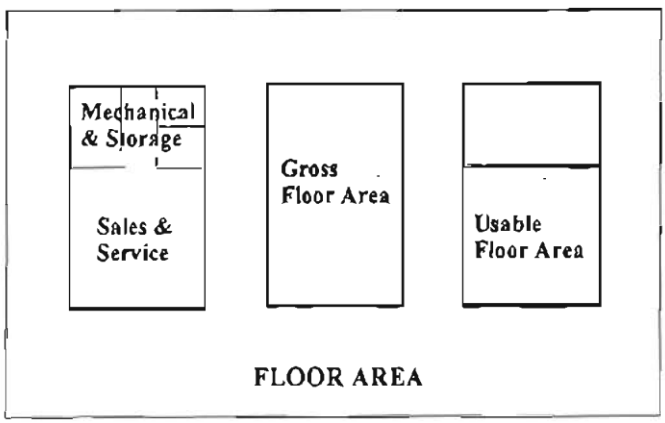
A private home in which one (1) but less than seven (7) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

FLOOR AREA, GROSS

The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls.

FLOOR AREA, USABLE (For the purposes of computing parking)

That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.



FRONTAGE

The continuous linear distance of that portion of a parcel abutting upon a public street right-of-way or private street easement.

SECTION 1.8 DEFINITIONS - G

GARAGE, PRIVATE

An accessory building or portion of a dwelling used primarily for the storage or passenger vehicles by the occupants of the premises.

GRADE

The gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty-five (25) feet in a horizontal distance of one hundred (100) feet would be expressed as a grade of twenty-five percent (25%).

GRADE, AVERAGE

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

GREENBELT

A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance. (See also BERM and BUFFER STRIP).

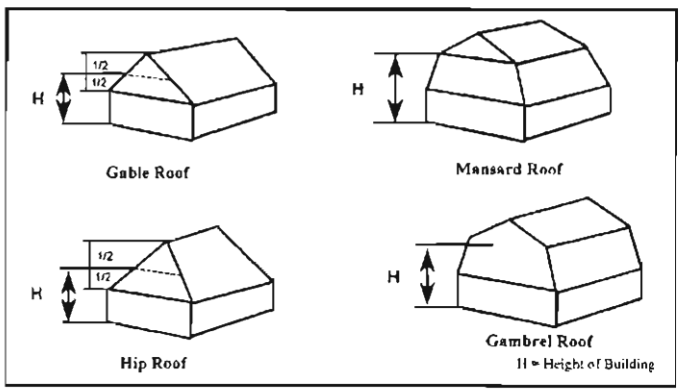
GROUP DAY CARE HOME

A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day-care home includes a home that gives care to unrelated minor children for more than four (4) weeks during a calendar year.

SECTION 1.9 DEFINITIONS - H

HEIGHT

The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and to the midpoint between the eaves and ridge for gable, hip, and gambrel roofs.



HOME OCCUPATION

An occupation or profession carried on within a portion of a dwelling unit that is clearly a customary, incidental, and secondary use of the residential dwelling unit.

HOTEL/MOTEL

A facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms, and recreational facilities.

HOUSING FOR THE ELDERLY

A residential facility that provides room, board and supervised care to unrelated, non-transient individuals 60 years of age or older or couples where either the husband or wife is 60 years of age or older. Such facility shall be licensed as a "home for the aged" by the State Department of Public Health under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq., MSA 14.15 (20101)), as amended. This does not include a development that contains convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

SECTION 1.10 DEFINITIONS - I

INOPERABLE VEHICLE

A motor vehicle which is unlicenced or can no longer propel itself.

SECTION 1.11 . DEFINITIONS - J

JUNK

Any worn out or discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances, and yard waste.

JUNK YARD

An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

SECTION 1.12 DEFINITIONS - K

KENNEL, COMMERCIAL

Any lot or premise on which three (3) or more dogs, cats, or other household pets, four (4) months of age or older, are either permanently or temporarily boarded for commercial purposes. A kennel shall also include any lot or promises where household pets are bred or sold for commercial purposes.

SECTION 1.13 DEFINITIONS - L

LIVING AREA

That portion of a dwelling that is capable of being occupied. "Living Area" is the sum of the various floors measured from the exterior walls, but excluding basements, attics, and garages. Bedrooms located in a basement may be counted toward the required living area, provided each such room contains an egress window meeting the Village building code requirement.

LOADING SPACE

An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading merchandise or materials.

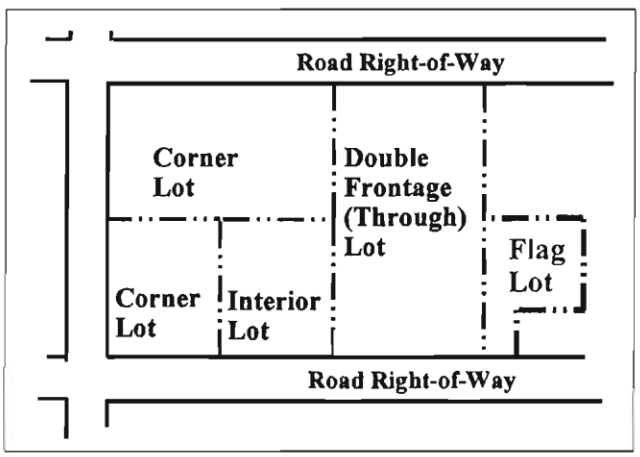
LOT

A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for principal and accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a public easement or right-or-way for highway purposes, and provided that in no case shall a division or combination of properties create a residual lot which does not meet the requirements of this ordinance:

A. A platted lot, or a portion of a platted lot;
B. A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds; or
C. A building site as defined in this ordinance in connection with a site condominium project.

LOT, CORNER

Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two (2) sides are less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than one hundred thirty-five (135) degrees.



LOT, FLAG

A lot with access provided to the bulk of the lot by means of a narrow corridor fronting on a public street.

LOT, INTERIOR

A lot other than a corner lot, flag lot, or through lot.

LOT, THROUGH

Any interior lot having frontage on two (2) parallel streets. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.

LOT, WATERFRONT

A lot having a property line abutting a shoreline.

LOT AREA

The total horizontal area within the lot lines.

LOT COVERAGE

The part of the lot occupied by any building, including accessory buildings.

LOT DEPTH

The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINES

The lines bounding a lot as defined herein:

A. FRONT LOT LINE

In the case of an interior lot, it is the line separating the lot from the street. In the case of a through lot, it is that line separating said lot from either street. In the case of a waterfront lot, the front lot line shall be considered the lot line abutting the water.

B. REAR LOT LINE

That lot line opposite and most distant from the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.

C. SIDE LOT LINE

Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

LOT OF RECORD

A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by municipal or county officials, which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH

The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

SECTION 1.14 DEFINITIONS - M

MAIN BUILDING

A building in which is conducted the principal use of the lot upon which it is situated.

MANUFACTURED HOME

A transportable, factory-built home, designed to be used as a year-round residential dwelling.

MANUFACTURED HOME PARK

A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

MASSAGE PARLOR

Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet one (1) or more of the following criteria:

A. Proof of graduation from a school of massage licensed by the State of Michigan;
B. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three (3) references from massage therapists who are professional members of a massage association referred to in this section;
C. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or,
D. A current occupational license from another state.

MASTER PLAN

The Master Plan currently adopted by the Village of Sanford, including graphic and written proposals, indicating the general location for streets, parks, schools, public facilities, and all physical development of the municipality, and includes any unit or part of such plan and any amendment to such plan.

SECTION 1.15 DEFINITIONS - N

NONCONFORMING BUILDING OR STRUCTURE

A building or structure, the size, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present requirements of the zoning district in which it is located.

NONCONFORMING LOT

A lot, the area, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present lot requirements of the zoning district in which it is located.

NONCONFORMING USE

A use or activity that was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present use regulations of the zoning district in which it is located.

NURSING HOME

A nursing care facility licensed as a "nursing home" by the State Department of Public Health under article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq., MSA 14.15(20101) et seq.), as amended. A "nursing home" as defined by this section shall include extended care facility and convalescent home.

SECTION 1.16 DEFINITIONS - O

OFF-STREET PARKING LOT

A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles.

OPEN AIR BUSINESS

Retail sales establishments operated substantially in the open air, including:

A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sales, repair or rental services.
B. Outdoor display area and sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools and similar activities, but not including farm implements or commercial construction equipment.

C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumberyards.

SECTION 1.17 DEFINITIONS - P

PARKING SPACE

An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERSONAL SERVICE ESTABLISHMENT

A commercial business conducting services that are performed primarily on the premises.

PLANNED UNIT DEVELOPMENT (PUD)

A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PLANNING COMMISSION, OR COMMISSION

The Village of Sanford Planning Commission. In lieu of an officially appointed Planning Commission, the Village Council shall act as Planning Commission for the purposes of this Ordinance

PRINCIPAL USE

The main use to which the premises are devoted.

PUBLIC UTILITY

A person, firm, or corporation, municipal department, board or commission duly authorized to furnish to the public under federal, state or municipal regulations, gas, steam, electricity, sewage disposal, communication (excluding wireless communications), telegraph, transportation, or water.

SECTION 1.18 DEFINITIONS - R

RECREATIONAL VEHICLE OR EQUIPMENT

Vehicles or equipment used primarily for recreational purposes. For the purpose of this Ordinance, recreational vehicle shall mean: 1) A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper; 2) Boats and trailers designed to transport boats; 3) Snowmobiles and trailers designed to transport snowmobiles; 4) Off-road vehicles and trailers designed to transport off-road vehicles; 5) Pop-up tent and camper trailers; 6) Other similar vehicles deemed by the Zoning Administrator to be a recreational vehicle. This term shall not

include motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use.

SECTION 1.19 DEFINITIONS - S

SALVAGE YARD

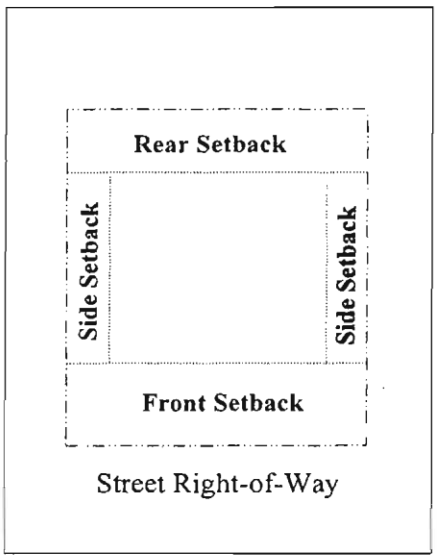
An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

SATELLITE DISH ANTENNA

An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

SECONDARY STREET

The secondary street shall be the street on a corner lot which is not fronting on the street which is considered as the street for the determination of the front yard.



SETBACK

The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

SIGN

A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public. (See also Sec. 14.3 B.)

SIGNIFICANT NATURAL FEATURE

A natural area as designated by the Planning Commission, Village Council, or the Michigan Department of Natural Resources which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, river, lake, or other unique natural features.

SPECIFIED ANATOMICAL AREAS

A. Less than completely and opaquely covered human genitals, pubic region, buttock and female

breast below a point immediately above the top of the areola; and

B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

A. Human genitals in a state of sexual stimulation or arousal;
B. Acts of human masturbation, sexual intercourse or sodomy;
C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STATE LICENSED RESIDENTIAL FACILITY (6 OR FEWER PERSONS)

A structure constructed for residential purposes that is licensed by the State pursuant to the adult foster care facility licensing act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the child care organizations act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 et seq., as amended), which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care. A "state licensed residential facility (six or less persons)" as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

STORY

That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STORY, HALF

An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purpose of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

STREET, PRIVATE

An undedicated, privately controlled and maintained right-of-way designed and maintained in compliance with the provisions of this Ordinance which provides access to abutting property.

STREET, PUBLIC

A public dedicated right-of-way other than an alley, which affords the principal means of access to abutting property.

STRUCTURE

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

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50)

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

SECTION 1.20 DEFINITIONS - T

TRUCK TERMINAL

A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi trailers, including tractor and/or trailer units and other trucks, are parked or stored.

SECTION 1.21 DEFINITIONS - V

VEHICLE SERVICE STATION

Building and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories and including the customary space and facilities for the installation of such commodities, including storage, minor repair, and servicing but not including vehicle repair as defined herein.

VEHICLE REPAIR

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

VEHICLE WASH

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

SECTION 1.22 DEFINITIONS - W

WASTE DUMPSTER

A container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

WIRELESS COMMUNICATIONS TOWER, COMMERCIAL

A structure designed and constructed to support one (1) or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

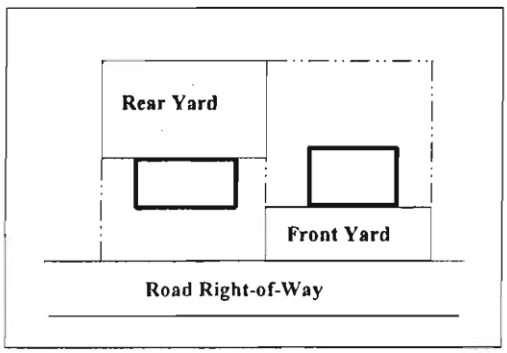
SECTION 1.23 DEFINITIONS - Y

YARDS

The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

A. FRONT YARD

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building.

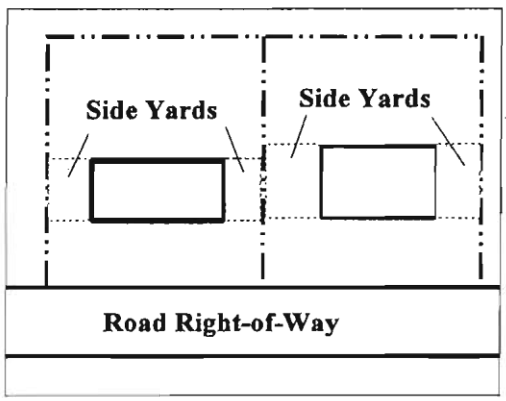


B. REAR YARD

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

C. SIDE YARD

An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.



YARD, REQUIRED

The required yard shall be that set forth as the minimum yard setback requirement for each district.

SECTION 1.24 DEFINITIONS - Z

ZONING ADMINISTRATOR

The person designated by the Village Council to administer the provisions of this Zoning Ordinance.

CHAPTER 2
GENERAL PROVISIONS

SECTION 2.1 NON-CONFORMING LOTS, BUILDINGS AND STRUCTURES, AND USES

A. Intent

1. It is recognized that there exist in zoning districts certain lots, buildings and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit legal non-conforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.
2. Non-conforming lots, buildings and structures, and uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located. It is the intent of this Ordinance that these non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
3. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.

B. Non-conforming Lots of Record

1. Where a residential lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, such lot of record may be used for any purposes permitted by the district in which the lot is located, provided that the lot meets at least eighty (80) percent of the required lot area, lot width, and side yard required by that district and further provided that any building or structure constructed on the lot complies with all other yard setback requirements.
2. If two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

C. Non-conforming Uses

1. No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance.
2. No part of any non-conforming use shall be moved unless such movement eliminates the non-conformity.
3. If a non-conforming use is abandoned for any reason for a period of more than one hundred eighty (180) days, any subsequent use shall conform to the requirements of this Ordinance. A non-conforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the non-conforming use:

a. Utilities, such as water, gas and electricity to the property, have been disconnected;
b. The property, buildings, and grounds, have fallen into disrepair;
c. Signs or other indications of the existence of the non-conforming use have been removed;
d. Equipment or fixtures necessary for the operation of the non-conforming use have been removed;
e. Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the non-conforming use.

4. A non-conforming use may be changed to another non-conforming use provided that all of the following determinations are made by the Board of Appeals:

a. The proposed use shall be as compatible or more compatible with the surrounding neighborhood than the previous non-conforming use.
b. The proposed non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous non-conforming use.
c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.

D. Non-conforming Buildings and Structures

1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No such building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is non-conforming by fifty (50) percent or less of the distance required by this Ordinance. Only in these cases may the non-conforming setback be extended along the same plane as the existing non-conforming setback, provided that in so doing, the setback itself is not further reduced.
b. Should a non-conforming building or structure be destroyed to an extent of more than sixty (60) percent of its replacement value (defined as two (2) times the current state equalized value), exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.
c. Should a non-conforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this Ordinance.

2. None of the provisions of this Section are meant to preclude normal repairs and maintenance on any non-conforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.

E. The Village may acquire, through purchase or condemnation, private non-conforming, buildings, structures, or land. The Village Council may make this purchase of private property in the manner provided for by law.

SECTION 2.2 ACCESSORY BUILDINGS, STRUCTURES, AND USES

A. Accessory Buildings - General

1. Where an accessory building is attached to a main building, it shall conform to all regulations of this Ordinance applicable to the main building.
2. Accessory buildings shall not be located in any front yard, unless otherwise permitted by this ordinance.
3. Accessory buildings shall not be permitted on a lot or parcel which does not have a main use or building.

B. Accessory Uses - General

1. Accessory uses are permitted only in connection with, incidental to, and on the same lot with a main use which is permitted in the particular zoning district. No accessory use may be placed on a lot without a main use.
2. An accessory use must be in the same zoning district as the main use on a lot.
3. No accessory use shall be occupied or utilized unless the main structure to which it is accessory is occupied or utilized.
4. Accessory uses shall not be permitted in the front yard.

C. Residential Accessory Buildings and Structures

Accessory buildings shall be permitted within the R-1, R-2, and RM-1 Districts or with any residential use provided that the following restrictions are met:

1. No more than two (2) detached accessory buildings shall be permitted on any residential lot.
2. The combined area of all accessory buildings shall not exceed fifty (50) percent of the total living area of the dwelling.
3. The total area occupied by all accessory buildings shall not exceed twenty (20) percent of the rear yard area.
4. Accessory buildings in excess of one hundred (100) square feet must be designed, constructed, and finished such that the exterior appearance is similar to that of the main building.
5. No detached accessory building shall be located closer than ten (10) feet to any main building. Accessory buildings shall not be closer than five (5) feet to the side and rear property line.
6. No accessory building shall exceed fourteen (14) feet in height.

D. Other District Accessory Buildings and Structures

Accessory buildings shall be permitted within the OS-1, B-1, B-2, and 1-1 Districts provided that the following restrictions are met:

1. No more than two (2) detached accessory buildings shall be permitted on any lot.
2. The combined area of all accessory buildings shall not exceed twenty-five (25) percent of the floor area of the main buildings.
3. Detached accessory buildings shall meet all setback requirements for the zone district in which they are located.
4. No detached accessory building shall be located nearer than ten (10) feet to any main

building.

5. No accessory building shall exceed the permitted height for main buildings in the district in which it is located.

E. Accessory Buildings and Structures on Waterfront Lots

One (1) accessory building may be constructed within the required setback from the ordinary high water mark on any waterfront lot, provided it is no larger than twenty-four (24) square feet and eight (8) feet in height. The area of such accessory building shall be counted toward the total number and area allowed for all accessory buildings on the property. Any other accessory building or structure shall otherwise comply with the applicable requirements of Section 2.2.

SECTION 2.3 FENCES

A. Fences in Residential Districts shall not exceed six (6) feet in height, measured from the surface to the uppermost portion of the fence.

B. Fences erected within the front yard in any district shall not exceed three (3) feet in height. Fences within the front yard shall be of a type which is not more than twenty-five (25) percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.

C. Fences in Residential Districts or enclosing residential uses shall not contain barbed wire or be electrified.

D. Fences in Business and Industrial Districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence shall not be nearer than six (6) feet from the surface of the ground. The total height of fences in any non-residential district shall not exceed eight (8) feet.

E. Fences shall not be erected within any public right-of-way in any district.

F. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection.

G. Fences shall not be erected within two (2) feet from a sidewalk, where the sidewalk is within the public right-of-way.

SECTION 2.4 REQUIRED ACCESS

Any lot created shall have frontage upon a public street equal to that required by the zone district in which it is located.

SECTION 2.5 MAIN BUILDING OR USE

No more than one (1) main building or use may be located on a parcel, except for groups of related industrial or commercial buildings, or multiple family dwellings contained within a single, integrated complex, sharing parking and access.

SECTION 2.6 PROJECTIONS INTO YARDS

A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project no further than two (2) feet into a required front, rear, or side yard.

B. An open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning may project no further than ten (10) feet into a required front yard, no further than fifteen (15) feet into a required rear yard, and shall not project into a required side yard. In no case shall a porch, deck, balcony or awning be placed closer than five (5) feet to any front or rear lot line, with the exception of the B-1 Central Business District where the porch, deck, balcony or awning may extend to the lot line.

C. Any porch, terrace, deck, or balcony which is enclosed shall meet the minimum setback requirements of the main building or accessory building to which it is attached.

SECTION 2.7 ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district; it being the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this Ordinance. (See definitions for "Essential Public Services" and "Public Utility.")

SECTION 2.8 BUILDING HEIGHT EXCEPTIONS

The building height restrictions of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, broadcast transmission towers and antennas, water tanks, public monuments, church spires, and penthouses or roof structures housing necessary mechanical appurtenances, subject to Section 2.2. Individual, privately owned, non-commercial, television aerials and amateur radio and wireless masts are exempt to a height of one hundred (100) feet.

SECTION 2.9 REQUIRED AREA OR SPACE

A. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.

B. Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other main building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provisions of this Ordinance concerning required yards.

SECTION 2.10 REGULATIONS APPLICABLE TO SINGLE-FAMILY DWELLINGS OUTSIDE MANUFACTURED HOME PARKS

Any single-family dwelling on a lot, whether constructed and erected or a manufactured home, shall be permitted only if it complies with all of the following requirements:

A. If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Dept. of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or used

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

B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the Village, provided, however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different from those imposed by Village codes, then and in such event such federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.

C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yard and maximum building height requirements of the zoning district in which it is located.

D. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.

E. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.

F. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.

G. The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of twenty (20) feet.

H. Storage area shall be provided within a building, with an area of no less than one hundred twenty (120) square feet. This storage area may consist of a basement, closet area, attic or attached garage in a main building, or in a detached accessory building which is in compliance with all other applicable provisions of Section 3.2.

I. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade.

J. The pitch of the main roof of the dwelling unit shall not be less than three (3) feet of rise for each twelve (12) feet of horizontal run, and shall have not less than a six (6) inch overhang.

K. The exterior finish of the dwelling unit shall not cause reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.

L. The dwelling unit shall be so placed on the lot that the portions nearest the principal street frontage are at least thirty (30) feet in dimension parallel to the street.

M. The dwelling unit shall have no less than two (2) exterior doors, with one (1) being in either the rear or the side of the dwelling unit.

SECTION 2.11 ILLEGAL DWELLINGS

The use of any portion of a garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the Village building code and other applicable regulations. In no case, shall any living space located in a basement be counted toward the required floor area for the

district in which it is located.

SECTION 2.12 CONSTRUCTION BUILDINGS AND STRUCTURES

Construction buildings and structures, including trailers, incidental to construction work on a lot, may be placed on such lot, subject to the following restrictions:

A. Construction buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation facilities, related to construction activity on the same lot.
B. No construction building or structure shall be used as a dwelling unit.
C. A building permit shall be issued by the Building Inspector prior to installation of a construction building or structure.
D. Construction buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Building Inspector for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.

SECTION 2.13 PERMITTED FRONT SETBACK REDUCTIONS

A. Where the established front yards for existing main buildings in the vicinity of, and in the same zoning district as, a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of existing main buildings on the same side of the street and entirely or partially within two hundred (200) feet of the side lot lines of the subject lot, subject to subsections B and C, below.
B. The front yard reduction permitted in subsection A, above shall only be permitted if there are two (2) or more lots occupied by main buildings within the area described for computing the average front yard.
C. In no case shall the front yard setback resulting from the application of these provisions, be less than fifteen (15) feet.

SECTION 2.14 KEEPING OF ANIMALS

A. The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any Residential District. However, no more than three (3) dogs or cats, four (4) months of age or older, in any combination thereof, shall be kept or housed in or at one (1) dwelling unit.
B. The keeping of animals not normally considered household pets, including, but not limited to, horses, pigs, sheep, cattle, and poultry is prohibited in all zoning districts.

SECTION 2.15 WATER AND SANITARY SEWER SERVICE

No structure for human occupancy shall, after the effective date of this Ordinance, be erected, altered or moved upon any lot or premises and used in whole or part for dwelling, business, industrial or recreation purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial waste. Such installations and facilities shall conform with the minimum requirements for such facilities set forth by the State of Michigan Health Department, the Midland County Health Department, and the Subdivision

Regulations, Building Code and water and sewer ordinances of the Village of Sanford.

SECTION 2.16 CORNER LOTS

A. A corner lot shall have two (2) front lot lines: a principal front lot line and a secondary front lot line. The principal front lot line shall be the shorter of the two (2) lot lines. Where the lot lines are of equal length, and/or the principal front lot line is not evident, then the Zoning Administrator shall determine the principal front lot line.

B. General Provisions

1. The required front setback shall be measured from both the principal and secondary front lot lines. For a corner lot with three (3) front setbacks, the remaining setback shall be a rear setback.
2. The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the principal front lot line.
3. The width of a corner lot shall be determined by the entire length of that front lot line which is opposite the rear lot line

C. Office, Business, and Industrial Zoning Districts

For a corner lot which is completely within an OS-1, B-l, or B-2 Zoning District, the setback along the secondary street(s) shall not be less than thirty (30) feet. All other setbacks shall comply with the minimum setback requirements of the zoning district within which the lot is located.

SECTION 2.17 REQUIRED GREENBELTS/BUFFERS

In order to provide protective screening for residential areas adjacent to or near non-residential areas, a landscaped greenbelt shall be provided by the non-residential property owners. Such greenbelt shall be a strip of at least ten (10) feet in width which is planted and maintained with evergreens, such as spruce, pines, or firs at least five (5) feet in height and fifteen (15) feet on-center, or a hedge of evergreens at least four (4) feet in height, situated so as to provide an effective sound and visual buffer. The portion of the greenbelt not covered by such trees or hedges shall be planted with grass or other living material and kept in a healthy growing condition, neat and orderly in appearance. Any shrubs, bushes, or other plants which project into or across adjacent land may be trimmed back to the property owner by the adjacent property owner. Such greenbelt shall be provided along the property line separating the non-residential use from the adjacent residential district. Where it is determined by the Village Council that insufficient area is available to provide the required greenbelt, a six (6) foot high, sight-obscuring fence may be substituted.

SECTION 2.18 HOME OCCUPATIONS

A. Home occupations shall be approved by the Zoning Administrator, who may issue an approval upon receipt of a letter from the applicant stating his or her intent to comply with the requirements of this Section.

B. No persons other than members of the immediate family residing on the premises and one (1)

other person shall be engaged in such occupation.

C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty (20) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of the main building.

E. The home occupation shall be operated entirely within the principal dwelling and not within any detached accessory building or structure.

F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.

G. No equipment or process shall be used in such a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

SECTION 2.19 WIRELESS COMMUNICATIONS TOWERS

A. Commercial wireless communications towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot where approved pursuant to the provisions of the ordinance.

B. A privately owned, non-commercial tower may be erected as an accessory use in any district, provided such tower does not exceed one hundred (100) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.

CHAPTER 3
ZONING DISTRICTS - GENERAL

SECTION 3.1 DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the Village of Sanford is hereby divided into the following zoning Districts:

CURRENT DISTRICT DESIGNATION		PREVIOUS ORDINANCE DESIGNATION	
R-1	Single Family Residential District	A	One Family Residential District
R-2	Single and Two Family Residential District	B	One and Two Family Residential District
RM-1	Multiple Family Residential District		
RM-2	Manufactured Home Park District		
OS-1	Office/Service District		
B-1	Community Business District		
B-2	General Business District	C	Commercial
		D	Farm
I-1	Industrial District	E	Industrial

SECTION 3.2 DISTRICT BOUNDARIES

A. Boundaries

The boundaries of the districts listed in Section 2.1 are hereby established as shown on the Village of Sanford Zoning Ordinance Map, which is part of this Ordinance.

B. Interpretation of District Boundaries

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines or Village limits shall be construed as following such lot lines or Village limits.
3. Boundaries indicated as following the river shall be construed to be the center of the river.
4. Boundaries indicated as parallel to or extensions of features indicated in Section 2.2, B, 1-3, shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
5. Where physical or natural features existing on the ground differ from those shown on the Zoning Map, or in other circumstances not covered by this Section, the Zoning Administrator shall interpret the district boundaries.

6. For the sake of map clarity, various districts may not cover public rights-of-way. It is intended that such district boundaries extend to the center of any public right-of-way.

SECTION 3.3 ZONING OF ANNEXED AREAS

A. Whenever any area is annexed to the Village of Sanford, one (1) of the following rules shall apply:

1. Land zoned previous to annexation shall be a district of the class to which it most nearly conforms under this Ordinance. The Planning Commission shall recommend the classification to the Village Council, who shall determine by resolution the zoning classification into which the property will be placed.
2. Land not zoned prior to annexation shall be automatically classified as an R-1 District until a Zoning Map for the area has been adopted by the Village Council. The Planning Commission shall recommend the appropriate zoning districts for such area within three (3) months after the Village Council shall have referred the matter to the Commission.

SECTION 3.4 ZONING OF VACATED AREAS

Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two (2) different Districts, the area is divided along a line half way between them according to the adjacent zone, unless the Village Council shall otherwise designate.

CHAPTER 4
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 4.1 INTENT

This District is intended to provide a low-density, single family residential living environment and to foster stable, high quality neighborhoods consistent with Sanford's small town character. At the same time the regulations for this district recognize the need to preserve existing housing stock, allow infill development within older subdivisions, and provide housing that is affordable for the present and future residents of Sanford. Non-residential uses are only allowed to the extent that they serve to further the creation of stable residential neighborhoods.

SECTION 4.2 PERMITTED USES

No land and/or buildings in the R-1 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

A Single-family detached dwellings.
B. Family day care homes.
C. State licensed residential family care facilities.
D. Accessory buildings, structures, and uses.
E. Home occupations.

SECTION 4.3 SPECIAL LAND USES

No land and/or buildings in the R-1 District may be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15:

A. Utility and public service buildings, without storage yards.
B. Private non-commercial and public recreation areas or community recreation centers.
C. Churches (including schools and day care centers).
D. Golf courses or country clubs.
E. K-12 schools, provided such schools are not operated as commercial enterprises.
F. Bed and breakfast establishments.
G. Cemeteries.
H. Site condominiums for single-family homes.
I. Kennels.

SECTION 4.4 SITE DEVELOPMENT REQUIREMENTS

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

A. Site Plan Review is required for all Special Land Uses in accordance with Chapter 14, Section 14.1.
B. Parking is required in accordance with Chapter 14, Section 14.2.
C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 13:
E. No structure shall have an open or covered stairway outside the regular framework of the house, except those which provide access to patios, exterior decks, and other similar features.

CHAPTER 5
R-2 SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

SECTION 5.1 INTENT

This District is intended to provide a moderate density, single and two family residential living environment and to foster stable, high quality neighborhoods while providing for additional variety in housing opportunities and choices. At the same time the regulations for this District recognize the need to preserve existing housing stock, allow infill development within older subdivisions, and provide housing that is affordable for the present and future residents of Sanford. Non-residential uses are only allowed to the extent that they serve to further the creation of stable residential neighborhoods.

SECTION 5.2 PERMITTED USES

No land and/or buildings in the R-2 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

A. Any permitted use in the R-1 District.
B. Two-family dwellings, including conversions of existing single family detached dwellings to two family dwellings, provided all applicable requirements for living area, lot size, and setbacks are met.

SECTION 5.3 SPECIAL LAND USES

No land and/or buildings in the R-2 District shall be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15.

A. Any Special Land Use permitted in the R-1 District, excluding kennels.

SECTION 5.4 SITE DEVELOPMENT REQUIREMENTS

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

A. Site Plan Review is required for all Special Land Uses in accordance with Chapter 14, Section 14.1.
B. Parking is required in accordance with Chapter 14, Section 14.2.
C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 13:
E. No structure shall have an open or covered stairway outside the regular framework of the house, except those which provide access to patios, exterior decks, and other similar features.

CHAPTER 6
RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 6.1 INTENT

Consistent with the Village's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all groups, this District is intended to provide areas for two family and multiple family residential living environment to provide for additional variety in housing opportunities and choices. The RM-1 District should also provide high-quality residential dwellings. The regulations for this district recognize the need to provide affordable housing opportunities. Non-residential uses are only allowed to the extent that they serve to further this end.

SECTION 6.2 PERMITTED USES

No land and/or buildings in the RM-1 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

A. Any permitted use in the R-2 District.
B. Multiple family dwellings.

SECTION 6.3 SPECIAL LAND USES

No land and/or buildings in the RM-1 District shall be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15:

A. Any Special Land Use permitted in the R-2 District.
B. Housing for the elderly.
C. Commercial day care.
D. Commercial radio and television and wireless communication towers.

SECTION 6.4 SITE DEVELOPMENT REQUIREMENTS

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

A. Site Plan Review is required for all Special Land Uses in accordance with Chapter 14, Section 14.1.
B. Parking is required in accordance with Chapter 14, Section 14.2.
C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 13:
E. No structure shall have an open or covered stairway outside the regular framework of the house, except those which provide access to patios, exterior decks, and other similar features.

CHAPTER 7
RM-2 MANUFACTURED HOME PARK DISTRICT

SECTION 7.1 INTENT

Consistent with the Village's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all groups, the Manufactured Home Park District is intended to provide regulations for manufactured home residential developments to provide for additional variety in housing opportunities and choices.

SECTION 7.2 PERMITTED USES

No land and/or buildings in the RM-2 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

A. Manufactured homes located in a state-licensed manufactured home park.
B. Manufactured home parks in accordance with the requirements of Section 7.5.
C. Family day care homes.
D. State licensed residential family care facilities; provided that such facility is not located closer than one thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
E. Accessory buildings, structures, and uses.
F. Home occupations.

SECTION 7.3 SPECIAL LAND USES

No land and/or buildings in the RM-2 District shall be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15.

A. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
B. State licensed residential group home care facilities.
C. Commercial radio and television and wireless communication towers.

SECTION 7.4 SITE DEVELOPMENT REQUIREMENTS

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

A. Site Plan Review is required for Manufactured Home Parks and all Special Land Uses in accordance with Chapter 14, Section 14.1.
B. Parking is required in accordance with Chapter 14, Section 14.2.
C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.

SECTION 7.5 LICENSED MANUFACTURED HOME PARKS

A. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.

B. The parking of more than one (1) manufactured home on a single parcel of land or on two (2) or more adjoining parcels of land under common ownership shall be illegal in the Village of Sanford, irrespective of the requirements of any other ordinance of the Village of Sanford, unless such parcel or parcels of land shall have been approved as a licensed manufactured home park under the provisions of this Chapter.

C. All applications for manufactured home parks must be approved by the Village Council, upon the recommendation of the Planning Commission, in accordance with the provisions of this Section.

D. The Planning Commission and Village Council shall consider the conformance of the manufactured home park with the adopted rules of the Mobile Home Commission of the State of Michigan and the following additional standards:

1. Whether the proposal is in accordance with the Village of Sanford Master plan.
2. Whether the density of the proposed development could adversely affect adjacent properties and land uses.
3. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
4. Whether the proposed development produces excessive demands on available fire and police protection or other community services.
5. Whether the traffic characteristics of the proposed development may create a hazard or place an excessive burden on adjacent public roads or pedestrian facilities.

E. Manufactured Home Sales

1. No person desiring to rent a dwelling unit site shall be required, as a condition of such rental, to purchase a manufactured home from the owner or operator of the manufactured home park as long as the manufactured home intended to be located on such site conforms in size, style, shape, price, or other such requirements as may be required by any reasonable manufactured home park rules and regulations.
2. Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home lot by the individual owner or his agent, or those home occupants as permitted in this Ordinance, provided that a manufactured home commercial sales lot shall not be permitted in conjunction with any manufactured home park.

CHAPTER 8
OS-1 OFFICE/PERSONAL SERVICE DISTRICT

SECTION 8.1 INTENT

This District is intended to accommodate uses which can provide office and personal services to the residents of Sanford. The uses established in this District are intended to be of a low intensity nature, of appropriate scale and appearance, and are to be generally compatible with most other uses, including residential uses. Among other purposes, this District may serve as a transitional area between residential and commercial or industrial districts, and between major thoroughfares and residential districts.

SECTION 8.2 PERMITTED USES

No land and/or buildings in the OS-1 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

A. Office buildings for any of the following occupations:

   1. Executive, administrative, professional, accounting, drafting, and other similar professional activities, as determined by the Zoning Administrator.
   2. Medical and dental offices, including clinics, but not veterinary offices.

B. Banks, credit unions, post office, savings and loan associations, and other similar uses as determined by the Zoning Administrator, exclusive of drive-through facilities.
C. Personal service establishments conducting services on the premises, including barber and beauty shops, travel agencies, photographic studios, interior design studios, and other similar uses, as determined by the Zoning Administrator.
D. Child care centers.
E. Municipal buildings, and public utility offices, but not including storage yards, transformer stations, exchanges or substations.
F. Accessory buildings, structures, and uses.

SECTION 8.3 SPECIAL LAND USES

No land and/or buildings in the OS-1 District may be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15.

A. Funeral homes and mortuary establishments.
B. Restaurants, exclusive of drive-through facilities.
C. Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, having drive-through facilities.
D. Commercial radio and television and wireless communication towers.

SECTION 8.4 SITE DEVELOPMENT REQUIREMENTS

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

A. Site Plan Review is required for all Special Land Uses in accordance with Chapter 14, Section 14.1.
B. Parking is required in accordance with Chapter 14, Section 14.2.
C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.

D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 13:

E. The outdoor storage of goods or materials is prohibited.

F. Warehousing or indoor storage of goods or material, beyond that normally incidental to the above permitted uses, shall be prohibited.

CHAPTER 9
B-1 CENTRAL BUSINESS DISTRICT

SECTION 9.1 INTENT

This District is intended to accommodate uses which can provide office, personal services, and convenience (day-to-day) commercial goods to the residents of Sanford. The uses established in this District are intended to be of a low intensity nature, of appropriate scale and appearance, and are to be generally compatible with most other uses, including residential uses.

SECTION 9.2 PERMITTED USES

No land and/or buildings in the B-1 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

A. Any permitted use in the OS-1 District.
B. General retail businesses catering to the needs of the community such as, but not limited to, grocery stores, pharmacies, furniture stores, clothing, dry goods, notions, sporting goods, or hardware.
C. Indoor recreational and entertainment facilities, such as theaters, bowling lanes, billiard parlors, skating rinks, and similar uses as determined by the Zoning Administrator.
D. Commercial schools including, but not limited to, dance, music, trade, martial arts.
E. Restaurants, excluding drive-ins.
F. Health and physical fitness salons.

SECTION 9.3 SPECIAL LAND USES

No land and/or buildings in the B-1 District shall be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 17.

A. Any Special Land Use permitted in the OS-1 District.
B. Offices and showrooms of plumbers, electricians, decorators, or similar trades.
C. Vehicle service stations.
D. Vehicle repair.
E. Dwelling units in the same building with commercial uses.
F. Business establishments with a drive-through window such as a pharmacy or convenience store, but not including drive-in restaurants.
G. Building supply and equipment establishments, including sheet metal fabricating and pipe welding incidental to the main business.

SECTION 9.4 SITE DEVELOPMENT REQUIREMENTS

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

A. Site Plan Review is required for all Special Land Uses in accordance with Chapter 14, Section 14.1.
B. Parking is required in accordance with Chapter 14, Section 14.2.
C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 13:
E. The outdoor storage of goods or materials is prohibited.

CHAPTER 10
B-2 GENERAL BUSINESS DISTRICT

SECTION 10.1 INTENT

This District is intended to accommodate uses which can provide office, personal services, convenience (day-to-day), and comparison commercial goods for visitors to and residents of Sanford. It will be established primarily in high traffic, arterial locations.

SECTION 10.2 PERMITTED USES

No land and/or buildings in the B-2 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

A. Any Permitted Use in the B-1 District.
B. Any retail business whose principal activity is the sale of merchandise within an enclosed building.

SECTION 10.3 SPECIAL LAND USES

No land and/or buildings in the B-2 District shall be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15.

A. Any Special Land Use permitted in the B-1 District.
B. Vehicle repair.
C. Vehicle wash establishments.
D. New and used vehicle sales facilities, including vehicle repair.
E. Hotels and motels.
F. Utility and public service buildings, without storage yards.
G. Open air businesses and outdoor display areas.
H. Plant nurseries and greenhouses.
I. Veterinary hospitals and clinics.
J. Drive-through restaurants.
K. Building supply and equipment establishments.

SECTION 10.4 SITE DEVELOPMENT REQUIREMENTS

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

A. Site Plan Review is required for all Special Land Uses in accordance with Chapter 14, Section 14.1.
B. Parking is required in accordance with Chapter 14, Section 14.2.
C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 13:

CHAPTER 11
I-1 INDUSTRIAL DISTRICT

SECTION 11.1 INTENT

This District is intended to accommodate wholesale, warehousing, manufacturing, storage, and other industrial-related uses.

SECTION 11.2 PERMITTED USES

No land and/or buildings in the I-1 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

A. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities, as determined by the Zoning Administrator.
B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
C. Research and development facilities, including production activities.
D. Wholesale establishments.
E. The manufacture, compounding, processing, packaging, warehousing, or treatment of such products as foodstuffs (excepting slaughterhouses or other similar uses), cosmetics, pharmaceuticals, pottery or other ceramic products, musical instruments, toys, furniture, molded rubber products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge, and machine shops, excluding stamping operations.
F. Laboratories (experimental, film, or testing).
G. Dry-cleaning and laundry establishments performing cleaning operations on the premises, excluding retail/service operations.
H. Trade or industrial schools.
I. Utility and public service buildings, including storage yards.
J. Contractor's showrooms and storage yards.
K. Child care centers.
L. Accessory buildings, structures, and uses.
M. Metal fabrication.

SECTION 11.3 SPECIAL LAND USES

No land and/or buildings in the I-1 District shall be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15.

A. Vehicle repair.
B. Lumber and planing mills.
C. Metal plating, buffing, and polishing.
D. Commercial storage warehouses.
E. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping press operations.
F. Recycling centers.
G. Adult bookstores, adult live entertainment theaters, adult motion picture theaters, and massage parlors.
H. Junk yards.
I. Truck terminals.

J. Outdoor storage, handling, and assembly of products and materials.
K. Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris.
L. Production, refining, or storage of petroleum or other flammable liquids.
M. Municipal water and wastewater treatment facilities.
N. Dog kennels.
O. Veterinary hospitals and clinics.
P. Commercial radio and television and wireless communication towers.

SECTION 11.4 SITE DEVELOPMENT REQUIREMENTS

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

A. Site Plan Review is required for all Special Land Uses in accordance with Chapter 14, Section 14.1.
B. Parking is required in accordance with Chapter 14, Section 14.2.
C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 13.
E. All industrial activities shall be conducted wholly within a completely enclosed building, except for loading and unloading operations, on-site parking of vehicles, and other outdoor activities specifically permitted by Section 11.3 J.

CHAPTER 12
PUD - PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 12.1 INTENT

Planned Unit Developments in the Village of Sanford may be established as distinct zoning districts when approved by the Village Council in accordance with the procedures specified herein. It is the intent of this District to provide for flexibility in the regulation of land development; to encourage innovation in land use and variety in design, layout, and type of structures; to achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; to encourage useful open space; and to create better living, working, and shopping environments. In order to accomplish these objectives, this Chapter permits the relaxation of the conventional requirements found in other Zoning Districts. The use of land and the construction and use of buildings and other structures as Planned Unit Development shall be in conformance with the procedures, standards, requirements, and conditions for eligibility contained in this Chapter.

SECTION 12.2 QUALIFYING CONDITIONS

Any development which fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District:

A. The PUD site shall be not less than ten (10) acres in area. If the PUD is to contain a mixture of residential and non-residential uses, the minimum required area shall be twenty (20) acres. Recreational amenities such as golf courses and health clubs, and ancillary commercial activities such as club houses and pro shops, shall not be considered non-residential uses for purposes of this Section.

B. All PUD's shall be served by public water and sanitary sewer facilities or a private system approved by the Village Council, the Midland County Health Department, and other agencies, as appropriate.

C. The tract of land for which a PUD application is received must be in either one (1) ownership or the subject of an application filed jointly by the owners of all properties.

D. The proposed uses of the PUD must be consistent with the Village of Sanford Master Plan for the subject property.

SECTION 12.3 PERMITTED USES

Any use permitted by right or special approval in any District shall be permitted within a PUD, subject to compliance with the qualifying conditions and other applicable regulations of this Chapter.

SECTION 12.4 OPTIONAL PRE-APPLICATION CONFERENCE

A. A pre-application conference may be held with the Planning Commission for the purpose of determining the eligibility of the request for consideration as a PUD.

B. A request for a pre-application conference shall be made to the Zoning Administrator who shall schedule a date and time with the Planning Commission. As part of the pre-application conference, the applicant shall submit seven (7) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.

C. The Planning Commission shall advise the applicant of the conformance of the PUD concept with the intent and objectives of PUD in the Village of Sanford, whether it qualifies under the minimum requirements of Sec. 12.2, and whether the general concept is consistent with the Village's Master

Plan. In no case, shall any representations made by the Planning Commission be construed as an endorsement of the PUD or an approval of the concept.

SECTION 12.5 PUD APPLICATION AND PRELIMINARY DEVELOPMENT PLAN

Applicants seeking approval of a PUD District shall submit a complete application for review and a preliminary development plan to the Zoning Administrator who shall schedule a date and time for a public hearing and Planning Commission review. Such application shall include the following:

A. A completed application form, supplied by the Zoning Administrator.
B. Payment of a fee, as established by the Village Council.
C. A narrative statement describing:

1. the objectives of the PUD and how it relates to the Intent of the PUD District, as described in Sec. 12.1.
2. the relationship of the PUD to the Village of Sanford Master Plan
3. phases of development and approximate time frame for each phase
4. proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD
5. anticipated start and completion of construction
6. location, type, and size of areas to be dedicated for common open space

D. Twelve (12) copies of a preliminary development plan. If the PUD is to be developed in phases, the preliminary development plan shall show all phases. The preliminary plan shall contain the following:

1. name of development, applicant's name, name and address of firm and individual who prepared the plan, scale, and north arrow
2. property lines, dimensions of all property lines, and size of the PUD (and individual phases) in acres
3. existing zoning and land use of all abutting properties
4. existing natural features on the site including water, stands of trees, drainage ways, flood plains, wetlands, steep slopes, and similar features
5. existing buildings on the site
6. proposed uses and their approximate locations
7. right-of-way and pavement edges of existing streets abutting the PUD
8. approximate locations of proposed access drives and streets within the PUD
9. proposed method of providing water, sanitary sewer, and stormwater drainage facilities
10. layout and typical dimensions of proposed lots
11. approximate phases of development
12. proposed residential density by area or phase

SECTION 12.6 NOTICE AND PUBLIC HEARING FOR PUD

A. Upon receipt of an application for PUD approval, the Zoning Administrator shall cause notice to be given, in accordance with the Zoning Act. The notice shall:

1. Describe the nature of the proposed PUD.
2. Describe the property which is the subject of the PUD application, by both legal description and street address.

3. State the time, date, and place of the public hearing.
4. State when and where written comments will be received concerning the application.

B. Following notice, the Planning Commission shall hold a public hearing on the proposed PUD, for the purpose of receiving public comment on the application.

SECTION 12.7 PLANNING COMMISSION RECOMMENDATION

Following the public hearing, the Planning Commission shall review the PUD request and preliminary development plan based on the conformance with the Village Master Plan, compatibility with surrounding uses, and consistency with the intent and qualifying conditions of this Chapter; and shall make a recommendation to the Village Council to approve, approve with conditions, or deny the PUD zoning. In its recommendation to the Council, the Planning Commission shall include the reasons for such recommendation, specifically citing appropriate standards and sections of the Ordinance and identify those specific conditions, if any, it considers necessary.

SECTION 12.8 VILLAGE COUNCIL ACTION

After receiving the recommendation of the Planning Commission and following the standards of Sec. 14.6, the Village Council shall review the application package, preliminary development plan, the record of the Planning Commission proceedings, and the recommendation. The Council shall then, make its findings as to approval, approval with conditions, or denial. An approval with conditions shall not be considered final until the applicant submits a written acceptance of the conditions and all necessary revisions to the final development plan to the Village Council.

SECTION 12.9 FINAL DEVELOPMENT PLAN APPLICATION

Within twelve (12) months of the Village Council's approval of the PUD district and the preliminary development plan, the applicant shall submit a request for final PUD approval. Such application shall consist of the following.

A. A completed application form, supplied by the Zoning Administrator.
B. Payment of a fee, as established by the Village Council.
C. A written response to the findings, review comments, and conditions, if any, from the Planning Commission's review of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items.
D. A site plan containing all of the information required in Sec. 14.1 C.2.b.(1). For developments consisting of three (3) or more phases, a plan meeting the requirements of 12.5 D. may be submitted for the overall PUD and a detailed plan as required for final development plan may be submitted for the first phase. Each subsequent phase shall be reviewed in the same manner.

SECTION 12.10 PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN

A. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and the conditions, if any, of the PUD district approval. If it is determined that the final plan is not in substantial conformance to the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of Sections 12.6 -12.8 of this ordinance.
B. If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the criteria of Sec. 12.11.

C. The Planning Commission shall prepare a record of its findings and shall approve, approve with conditions, or deny the final development plan.

D. The decision of the Planning Commission may be appealed to the Village Council which shall review the record of the proceedings, along with all materials submitted, and shall make its decision in accordance with the standards of Sec. 12.11.

SECTION 12.11 STANDARDS FOR APPROVAL

A PUD shall be approved only if it complies with each of the following standards:

A. The proposed PUD complies with all qualifying conditions of Sec. 12.2.

B. The uses to be conducted within the proposed PUD are consistent with the Village's Master Plan.

C. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.

D. The proposed PUD will not contain uses or conditions of use that would be injurious to the public health, safety, or welfare of the community.

E. The proposed project is consistent with the spirit and intent of the PUD District, as described in Sec. 12.1 and represents a development opportunity for the community that could not be achieved through conventional zoning.

F. The proposed PUD meets all the review standards of Sec. 12.1 D.

SECTION 12.12 PUD AGREEMENT

Prior to issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the Village in recordable form, setting forth the applicant's obligations with respect to the PUD. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the Village Council. The agreement shall also establish the remedies of the Village in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant. All documents shall be executed and recorded in the office of the Midland County Register of Deeds.

SECTION 12.13 CHANGES TO AN APPROVED PUD

Changes to an approved PUD shall be permitted only under the following circumstances:

A. The holder of an approved PUD final development plan shall notify the Zoning Administrator of any desired change to the approved PUD.

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

1. Reduction of the size of any building and/or sign.
2. Movement of buildings and/or signs by no more than ten (10) feet.
3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
4. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

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

C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application.

SECTION 12.14 TIME LIMIT FOR APPROVED PUD DISTRICT

Each development shall be under construction within one (1) year after the date of approval of the PUD final development plan, except as noted in this Section.

A. The Village Council may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the PUD and provided that:

1. the applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
2. the PUD requirements and standards, including those of the Zoning Ordinance and Master Plan, that are reasonably related to said development have not changed.

B. Should neither of the provisions of Section 12.14 A. be fulfilled, or an extension has expired without construction underway, the PUD approval shall be null and void.

CHAPTER 13
DISTRICT REGULATIONS

SECTION 13.1 SCHEDULE OF REGULATIONS

Unless specified elsewhere in this Ordinance, all uses, structures and buildings on all zoning lots shall conform to the Schedule of Regulations and accompanying footnotes shown on the following pages.

SCHEDULE OF REGULATIONS*

DISTRICTS	AREA (a) (SQ. FT.)	WIDTH (FT.)	YARD SETBACKS (FT.) (b)				HEIGHT		COVERAGE (%)
			Front	One Side	Total	Rear	Feet	Stories	
R-1 Single Family Residential	15,000 (c)	75 (c)	25	10	20	35	35	2 ½	35
R-2 Single & Two-Family Residential	15,000 (e)	75 (e)	25	10	20	35	35	2 ½	40
RM-1 Multi-Family Residential	Requirements for single and two-family dwellings are same as for R-2 District								
	40,000 (d) (f)	100	30 (g)	15 (g)	30(g)	30 (g)	35	2 ½	40
RM-2 Manufactured Home Park	See Chapter 7								
OS-1 Office/Personal Service	none	none	40 (i)	(h)	none	(h)	35	2 ½	35
B-1 Central Business	none	none	30	(h)	none	(h)	35	2 ½	none
B-2 General Business	15,000	80	40 (i)	(h)	none	20 (j)	25	2	none
I-1 Industrial	40,000	100	40 (i)	15 (j)	30	40(j)	50	3	none

*Footnotes are an integral part of these District Regulations and should be read in conjunction with the above schedule.

SECTION 13.2 FOOTNOTES TO DISTRICT REGULATIONS

(a) All dwellings shall contain a minimum living area in accordance with the following:

single family	900 sq. ft.
two-family	750 sq. ft.
multi-family	
1 bedroom	500 sq. ft.
2 bedroom	600 sq. ft.
3 bedroom	750 sq. ft.
4 bedroom	900 sq. ft.

(b) Where a rear yard abuts the side yard of an adjacent lot, the side yard on the street side shall meet the minimum front yard setback requirements.

(c) Lots served by either public water or sanitary sewer may be reduced to a minimum area of 10,000 sq. ft. and a minimum width of 70 ft.

(d) All lots shall be served by public water and sanitary sewer facilities.

(e) All two-family dwellings shall have a minimum lot area of 20,000 sq. ft. and a minimum width of 100 ft. Lots served by either public water or sanitary sewer may be reduced to a minimum area of 15,000 sq. ft. and a minimum width of 90 ft.

(f) A maximum of eight (8) dwelling units per net acre shall be permitted. Net acreage shall be the total site area, exclusive of any dedicated public right-of-way or private easement for either interior or abutting streets. No building shall exceed an overall length of one hundred eighty (180) ft. There shall be a minimum distance between ends of contiguous buildings equal to the height of the taller building or twenty-five (25) ft., whichever is greater.

(g) In no case shall the minimum required setback be less than the height of the building.

(h) No setback shall be required, unless a side or rear yard abuts a Residential District, in which case a buffer shall be provided in accordance with Sec. 2.17.

(i) The first twenty (20) ft. of the required front yard shall not be used for parking or aisles and shall be landscaped.

(j) If the side or rear yard abuts a Residential District, the minimum required setback distance shall be increased as necessary to meet the requirements of Sec. 2.17.

(k) The required front setback area applies to the edge of the parking area, as well as any building or structure and shall be landscaped.

CHAPTER 14
SITE DEVELOPMENT REQUIREMENTS

SECTION 14.1 SITE PLAN REVIEW

A. Purpose

The purpose of this Chapter is to consider and evaluate the applicant's planned objectives in the utilization of land within the regulations of this Zoning Ordinance.

B. Uses Subject to Site Plan Review

1. A Building Permit for any proposed use or building or any other improvement requiring a site plan shall not be issued until a Site Plan has been reviewed and approved under the following procedure:

   a. The following uses shall be subject to Site Plan Review in accordance with the provisions of this Section.

      (1) All uses within the RM-1, OS-1, B-1, B-2, and 1-1 Districts, except the following:

         (a) One and two-family dwellings
         (b) Temporary buildings and uses
         (c) Accessory uses or structures

      (2) Special Land Uses in any zone district.
      (3) Site condominiums in any district.

   b. All site plans not reviewed under Section 14.1 B. 1. a.(1)-(3), shall be subject to review by the Zoning Administrator. Such review shall be limited to ensuring that the proposed use conforms to the applicable setbacks, yards, parking, and other specific Zoning Ordinance requirements.

C. Application and Review Procedures

1. Application Procedures

   a. An application for Site Plan Review shall be submitted at least thirty (30) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator, who will review the application materials to ensure that the requirements of Section 14.1 C.1.d, are met, then transmit it to the Planning Commission.
   b. Copies of the site plan may be forwarded from the Zoning Administrator to one (1) or more appropriate agencies, departments, or consultants, including but not limited to the following:

      (1) Fire
      (2) Police
      (3) Building inspections

(4) Planning
(5) School District

c. Review comments shall be submitted by such departments and consultants to the Planning Commission for consideration prior to the meeting at which the request is to be considered.

d. An application for Site Plan Review shall consist of the following:

(1) A completed application form, as provided by the Village.
(2) Seven (7) copies of the Site Plan.
(3) Payment of a fee, in accordance with a fee schedule, as determined by Village Council resolution.
(4) A legal description, including the permanent parcel number, of the subject property and a boundary survey map.
(5) Other materials as may be required by this Section or the Planning Commission.

2. Site Plan Review Procedures

a. Site Plans shall be professionally prepared by a registered engineer, surveyor, architect, landscape architect, or community planner and shall include the following:

(1) Small scale sketch of properties, streets and use of land within one quarter (1/4) mile of the subject property.
(2) Seven (7) copies of a site plan at a scale of not more than one (1) inch equals one hundred (100) feet (1" = 100') showing the existing and proposed arrangement of:

i. Existing adjacent streets and proposed streets and existing curb cuts within one-hundred (100) feet of the property.
ii. All lot lines with dimensions.
iii. Parking lots and access points
iv. Proposed buffer strips or screening
v. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural assets.
vi. Location of any signs not attached to the building
vii. Existing and proposed buildings, including existing buildings or structures within one-hundred (100) feet of the boundaries of the property.
viii. General topographical features including existing contours at intervals no greater than two (2) feet.
ix. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
x. Dwelling unit densities by type, if applicable.
xi. Proposed method of providing sewer and water service, as well as other public and private utilities.

xii. Proposed method of providing storm drainage.
xiii. Written description of the computation for required parking.
xiv. Name, address, and phone number of the applicant.
xv. Name, address, phone number, and professional seal of the individual responsible for preparing the plan.

(3) The Planning Commission shall review the Site Plan, along with any comments submitted by agencies, departments or consultants, and make such recommendations to the applicant that will cause the Plan to be in conformance with the review standards required by this Section and this Ordinance. To this end, the Commission may request from the applicant any additional graphic or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests, and other pertinent information.

(4) The Planning Commission shall recommend to the Village Council approval, denial, or approval with conditions based on the requirements of this Ordinance, and specifically, the standards of Section 14.1 D. 1.

(5) The Village Council shall review all materials submitted as part of the application, along with the findings and recommendations of the Planning Commission and the applicable standards of this ordinance and shall approve, approve with conditions, or deny the site plan.

(6) No petition submitted for Site Plan review which has been denied, shall be resubmitted for a period of one (1) year from the date of denial, except as may be permitted by the Village Council after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

D. Site Plan Review Standards

1. All site plans shall be approved, approved with conditions, or denied based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:

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

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

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

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

e. Satisfactory assurance shall be provided that the requirements of all other applicable Ordinances, codes, and requirements of the Village of Sanford will be met.

f. The general purposes and spirit of this Ordinance and the Master Plan of the Village of Sanford shall be maintained.

E. Approved Plans and Amendments

1. Upon approval of the Site Plan, the Village Clerk shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the Village's files; one (1) copy of the Site Plan shall be forwarded to the Building Official for issuance of a building permit; and one (1) copy shall be returned to the applicant.

2. Each development shall be under construction within one (1) year after the date of approval of the Site Plan, except as noted in this Section.

   a. The Village Council may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the Site Plan and provided that:

      (1) the applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and

      (2) the site plan requirements and standards, including those of the Zoning Ordinance and Master Plan, that are reasonably related to said development have not changed.

   b. Should neither of the provisions of Section 14.1 E.2.a. be fulfilled, or an extension has expired without construction underway, the Site Plan approval shall be null and void.

   c. Amendments to an approved Site Plan may occur only under the following circumstances:

      (1) The holder of a valid Site Plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.

      (2) Minor changes, requested by the applicant, may be approved by the Zoning Administrator upon certification in writing to the Village Council that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Council. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:

         (a) Reduction of the size of any building and/or sign.
         (b) Movement of buildings and/or signs by no more than ten (10) feet.
         (c) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.

(d) Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.

(e) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

(f) Changes required or requested by the Village, Midland County, or other State or Federal regulatory agency in order to conform to other laws or regulations.

(3) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by this Chapter.

SECTION 14.2 OFF-STREET PARKING AND LOADING

A. General Requirements

1. Except for the B-1 District, off-street parking for all non-residential zone districts and uses shall be either on the same lot or within three hundred (300) feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot. In the B-1 District parking shall be provided on the same lot as the use, unless the property adjoins or has access to a community parking lot, a common parking area maintained by participating property owners, or has access to on-street parking.
2. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
3. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall occupy no greater than thirty-three (33) percent of the required front yard.
4. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Section.
5. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
6. Two (2) or more buildings or uses may collectively provide the required off-street parking.
7. The Village Council may defer construction of the required number of parking spaces if the following conditions are met:

   a. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.

   b. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.

8. Parking of semi-trucks, including the tractor and trailers, and commercial vehicles exceeding one (1) ton shall be prohibited in any residential district or on any residential property.

B. Parking Lot Design Standards

1. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

Parking Pattern	Two-Way Aisle Width	One-Way Aisle Width	Width	Length
Parallel Parking	18 Ft.	12 Ft.	9 ½ Ft.	25 Ft.
30-75 degree angle	24 Ft.	12 Ft.	9 ½ Ft.	21 Ft.
76-90 degree angle	24 Ft.	15 Ft.	9 ½ Ft.	20 Ft.

2. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.
3. All parking lots shall be constructed with a durable and dustless surface and properly maintained at all times.
4. All parking lots shall be constructed so as to permit proper drainage and prevent ponding or storage of water within the lot. Drainage shall be in accordance with the requirements of the Village of Sanford and the Midland County Drain Commission.
5. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent residential districts or uses.
6. No permit will be issued for major changes to an existing parking lot unless the parking lot is made to comply with the requirements of this Ordinance. A major change consists of one (1) or more of the following:

    a. Replacement or alteration of existing drainage elevations or structures affecting more than fifty (50) percent of the existing parking lot.
    b. Any expansion or addition of a parking lot equal to or greater than twenty-five (25) percent of the area of the existing parking lot.
    c. Reconstruction of the parking lot, including the removal of existing pavement or drainage structures, which affects more than twenty-five (25) percent of the existing parking lot.
    d. Any other change which, in the opinion of the Zoning Administrator, constitutes a major change.

C. Off-Street Parking Requirements

1. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Planning Commission or Zoning Administrator considers similar in type.

2. When units of measurement determining the number of required off-street parking spaces results in the requirement of a fractional space that fraction shall require one (1) parking space.
3. The minimum number of off-street parking spaces shall be determined in accordance with the following tables:

Use	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Single family dwellings	Two (2) for each dwelling unit
Two family dwellings	Two (2) for each dwelling unit
Multiple family dwellings	Two (2) for each dwelling unit plus one (1) additional space for each 2 units
Housing for the elderly	One (1) space for each 2 dwelling units, plus one (1) for each employee, plus one (1) space for each 5 dwelling units to be marked as visitor spaces
Institutional	
Group day care homes and group foster care homes	One (1) space for each 4 clients, plus one (1) space for each employee
Theaters, assembly areas, auditoriums, gymnasiums	Two (2) spaces for each 5 seats or each 8 feet of pew length, or one (1) space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
New churches and any subsequent additions approved after the adoption date of the Ordinance	One (1) space for each 4 seats in the main unit of worship, or one (1) space per each 8 feet of pew length, whichever is less.
Existing churches and any subsequent additions approved after the adoption date of the Ordinance	One (1) space for each 8 seats in the main unit of worship, or one (1) space per each 16 feet of pew length, whichever is less.
Schools, elementary and middle	One and one-half (1.5) spaces for each classroom, plus amount required for auditorium or gymnasium seating
Schools, secondary and institutions of higher learning	One (1) space for each 8 students, plus 1.5 spaces for each classroom, plus amount required for auditorium or gymnasium seating

Use	PARKING SPACE PER UNIT OF MEASUREMENT
Commercial	
Vehicle wash (self service)	One (1) space for each 5 stalls
Vehicle wash (automatic)	One (1) space for each employee
Beauty/barber shop	Three (3) spaces or each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	One (1) space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants - without drive-through facilities	One (1) space for each 100 square fee of usable floor area, or one (1) space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One (1) space for each 100 square feet of usable floor area, or one (1) space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	One (1) space for each service stall, plus one (1) space for each pump island, plus one (1) space for each maximum number of employees on the premises at any one time
Personal service establishments	One (1) space for each 50 square feet of usable floor area
Furniture, appliance and household goods retail sales	One (1) space for each 1000 square feet of usable floor area
Funeral homes and mortuary establishments	One (1) space for each 50 square feet of usable floor area
Open air business	One (1) space for each 200 square feet of indoor usable area, plus one (1) space for each 1000 square feet of outdoor display area
Retail stores not otherwise specified	One (1) space for each 200 square feet of usable floor area
Hotels and motels	One (1) space for each guest room, plus required spaces for any accessory uses
Video rental stores	One (1) space for each 100 square feet of usable floor area, plus one (1) space for the maximum number of employees on the premises at any one time

Use	PARKING SPACE PER UNIT OF MEASUREMENT
Offices	
Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each 150 square feet of usable floor area, plus 3 spaces for each non-drive through automatic teller machine
Offices not otherwise specified	One (1) space for each 300 square feet of usable floor are
Medical and dental offices and clinics	One (1) space for each 75 square feet of waiting room area, plus one (1) space for each examining room, dental chair, or similar use area
Industrial	
Manufacturing, processing, and research establishments	One (1) space for each 1000 square feet of gross floor area, plus those spaces required for offices located on the premises
Warehouses and wholesale	One (1) space for each 2000 square feet of gross floor area, plus those spaces required for offices located on the premises

D. Off-Street Loading Requirements

1. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
2. In the B-1 and B-2 Districts all loading spaces shall be located in the side or rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
3. In the OS-1 District and for non-residential uses in residential districts all loading spaces shall be located in the side or rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements.
4. I-1 District:

    a. In the I-1 District at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10 x 50), or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
    b. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.

5. Where an alley exists in the rear yard, loading requirements may be computed from the center of the alley.
6. All dedicated loading spaces shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless service.

SECTION 14.3 SIGNS

A. Intent

This section is intended to protect and further the health, safety, and welfare of the residents of the Village of Sanford; to maintain and improve the appearance of the Village of Sanford; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. These regulations are further intended to provide reasonable identification for businesses and other uses within the community, but are not intended to serve as a means of advertising.

B. Sign Definitions

1. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
2. Awning sign: A sign affixed flat against the surface of an awning.
3. Balloon sign: A sign composed of a non-porous bag of material filled with air.
4. Banner sign: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
5. Billboard: A sign which advertises an establishment, product, service, or activity not available on the premises on which the sign is located.
6. Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
7. Directional Sign: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
8. Freestanding Sign: A sign supported on poles not attached to a building or wall.
9. Government Sign: A temporary or permanent sign erected by the Village of Sanford, Midland County, or the state or federal government.
10. Ground Sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.
11. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
12. Marquee Sign: A sign affixed flat against the surface of a marquee.
13. Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
14. Off-Premise Sign: A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
15. On-Premise Sign: Any sign which pertains solely to the use of the property on which it is located, such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
16. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
17. Political Sign: A temporary sign used in connection with a noncommercial message or an official Village of Sanford, school district, county, state, or federal election or referendum.
18. Portable sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.

19. Projecting Sign. A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.
20. Reader Board: A portion of a sign on which copy is changed manually.
21. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
22. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
23. Roof Sign: A sign erected above the roof line of a building.
24. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
25. Special Event Sign: Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.
26. Temporary Sign: A display, informational sign, banner or other advertising device with or without a structural frame and intended for a limited period of display, including seasonal produce sales, decorative displays for holidays, or public demonstrations.
27. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
28. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

C. General Sign Provisions

1. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit, provided the following signs shall not require a building permit:

    a. Directional signs of six (6) square feet in size or less
    b. Government signs
    c. Placards
    d. Temporary sale signs of four (4) square feet in size or less
    e. Window signs
    f. Political signs

2. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
3. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
4. Signs, may be internally illuminated or if externally illuminated, except for home occupation signs which shall not be illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
5. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Section.
6. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
7. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.

8. No commercial vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
9. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time-temperature signs may be permitted.
10. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
11. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
12. No sign shall be erected above the roof line of a building.

D. Exempted Signs

The following signs shall be exempt from the provisions of the Village of Sanford Zoning Ordinance, except for the provisions of Section 14.3, C:

1. Government signs
2. Historical markers
3. Window signs
4. Memorial signs or tablets
5. Murals
6. Signs not visible from any street
7. Signs for essential services
8. Placards not exceeding two (2) square feet
9. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall
10. Flags or insignia of any nation, state, Village, community organization, or educational institution

E. Non-conforming Signs, Illegal Signs, and Signs Accessory to Non-conforming Uses

1. Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.
2. Non-conforming signs may not be altered, expanded, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.
3. For purposes of this article, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use. If a sign is nonconforming in its setback, this section shall not apply, and the sign may not be replaced.
4. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
5. Any sign which for a period of one (1) year or more no longer advertises a bona fide business conducted, or a product sold, shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
6. A sign accessory to a non-conforming use may be erected in the Village in accordance with the sign regulations for the subject zoning district.

F. Units of Measurement

1. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
2. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.
3. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
4. For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.

G. Sign Regulations Applicable to All Zoning Districts

1. Temporary signs are permitted within any zoning district, subject to the following restrictions:

   a. No more than one (1) temporary sign shall be permitted on a single parcel of property.
   b. Such sign shall be set back a minimum of ten (10) feet from the front lot line.
   c. All regulations governing Special Event Signs shall be applicable.

2. All ground, wall and freestanding signs may include reader boards.
3. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
4. Real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property.
5. Construction signs are permitted within any zone district, subject to the following restrictions:

   a. Construction signs shall be no larger than thirty-two (32) square feet and not exceed eight (8) feet in height.
   b. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
   c. Construction signs shall be removed within fifteen (15) days of the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.

6. Special event signs, including banner signs, are permitted in any zone district, subject to the following restrictions:

a. No more than five (5) such signs shall be displayed for each special event. Such signs may be located either on or off the lot on which the special event is held.
b. The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.
c. Such signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of five (5) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet.
d. Such signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.

7. Directional signs are permitted subject to the following restrictions:

a. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
b. No such sign shall exceed six (6) square feet in area or four (4) feet in height.
c. Directional signs shall be limited to traffic control functions only.

8. Garage and estate sale signs are permitted subject to the following restrictions:

a. One (1) sign per lot or parcel is permitted, located on the lot or parcel on which such sale is being conducted, and set back a minimum of fifteen (15) feet from any right-of-way line.
b. Such sign shall not exceed six (6) square feet in area.
c. Such sign shall be erected no more than ten (10) days prior to the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.

H. Schedule of Sign Regulations

Signs in each Zoning District shall be subject to the following regulations:

R-1, R-2, RM-1 AND RM-2 ZONING DISTRICTS - PERMITTED SIGNS	
Ground signs for residential subdivisions, manufactured home parks, multiple family complexes, schools, or other non-residential uses allowed in the district	
Number	One (1) per major entrance
Size	No greater than thirty-two (32) square feet
Location	Minimum of fifteen (15) feet from any front lot line
Height	No higher than six (6) feet
Wall signs for home occupations	
Number	One (1) per lot or parcel
Size	No greater than four (4) square feet
Location	On wall of house facing street

R-1, R-2, RM-1 AND RM-2 ZONING DISTRICTS - PERMITTED SIGNS	
Wall signs for non-residential uses	
Number	One (1) per street frontage
Size	No greater than five (5) percent of the wall area to which the sign is affixed.
Location	On wall of building facing street
Political signs	
Number	One (1) per issue or candidate
Size	No greater than six (6) square feet
Location	Minimum of fifteen (15) feet from any front lot line
Height	No higher than six (6) feet
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than six (6) square feet for developed properties or lots; sixteen (16) square feet for vacant lots or parcels
Location	Minimum of fifteen (15) feet from any front lot line
Height	No higher than six (6) feet

OS-1 OFFICE/PERSONAL SERVICE DISTRICT - PERMITTED SIGNS	
Ground Signs	
Number	One (1) per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of fifteen (15) feet from any front lot line
Height	No higher than six (6) feet
Wall signs	
Number	One (1) per street frontage
Size	No greater than five (5) percent of the wall area to which the sign is affixed.
Location	On wall of building facing street

OS-1 OFFICE/PERSONAL SERVICE DISTRICT - PERMITTED SIGNS	
Political signs	
Number	One (1) per issue or candidate
Size	No greater than six (6) square feet
Location	Minimum of fifteen (15) feet from any front lot line
Height	No higher than six (6) feet
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of fifteen (15) feet from any front lot line
Height	No higher than six (6) feet

B-1 CENTRAL BUSINESS DISTRICT - PERMITTED SIGNS	
Wall signs or projecting signs	
Number	One (1) per street frontage plus one (1) per side facing a parking lot to identify the location of any public entrance
Size	Street frontage - no greater than ten (10) percent of the wall area to which the sign is affixed; parking lot frontage - no greater than five (5) percent of the wall to which the sign is affixed
Location	On wall of building facing street and wall facing public or private parking area
Political signs	
Number	One (1) per issue or candidate
Size	No greater than six (6) square feet
Location	Minimum of five (5) feet from any property line or adjacent building
Height	No higher than six (6) feet
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from any property line or adjacent building
Height	No higher than six (6) feet

B-1 CENTRAL BUSINESS DISTRICT - PERMITTED SIGNS	
Marquee signs	
Number	One (1) per street frontage
Size	No greater than forty (40) percent of any face of the marquee to which the sign is affixed
Location	On face of marquee
Height	Minimum clear space of eight (8) feet from bottom of marquee
Awning signs	
Number	One (1) per awning face
Size	No greater than twenty (20) percent of any awning face to which the sign is affixed
Location	On face of awning
Height	Minimum clear space of eight (8) feet from bottom of marquee

B-2 GENERAL BUSINESS DISTRICT - PERMITTED SIGNS	
Ground signs	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than six (6) feet
Wall signs	
Number	One (1) per street frontage
Size	No greater than five (5) percent of the wall area to which the sign is affixed
Location	On wall of building facing street
Political signs	
Number	One (1) per issue or candidate
Size	No greater than six (6) square feet
Location	Minimum of fifteen (15) feet from any front lot line.
Height	No higher than six (6) feet

B-2 GENERAL BUSINESS DISTRICT - PERMITTED SIGNS	
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of fifteen (15) feet from any front lot line
Height	No higher than six (6) feet
Freestanding signs	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
Size	No greater than fifty (50) square feet
Location	Minimum of fifteen (15) feet from any front lot line
Height	No higher than twenty (20) feet

I-1 INDUSTRIAL DISTRICT - PERMITTED SIGNS	
Ground signs	
Number	One (1) per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet
Wall signs	
Number	One (1) per street frontage
Size	No greater than five (5) percent of the wall area to which the sign is affixed
Location	On wall of building facing street
Political signs	
Number	One (1) per issue or candidate
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet

I-1 INDUSTRIAL DISTRICT - PERMITTED SIGNS	
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from the front property line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet
Billboards	
All billboards shall conform to the requirements of the Highway Advertising Act.	

CHAPTER 15
SPECIAL LAND USES

SECTION 15.1 APPLICATION PROCEDURES

A. Application for a special land use permit shall be made to the Zoning Administrator and shall include the following:

1. Seven (7) copies of a site plan containing the information required by Section 14.1 C. 2.
2. A completed application form.
3. Payment of an application fee, which shall be non-refundable, as established from time to time by resolution of the Village Council.

SECTION 15.2 NOTIFICATION, HEARING, AND REVIEW PROCEDURES

A. Upon receipt of an application for a special land use permit, the Zoning Administrator shall cause notice to be given of a special land use public hearing, in accordance with the requirements of the City or Village Zoning Act.

B. Following notice, the Planning Commission shall hold a public hearing on the special land use permit application.

C. The Planning Commission shall make a recommendation to the Village Council to approve, approve with conditions, or deny the special use permit request, based upon review and consideration of materials submitted with the application, comments received at the public hearing, and the applicable standards of this Chapter.

D. The Village Council, in making its decision, shall consider the request, the Planning Commission recommendation, and the applicable standards of this ordinance. If it finds that the request meets all required standards, Council shall approve the special land use request.

SECTION 15.3 GENERAL STANDARDS FOR APPROVAL

A. The Planning Commission shall approve, or approve with conditions, a special land use permit request only upon a finding that all of the following general standards for approval are complied with:

1. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
2. The use is, or will be as a result of the special land use permit, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities and schools.
3. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
4. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
5. The site plan proposed for such use demonstrates compliance with the special land use specific design standards contained in Section 15.7.

B. The decision of the Village Council shall be incorporated in a statement of conclusions specifying the basis of the decision and any conditions imposed. The decision and statement of conclusions, including conditions imposed on any approval, shall be kept and made a part of the Council minutes.

C. No request for Special Land Use approval which has been denied shall be resubmitted for one (1) year following such disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

SECTION 15.4 CONDITIONS OF APPROVAL

A. The Planning Commission may recommend and the Council may impose reasonable conditions in conjunction with approval of a special land use permit which are deemed necessary to ensure compliance with the general standards for approval in Section 15.3 and the Specific Design Standards of Section 15.7.

D. Conditions shall be imposed in a manner in accordance with the City or Village Zoning Act.

SECTION 15.5 APPROVAL TERM AND EXPIRATION

A special land use permit, including conditions imposed, is attached to and shall run with the land for which the permit is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

SECTION 15.6 SPECIAL LAND USE SPECIFIC DESIGN STANDARDS

The following Special Land Uses shall be subject to the requirements of the District in which located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. The following uses have such conditions, standards, or regulations:

A. Adult bookstores, adult live entertainment, adult motion picture theater, and massage parlors.

1. The lot or parcel on which the use is located shall not be closer than one thousand (1,000) feet from any residential use or zoning district, school, church, or park, measured from lot line to lot line.
2. The use is not located within a one thousand (1,000) foot radius of two (2) other such uses, measured from lot line to lot line.

B. Banks, credit unions, savings and loan associations, and other similar uses, as determined by the Zoning Administrator, having drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of four (4) stacking spaces for each drive-through teller operation, whether personal or automatic, shall be provided.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Access driveways shall be located no less than seventy-five (75) feet from the centerline of the intersection of any street or fifty (50) feet from the centerline of any other driveway.

C. Bed and breakfast establishments.

1. The establishment shall be directly serviced by public water and sanitary sewer services.
2. The establishment shall be located on property with direct access to a public street.

3. No such use shall be permitted on any property where there exists more than one (1) other bed and breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
4. Such uses shall only be established in a single family detached dwelling.
5. Parking shall be located to minimize negative impacts on adjacent properties.
6. The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed seven (7) guest rooms in any case.
7. Exterior refuse storage facilities beyond what might normally be expected for a single family detached dwelling shall be prohibited.
8. Signs for bed and breakfast establishments shall comply with the requirements of the zone district in which the use is located.
9. The establishment shall contain the principal residence of the operator.
10. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and so forth.
11. Meals shall be served only to the operator's family, employees, and overnight guests.

D. Bus passenger waiting stations.

1. A vehicle waiting/drop off area of not less than ten (10) spaces shall be provided on-site.
2. Passenger loading areas must be lighted. Lighting shall be shielded to prevent light from spilling onto any residential district or use.

E. Churches.

1. Minimum lot width shall be two hundred (200) feet.
2. Minimum lot area shall be two (2) acres; plus an additional fifteen thousand (15,000) sq. ft. for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100).
3. The property location shall be such that at least one (1) side of the property abuts and has access to a collector or arterial street.

F. Commercial storage warehouses.

1. Minimum lot area shall be two (2) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-3 District.
3. Parking and circulation:

    a. One (1) parking space shall be provided for each ten (10) storage cubicles, and shall be equally distributed throughout the site.
    b. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
    c. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent to the rental office, for the use of customers.
    d. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

G. Funeral homes and mortuary establishments.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
4. No waiting lines of vehicles shall extend off-site or onto any public street.
5. Access driveways shall be located no less than seventy-five (75) feet from the centerline of the intersection of any street or any other driveway.

H. Group day care homes.

1. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
2. Fencing no less than four (4) feet nor more than six (6) feet in height shall be provided around all outdoor areas accessible to children.
3. There shall be a contiguous open space of a minimum of one thousand two hundred (1,200) square feet provided on the subject parcel. Said open space shall not be located within a required front yard setback area. This requirement may be waived by the Planning Commission if public open space is available within five hundred (500) feet of the subject parcel, measured from the nearest lot line of the use to the nearest lot line of the public open space.

I. Hotels and motels.

1. Minimum lot area shall be two (2) acres and minimum lot width shall be two-hundred (200) feet.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setback of ten (10) feet.
3. Access driveways shall be located no less than seventy-five (75) feet from the centerline of the intersection of any street or fifty (50) feet from the centerline of any other driveway.

J. Housing for the elderly.

1. All dwelling units in the building shall have a minimum of four hundred fifty (450) square feet per unit.
2. Retail and service uses may be permitted on the site if such uses are accessory to the elderly housing use. All such uses shall be within the principal residential structure. No exterior signs of any type are permitted.
3. The allowable density of the zoning district may be increased by no more than fifty (50) percent for all nursing care units licensed by the state of Michigan and no more than twenty-five (25) percent for non-licensed nursing care and supportive care units.
4. All medical waste facilities shall be secured and meet the requirements of the Michigan Department of Health.
5. Walkways shall be provided from the main building entrances to the sidewalk along the adjacent public street.

6. The maximum height may be increased by one (1) story for each additional forty (40) feet the building is set back from all required yards.

K. Kennels.

1. For kennels, the minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
2. Buildings in which animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any residential district boundary and shall not be located within any required yard area.

L. Lumber and planing mills.

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.

M. Lumberyards.

1. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
2. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
3. Materials stored within ten (10) feet of the property line of the use may be stacked to a height not exceeding ten (10) feet.
4. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.

N. Manufacture, compounding, processing, packaging, or treatment of products requiring stamping press operations.

1. Must comply with the General Standards For Approval outlined in Section 15.3.

0. Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris.

1. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or any other driveway.
2. The principal and accessory buildings and structures, shall not be located within one thousand (1,000) feet of any residential use or district.

P. Metal plating, buffing, and polishing.

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.

Q. Open air businesses.

1. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
2. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or driveway.
3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

R. Outdoor storage, display, and sale of farm implements and commercial construction equipment.

1. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
2. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.
3. Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

S. Private noncommercial and public recreation areas or community recreation centers.

1. The use shall be located on property with direct access to a public street.
2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any residential use or district.
3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential use or district.
4. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.

T. Production, refining, or storage of petroleum or other flammable liquids.

1. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or any other driveway.
2. The principal and accessory buildings and structures shall not be located within one thousand (1,000) feet of any residential use or district.

U. Recycling centers.

1. A six (6) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
2. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district property line.

V. Residential dwelling units, in the same building with commercial uses.

1. No commercial uses, including storage, shall be located on the same floor of the building as the dwelling unit.
2. Two (2) on-site parking spaces shall be required for each dwelling unit.
3. Access to dwelling units shall be from outside of the building.
4. No dwelling unit shall be located on the ground floor of the building.

W. Restaurants, exclusive of drive-through facilities.

1. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
2. Access driveways shall be located no less than seventy-five (75) feet from the centerline of the intersection of any street or any other driveway.

X. Restaurants with drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
4. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any other driveway.

Y. Salvage yards, Junk yards.

1. Requests for a special land use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destinations of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall abut and have suitable access to a collector or arterial street to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within one thousand (1,000) feet of any residential use or district.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding twenty-four (24) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.

5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
9. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot wide continuous loop drives separating each row of vehicles.
11. All batteries shall be removed from any vehicle, and all radiators and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. The property shall be a minimum size of at least six (6) acres.
14. All fences shall be set back a minimum of three hundred (300) feet from any residential use or district.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
16. The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of the Village of Sanford. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

Z. Site condominiums.

1. The minimum lot size, width, and setbacks shall conform to the requirements of the zoning district in which the project is located.
2. The minimum floor area per unit shall conform to the requirements of the zoning district in which the project is located.
3. All developed sites shall be required to use Village utilities.
4. Sidewalks shall be constructed on all sides of site condominium lots abutting a public street, in accordance with Village standards. The Village Council may waive the requirement for a sidewalk when, in the opinion of the Council, no good purpose would be served by the sidewalk for site plan condominium projects of four (4) or more sites.
5. All site condominium lots shall have access to and frontage on a public street.

AA. Truck terminals.

1. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or any other driveway.
2. Trucks and trailers parked overnight shall be set back from the front lot line a minimum of one hundred (100) feet.
3. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district.

4. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
5. Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use.
6. Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.

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

1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any such building shall comply with the yard setback requirements of the district in which it is located.

CC. Vehicle repair.

1. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential use or district property line.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be two-hundred and fifty (250) feet.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas screened from view of adjoining properties and streets.
6. Access driveways shall be located no less than seventy-five (75) feet from the centerline of the intersection of any street or driveway.
7. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

DD. Vehicle service stations.

1. Minimum lot area shall be one (1) acre and minimum lot width shall be two-hundred and fifty (250) feet.
2. Pump islands shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.
3. All equipment and activities associated with vehicle service operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of ten (10) feet above the average grade.

7. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from any other driveway.
8. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

EE. Vehicle wash establishment, either self-serve or automatic.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
2. Vacuuming activities, if outdoors, shall be at least one hundred (100) feet from any residential use or district property line. Wash bays for self-service establishments shall be located at least fifty (50) feet from any residential use or district property line.
3. Should self-service wash bays be located with openings facing an adjacent street, they shall be screened and such screening shall be continuously maintained in good condition.
4. Only one (1) access driveway shall be permitted on any single street. All access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any driveway.
5. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

FF. Veterinary hospitals and veterinary clinics.

1. Runs, exercise areas, pens or other outdoor areas where animals are kept shall meet the requirements for kennels, as provided in this Chapter.

GG. Radio, television, and commercial wireless communication towers (excluding towers which meet the criteria of Sec. 2.19 B).

1. The minimum lot size shall be the same as that of the district in which the tower is located.
2. The tower shall be set back from all lot lines a minimum distance equal to one-half (1/2) the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the zoning District.
3. In Residential Districts, such towers shall not exceed one hundred (100) feet in height, unless located on publicly owned land.
4. A security fence at least six (6) feet in height shall be constructed around the tower and supports.
5. Where possible, joint use of tower facilities shall be required for multiple users in order to minimize the number of separate towers and individual locations throughout the township. As a condition of approval, the applicant shall agree to permit future users to share the tower facility.
6. Unless, located on the same site or tower with another user, no new tower shall be erected within a two (2) mile radius of an existing radio, television, or cellular communications tower.

7. Where the effect of any of the provisions of this ordinance would be to prevent or preclude the operation of amateur radio antennas, the Township Board may approve the use if the applicant demonstrates that the requirements would interfere with the reasonable accommodation of amateur radio communications.
8. No signs, except warning or other cautionary signs, shall be permitted on the site.

CHAPTER 16
ZONING BOARD OF APPEALS

SECTION 16.1 MEMBERSHIP

A. Continuation of Present Zoning Board of Appeals

The Zoning Board of Appeals existing at the time of adoption of this Ordinance shall perform its duties and exercise its powers as provided in Section 5 of the City or Village Zoning Act.

B. Composition and Terms

The Zoning Board of Appeals shall consist of five (5) members appointed by the Village Council. Members are appointed for a three (3) year term.

C. Alternate Members

Up to two (2) alternate members may be appointed by the Village Council for three (3) year terms. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member.

D. Vacancies

Any vacancies in the Zoning Board of Appeals shall be filled by appointment by the Council.

E. Officers

The Zoning Board of Appeals shall annually elect its own Chairman, Vice Chairman and Secretary.

SECTION 16.2 MEETINGS

A. Meetings

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as such Zoning Board of Appeals may determine. All hearings conducted by the Zoning Board of Appeals shall be open to the public. The Village Building Inspector or his representatives, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Three (3) members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business, except that four (4) members shall be required to hear any request for a use variance. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

B. Hearings

The Board of Zoning Appeals shall make no decision regarding a variance except after a public hearing is conducted. The Board shall fix a reasonable time for the hearing of the appeal and 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 and 2-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 shall decide the appeal within a reasonable time. Upon the hearing, a party may appear in person or by agent or by attorney.

SECTION 16.3 JURISDICTION

The Zoning Board of Appeals shall not have the power to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this Section and the laws of the State of Michigan. The Zoning Board of Appeals shall not have the authority to hear appeals from a decision made in respect to any special land use, planned unit development, or rezoning. The powers of the Zoning Board of Appeals include:

A. Hearing of Appeals

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance.

B. Granting of Variances

A variance from the specific requirements of this Ordinance may be granted by the Zoning Board of Appeals in accordance with the requirements and procedures of this Chapter.

C. Zoning Ordinance Interpretation

The Zoning Board of Appeals may interpret the provisions of this Ordinance to carry out the intent and purposes of the Zoning Ordinance where the meaning of the provisions is uncertain.

D. Granting of Temporary Uses and Buildings

1. The Zoning Board of Appeals may permit, upon proper application, temporary uses or buildings not otherwise permitted in the district, not to exceed twelve (12) months and to provide up to a twelve (12) month extension when appropriate.
2. The Zoning Board of Appeals, in granting permits for temporary uses and buildings, shall do so under the following conditions:

    a. The granting of the temporary use or building shall in no way constitute a change in the basic uses permitted in the district nor on the property where the temporary use or building is permitted.
    b. The granting of the temporary use or building shall be issued in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit.

c. All setbacks, land coverage, off-street parking, lighting and other requirements shall be made at the discretion of the Zoning Board of Appeals.
d. The use or building shall be in harmony with the general character of the district.
e. No temporary permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as provided for in this Ordinance.
f. Prior to granting a temporary permit the Board may seek the review and recommendation of the Planning Commission.

SECTION 16.4 DECISIONS

A. Procedure

An appeal may be taken by a person aggrieved, or by an officer, department, or board of the Village. Such appeal shall be taken within twenty-one (21) days, as prescribed by the rules of the Zoning Board of Appeals, by the filing with the officer or body from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds for the appeal.

B. Filing

The party from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken. These papers shall include a completed application form and site plan, including the following, unless determined to be inapplicable to the request and specifically waived by the Zoning Board of Appeals:

1. Project Information, including:

a. the applicant's name;
b. name of the development;
c. the preparer's name;
d. north arrow;
e. complete and current legal description and size of property in acres; and
f. small scale location sketch of sufficient size and scale.

2. Existing Features

a. property lines and dimensions;
b. zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site;
c. lot lines and all structures on the property and within one hundred (100) feet of the site's property lines;
d. location of any access points on both sides of the street within one hundred (100) feet of the site along streets where access to the site is proposed; and

3. Proposed Construction

a. building footprints, setbacks, floor plans and elevations showing height and materials for all proposed structures, including any residential units, with the acreage allotted to each use;
b. location and dimensions of parking spaces;

c. details of site circulation and access design, including:

(1) indication of street right-of-way and pavement widths and pavement type;
(2) names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian/bicycle paths; and
(3) written verification of access easements or agreements, if applicable.

C. Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court on application or notice to the officer or body from whom the appeal is taken and due cause shown.

D. Decisions

1. The concurring vote of a majority of the membership of the Board shall be required to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass, or to effect a variation in the ordinance; except that a concurring vote of two-thirds (2/3) of the membership shall be necessary to grant a use variance.
2. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it within sixty (60) days after the hearing thereon, and in any event, within ninety (90) days after the date of filing of the appeal or application.
3. All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Board shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.

E. Record of Actions

For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:

1. Description of the applicant's request.
2. The Zoning Board of Appeal's motion and vote.
3. A summary or transcription of all relevant material and evidence presented at hearing; and,
4. Any conditions attached to an affirmative decision.

F. Appeals to Circuit Court

The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the City or Village Zoning Act. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals, or may remand the decision to the Zoning Board of Appeals for further hearings or action.

G. Resubmission

No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Board finds that at least one (1) of the following conditions exist:

1. That the conditions involving all of the reasons for the original denial have been significantly altered.
2. That new conditions or circumstances exist which change the nature of the original request.

SECTION 16.5 CONDITIONS OF APPROVAL

A. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make.

B. Conditions shall be imposed in a manner in accordance with the City or Village Zoning Act and related to the standards by which the decision is reached.

SECTION 16.6 VARIANCE PROCEDURES

A. Authority for Variances

The Zoning Board of Appeals, after public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.

B. Granting of Non-Use Variances

A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district;
2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

5. The variance will not impair the intent and purpose of this Ordinance.
6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

C. Granting of Use Variances

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

   a. That the building, structure, or land cannot be reasonably used for any of the uses permitted by right or special approval in the zone district in which it is located.
   b. That the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would cause unnecessary hardship;
   c. That the proposed use will not alter the essential character of the neighborhood.

2. Prior to Zoning Board of Appeals hearing on a request for a Use Variance, the Planning Commission shall consider such request and forward a report to the Zoning Board of Appeals. For this report the Planning Commission shall consider the Master plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, the effect of the request on the essential character of the neighborhood, and other such factors as the Planning Commission may deem relevant.

SECTION 16.7 FEES

The Village Council may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. The fee shall be paid to the Village Treasurer at the time the application for the appeal or variance is filed.

CHAPTER 17
ADMINISTRATION

SECTION 17.1 ZONING ADMINISTRATOR

A. Authority

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator, or such other official or officials as may be designated by the Village Council. The Zoning Administrator shall have the power to:

1. Grant Certificates of Occupancy;
2. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance;
3. Issue and serve appearance tickets on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense; and
4. Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.

SECTION 17.2 PERMITS

A. Building Permits

1. No building, structure, or commercial sign shall be erected, altered, moved, or substantially repaired unless a building permit shall have been first issued for such work.
2. No building permit shall be issued for the erection, alteration, or use of any building or structure or for the use of any land which is not in accordance with all provisions of this Ordinance.
3. The holder of every building permit for the construction, erection, alteration, repair, or moving of any building or structure shall notify the Building Inspector immediately upon completion of the work authorized by the permit for a final inspection.

B. Certificate of Occupancy

1. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a Certificate of Occupancy is first obtained for the new or different use.
2. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a Certificate of Occupancy shall have been issued for such building or structure.
3. Certificates of Occupancy, as required by the currently adopted Building Code for the Village of Sanford, shall also constitute certification of compliance with the Zoning Ordinance.
4. A record of all Certificates of Occupancy issued shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Certificate.
5. Applications for Certificates of Occupancy shall be made in writing to the Zoning Administrator on a form furnished by the Village of Sanford. Certificates shall be issued within ten (10) days after receipt of such application if the building or structure or use of

land is in accordance with the provisions of this Ordinance and the other applicable Ordinances of the Village of Sanford.

C. Fees for the inspection and issuance of building permits or Certificates of Occupancy, or copies required or issued under the provisions of this Ordinance, may be collected by the Village in advance of issuance. The amount of such fees shall be established by resolution of the Village Council and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

SECTION 17.3 ENFORCEMENT

A. Violations

1. Any person, firm, or corporation, or any owner of any building, structure, or promises, or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a civil infraction, for which the fine shall be not less than one hundred (100) dollars nor more than five hundred (500) dollars for the first offense and not less than five hundred (500) dollars nor more than one thousand (1000) dollars for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided however, that offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.
2. Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and is in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se.
3. Each day that the violation occurs or continues shall be deemed a separate offense.
4. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

B. Performance Guarantees

1. As a condition of approval of a private street, site plan review, special land use, or planned unit development, the Planning Commission or Village Council, whichever is designated as the approving authority, may require a financial guarantee of a sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.

2. Performance guarantees shall be processed in the following manner:

a. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the Zoning Administrator. The amount of the performance guarantee shall be one hundred (100) percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.

b. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village.

c. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a building permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Village.

d. The Zoning Administrator, upon the written request of the obliger, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.

e. When all of the required improvements have been completed, the obliger shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obliger shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.

f. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

SECTION 17.4 AMENDMENTS

The Village Council is authorized and empowered to cause this Ordinance to be amended, supplemented or changed. Proposals for amendments may be initiated by the Council, the Planning Commission or by petition of one (1) or more owners of property in the Village of Sanford affected by such proposed amendment. The procedure for amending this Ordinance shall be as follows:

A. Each petition shall be submitted to the Zoning Administrator, accompanied by a fee as established by the Village Council, and then referred to the Clerk to set a hearing date and publish notices.

B. The Planning Commission shall conduct a public hearing, the notice of which shall be given by at least one (1) publication notice in a newspaper of general local circulation, not less than fifteen (15) days prior to the date of said hearing.

C. The Planning Commission shall make a recommendation to the Village Council to approve or deny the proposed amendment, along with its findings.

D. The Village Council may hold additional hearings if it considers it necessary. Notice of such hearing shall be published in the same manner as the original hearing notice.

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

CHAPTER 18
TITLE

SECTION 18.1 TITLE

This Ordinance shall be known, and may be cited as, the Village of Sanford Zoning Ordinance.

SECTION 18.2 INTENT

This Ordinance, enacted under the authority of the City or Village Zoning Act, is intended to insure that uses 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 provision of transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

SECTION 18.3 SCOPE

A. Interpretation and Application

In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to impair or interfere with any other existing provision of law or Ordinance. However, where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control.

B. Vested Rights

Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and all rights are hereby declared to be subject to such subsequent amendment, change or modification hereof as may be necessary to the preservation or protection of public health, safety, and welfare.

SECTION 18.4 SEVERABILITY

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 18.5 EFFECTIVE DATE

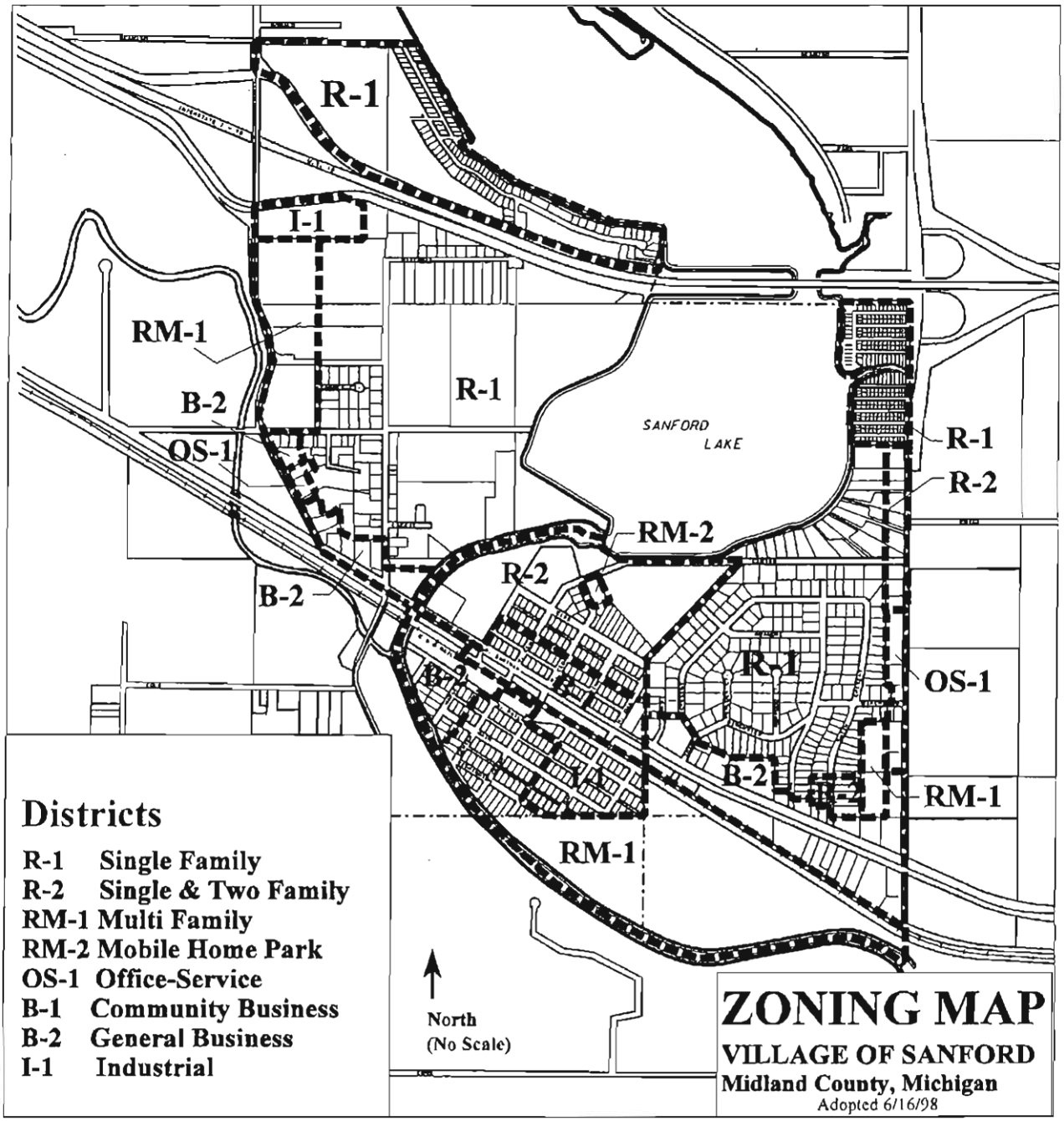
Public hearing having been held hereon, the provisions of this Ordinance are hereby adopted, and this Ordinance shall take effect on the 24th day of June, 1998.

SECTION 18.6 REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance adopted by the Village of Sanford, known as Ordinance No. 1, and all amendments thereto, are hereby repealed. The repeal does not affect any act done or offense committed, or any liability, penalty, forfeiture, or punishment acquired thereunder. The repeal does not include the Official Zoning Map of the Village of Sanford Zoning Ordinance, which is hereby adopted as a part of this Ordinance.

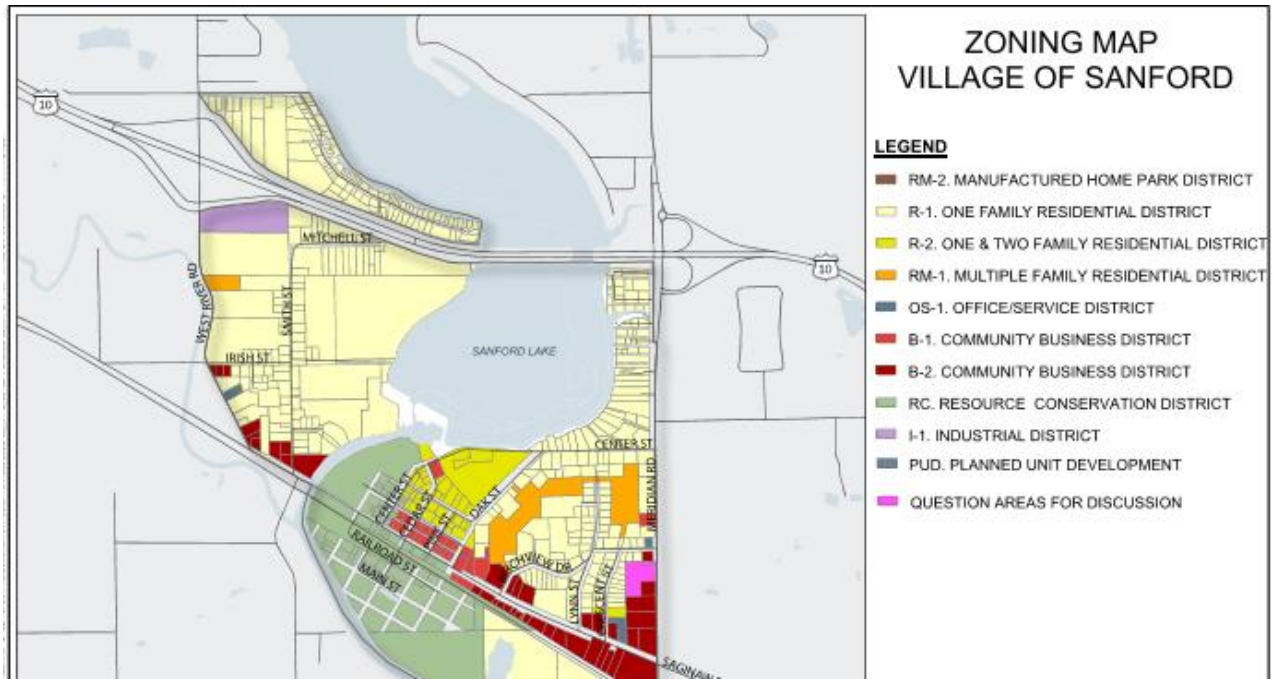
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June 2023: The Zoning Map was updated. Please see June 10, 2023 Master Plan for the Updated Map and Page 101 in this document

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Green Area is defined as Resource Conservation District. Refer to Zoning Ordinance No. 46 for details.