

Chapter 16

ZONING BOARD OF APPEALS

SECTION 16.1 PURPOSE

- A. The role of the Zoning Board of Appeals (ZBA) as authorized by Michigan's zoning statutes is a unique and important one. The ZBA is empowered to hear and decide appeals from any person or board aggrieved by an administrative decision. An administrative decision is one made by a zoning administrator or the planning commission, or by a legislative body acting in an administrative capacity. The ZBA has significant authority relative to interpreting and ultimately enforcing the legislative intent of zoning regulations. This "quasi-judicial" responsibility is separate from the duties carried out by the Village Council, Planning Commission, Zoning Administrator, and others involved in zoning.
- B. No other body or individual in the Village has the power to waive or vary the requirements of the community's zoning law. For this reason, the exercise of that authority must be carried out in conformance with prescribed procedures to ensure to the extent possible that there is uniform application of the zoning laws throughout the community.
- C. Obtaining a variance from the Village's zoning laws should be difficult, at best, to accomplish. Only the rarest of situations should qualify and each must satisfy a number of prescribed tests in order to be granted relief from the regulations that are ultimately intended to protect the general health, safety, and welfare of the community. Each time a waiver of the rules is granted, there is potential to erode the integrity of the community's zoning regulations.
- D. As with all the Village's boards, commissions, and committees, the Zoning Board of Appeals is often asked to make tough choices. It is sometimes difficult to remain entirely objective, not allowing emotion, compassion, and personal preferences to influence a decision. But as a quasi-judicial body, the ZBA must not be persuaded by likes and dislikes, personalities, or personal feelings. Whether the ZBA agrees or disagrees with any provision in the ordinance is irrelevant. Decisions must be based solely on the applicable provisions of the zoning ordinance and the applicant's ability to qualify for some relief from those provisions based on the standards of the ordinance.
- E. Unless caution is exercised, actions of the ZBA may sometimes have the effect of amending the ordinance and violating the intent of its provisions. The ZBA cannot amend the zoning ordinance, including providing rezonings or text changes. The Board must function solely to provide relief for the rare exception situation where conformance to the zoning requirements is either impossible or would be extremely difficult. Secondly, the Board must be the "arbiter" of disputes or questions regarding the enforcement or interpretation of the ordinance provisions. This job must be undertaken with a genuine commitment to uphold the intent and spirit of the Village zoning regulations.

SECTION 16.2 CREATION AND MEMBERSHIP

- A. The Village Council consisting of the President and 6 Trustees, is hereby established as the Zoning Board of Appeals and shall perform the duties and exercise the powers as provided in P.A. 110 of 2006, and in such a way that the objectives of this Ordinance shall be observed.
- B. 1. One member shall be a member of the Planning Commission.
2. The creation, membership, and reappointment of a Zoning Board of Appeals shall meet the requirements of the Michigan Zoning Enabling Act of 2006.
- C. A member of the Zoning Board of Appeals who also serves a member of the Planning Commission must abstain from voting on a matter being considered by the Zoning Board of Appeals that he or she voted on as a member of the Planning Commission where the facts and circumstances associated with the particular decision under review make abstention necessary to satisfy the due process requirement of impartial decision making.

[AMENDED, 3/10/08]

SECTION 16.3 ORGANIZATION

- A. **Rules of Procedure:** The Zoning Board of Appeals shall adopt rules and/or procedures for the conduct of its meetings and the performance of its powers and duties. The procedures shall be in accord with the provisions of this Ordinance and applicable State law. The Board shall annually elect a chairperson, a vice chairperson, and a secretary.
- B. **Meeting Times:** Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board may specify in its rules of procedure. The applicable provisions of Public Act 267 of 1976, as amended, MCLA 15.261 et seq. (Open Meetings Act) shall apply.
- C. **Quorum:** A majority of the total membership of the Board shall comprise a quorum.
- D. **Minutes:** Minutes shall be kept of each meeting and the Zoning Board of Appeals shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon each appeal case. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Village Clerk. The Village Clerk, or the Clerk's agent, shall act as recording secretary to the Zoning Board of Appeals, including recording the minutes, publishing legal notices, and providing notices to property owners and others required by law.
- E. **Application to Zoning Board of Appeals:** Applications shall not be accepted unless all of the following information is submitted:
1. A completed application form (provided by the Village);
 2. An accurate, scaled site plan (if appropriate) with enough information to clearly indicate the nature of the issue being considered. The Zoning Administrator shall determine the completeness of such plans.

3. An application fee as may be determined by the Village Council from time-to-time.
4. A written explanation from the applicant indicating why the application meets the applicable review standards of this Chapter.

F. Public Hearing:

Upon receipt of an application as required by this Chapter, the Zoning Board of Appeals shall fix a reasonable date, time, and place for a hearing and shall publish a notice of hearing in a newspaper of general circulation within the Village, and shall send such notice to the applicant not less than fifteen (15) days before the hearing date. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property involved in the appeal and to the occupants of all structures located within three hundred (300) feet of the property, including properties and occupants located outside of the Village. The Board may adjourn any meeting held in order to allow the obtaining of additional information, or to provide further notice as it deems necessary. If the name of an occupant is not known, the term "occupant" may be used in making notification. [AMENDED 3/10/08]

SECTION 16.4 POWERS AND DUTIES

The Zoning Board of Appeals shall hear only those matters which it is authorized to hear by Public Act 110 of 2006, and render its decision based upon the criteria contained in this Ordinance. The Zoning Board of appeals shall hear the following applications in accordance with the indicated standards:

A. Administrative Appeals

1. The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error in fact, judgment, procedure, or interpretation in any order, requirement, permit, or decision made by the Zoning Administrator or other body enforcing the provisions of this Ordinance.
2. Site Plan Review:
 - a. The Zoning Board of Appeals shall review and make final determination on properly filed appeals from action by the Planning Commission with respect to Site Plan Reviews conducted pursuant to Chapter 11 of this Ordinance.
 - b. The Zoning Board of Appeals has the power to sustain, reverse or remand for further consideration the decision of the Planning Commission when it is found that the decision is inconsistent with the provisions of this Ordinance or that there was an error of fact involved in the decision. In making this determination, the Zoning Board of Appeals shall examine the application and all accompanying data as well as the records of the actions with respect to the Site Plan Review.

B. Interpretations

1. The Zoning Board of Appeals shall have the power to make an interpretation of the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one (1) meaning. In deciding upon the request, the Board shall insure that its interpretation is consistent with the intent and purpose of this Ordinance and the Chapter in which the language in question is contained.
2. The Zoning Board of Appeals may also make a determination of the precise location of the boundary lines between zoning districts in accordance with Chapter 4 of this Ordinance, and records, surveys, maps, and aerial photographs.
3. The Zoning Board of Appeals may determine the classification of any use of land not specifically mentioned as a part of the provisions of any district, so that it conforms to a comparable permitted or prohibited use of land in accordance with the purpose and intent of each district.
4. The Zoning Board of Appeals may issue a determination of the off-street parking and loading requirements of a use of land not specifically mentioned in Chapter 14 of this Ordinance such that it conforms to a comparable use of land.

C. Variances

1. 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 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.
2. **Non-use Variance (practical difficulty):** 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:
 - a. 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. Exceptional or extraordinary circumstances or conditions include:
 - (1) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
 - (2) By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure; or
 - (3) By reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties; or
 - (4) Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.

- b. That the condition or situation of the specific parcel 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.
- c. 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.
- d. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
- e. The variance will not impair the intent and purpose of this Ordinance.
- f. That the immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.

[AMENDED 3/10/08]

SECTION 16.5 VOTING REQUIREMENTS, EFFECT OF VARIANCES, RESUBMISSION

- A. **Non-Use Variance, Interpretation or Administrative Appeal:** The concurring vote of a majority of the entire membership of the Zoning Board of Appeals shall be necessary to decide in favor of the applicant for a non-use variance or other matter upon which the Board is required to pass.
- B. **Finality of Decisions:** All decisions of the Zoning Board of Appeals shall become final when the Board certifies its decision in writing or approves the minutes of its decision.
- C. **Variance Time Limit:** Every non-use variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized by such variance has been commenced within six (6) months after the granting of the variance.
 1. An applicant may, at no cost, request up to one (1) six (6) month extension of said variance from the Zoning Board of Appeals, if applied for in writing prior to the expiration of the variance approval.
 2. The Zoning Board of Appeals may grant such extension provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were beyond the control of the applicant.
- D. **Resubmission:** No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the denial, except on the grounds of newly discovered evidence or proof of changed conditions found, upon inspection by the Board, to be valid.

[AMENDED 3/10/08]

SECTION 16.6 CONDITIONS OF APPROVAL

The Zoning Board of Appeals may impose, in writing, specific conditions with an affirmative decision pursuant to PA 110 of 2006. The breach of any such condition shall be a violation of this Ordinance. [AMENDED 3/10/08]

SECTION 16.7 BONDING

The Zoning Board of Appeals may require that a bond be furnished to insure compliance with certain conditions imposed with the granting of any appeal or variance.

SECTION 16.8 CERTIFICATION OF COMPLIANCE

The Zoning Administrator shall certify whether all conditions and other requirements of the variance have been fulfilled, as a precondition to the issuance of any permit required for development, construction, occupancy or use within the area governed by the variance.

Chapter 17

ADMINISTRATION AND ENFORCEMENT

SECTION 17.1 RESPONSIBILITY

- A. **Deputy Administrator** - Where the provisions of this Ordinance authorize or direct the Zoning Administrator to perform any act or carry out any function, such act or function may also be carried out by a deputy or deputies designated by the Village Council.
- B. **Basic Duties** - The Zoning Administrator shall have the power to grant certificates of zoning compliance and to make inspections of premises necessary to carry out his/her duties in the enforcement of this Ordinance, and to otherwise carry out the duties assigned herein.
- C. **Official Zoning Map** - The Zoning Administrator or designee shall be responsible for maintaining the Official Zoning Map.
- D. **Violations** - The Zoning Administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violations of its provisions.

SECTION 17.2 ZONING ORDINANCE AMENDMENTS, INITIATION

- A. **Time frame for Application Submittal** – All applications for amendments to the Zoning Ordinance shall be submitted to the Zoning Administrator at least thirty (30) days prior to the first consideration by the Village Planning Commission. [AMENDED 3/10/08]
- B. **Initiation of Amendments and Application Requirements** - Requests for amendments to the Zoning Ordinance may be initiated in writing by the owner of the property requested for rezoning, or his/her authorized representative. Requests may also be made by the Village Planning Commission or the Village Council through official action of the Commission or Council taken at a public meeting which has been properly noticed as required by law.

In the case of an amendment requested by a property owner or his/her authorized representative, the request shall include the following:

1. Completion of a Zoning Amendment Application as provided by the Zoning Administrator. Said application to include:
 - a. The name and address of the person making the request and all persons having a legal or equitable interest in any land which is requested to be rezoned.
 - b. In the case of a text amendment, the specific section to be amended and the proposed text change.

- c. If the requested amendment requires a change in the zoning map, the common address, legal description of the area requested for change, and present and proposed district classifications shall be provided. The applicant shall also indicate by map form, the location of the property requested for rezoning.
If, in the opinion of the Zoning Administrator, Planning Commission, or Village Council, the information submitted does not provide a clear delineation of the specific area to be rezoned, said Zoning Administrator, Planning Commission, or Village Council shall require the applicant to submit a boundary survey of the property in question. Said survey to include a written legal description and drawing of the area to be rezoned. The boundary survey, including legal description and map, shall be completed by a Land Surveyor registered by the State of Michigan.
- d. The nature of the amendment shall be fully identified in writing.
- e. Payment of all fees as required by the Village of Fowler.

SECTION 17.3 AMENDMENT PROCEDURE

After submission of the application and fee, amendments to this Ordinance shall be processed as provided for in the Zoning Enabling Act, Public Act 110 of 2006. [AMENDED 3/10/08]

SECTION 17.4 CONSIDERATION OF AMENDMENT

The following guidelines shall be used by the Planning Commission and Village Council pursuant to consideration of amendments to the Zoning Ordinance:

A. Text Amendment.

1. The proposed text amendment would correct an error in the Ordinance.
2. The proposed text amendment would clarify the intent of the Ordinance.
3. The proposed text amendment would address changes to the state legislation, recent case law or opinions from the Attorney General of the State of Michigan.
4. The proposed text amendment would promote compliance with changes in other Village Ordinances and County, State or Federal regulations.
5. In the event the amendment will add a use to a district, said use shall be fully consistent with the character of the range of uses provided for within the district.
6. The amendment shall not result in problems of incompatibility among land uses within a zoning district, or among adjacent districts.
7. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
8. As applicable, the proposed change shall be consistent with the Village's ability to provide adequate public facilities and services.
9. The proposed change shall be consistent with the Village's desire to protect the public health, safety, and welfare of the community.

B. Map Amendment. (Rezoning)

1. **Consistency** with the goals, policies and future land use map of the Village of Fowler. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
2. **Compatibility** of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district. The potential uses allowed in the proposed zoning district shall be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.
3. **Capability** of the existing or planned infrastructure including streets, sanitary sewers, storm sewer, water, sidewalks, and street lighting to sufficiently support those uses provided for within the proposed zoning district classification.
4. Existing Village facilities and services including, but not limited to, police and fire protection, recreational facilities, educational facilities, and waste collection shall have sufficient capacity to support those uses provided for within the proposed zoning district classification.
5. The proposed change shall be governed by sufficient standards to ensure that the potential for problems of incompatibility between the proposed and adjoining districts shall be minimal.
6. The requested rezoning will not create an isolated and unplanned spot zone.
7. The proposed change shall not endanger the public health, safety, or welfare.
8. Other factors deemed appropriate by the Planning Commission.

SECTION 17.5 CONSIDERATION OF AMENDMENT BY VILLAGE COUNCIL

Upon receipt of a report and summary of hearing comments from the Planning Commission as provided for in the Zoning Enabling Act, Public Act 110 of 2006, the Village Council may hold an additional public hearing, if it considers it necessary, or may proceed to adopt or amend the proposed amendment. If the Village Council proposes to amend the amendment, then the procedures described in the Zoning Enabling Act, Public Act 110 of 2006, shall be followed. [AMENDED 3/10/08]

SECTION 17.6 ZONING COMPLIANCE PERMITS

- A. Unless otherwise exempted by this Ordinance, the construction, erection, alteration, expansion, moving, repair, or use of any land, building, or structure shall require receipt of a zoning permit and issuance of a certificate of zoning compliance. No building permit shall be issued for the construction, erection, alteration, expansion, moving or repair of any building or other structure until a certificate of zoning compliance has been issued therefor. Issuance of such a certificate shall indicate that the use and plans for which the permit is requested comply with this Ordinance.
- B. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure, or premises, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use as permitted under the terms of this Ordinance, until a certificate of zoning compliance shall have been issued hereunder by the Zoning Administrator. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this Ordinance.

- C. The Zoning Administrator shall maintain a record of all certificates of zoning compliance.
- D. Certificates of zoning compliance authorize only the use, arrangement and construction set forth in the application and any appended plans, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and is punishable as provided by law. Any change in approved plans shall occur as provided for in this Ordinance and shall require the issuance of an amended certificate of zoning compliance.

SECTION 17.7 PERFORMANCE GUARANTEE

- A. As a condition of approval of a site plan, special land use, planned unit development, variance, or other such zoning action, the Zoning Administrator, Planning Commission, Village Council, or Zoning Board of Appeals, as appropriate, may require a bond or other financial guarantee of 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, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, utilities and similar items.
- B. Performance guarantees shall be processed in the following manner:
 - 1. The applicant shall prepare an itemized cost estimate of the required improvements, which shall then be reviewed and approved by the Zoning Administrator. The amount of the performance guarantee shall be one-hundred (100) percent of the following costs:
 - a. Purchase and/or construction of improvements.
 - b. Installation of improvements.
 - c. Architectural and/or engineering design or related professional costs.
 - d. Reasonable amount for contingencies, but in no case less than five (5) percent of total costs for a-c above.
 - 2. The required performance guarantee shall be in the form of an irrevocable bank letter of credit, surety bond, or other form of guarantee acceptable to the party requiring said guarantee.
 - 3. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a certificate of zoning compliance for the subject development or activity.
 - 4. The Zoning Administrator, upon the written request of the applicant, 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 improvement.
 - 5. When all of the required improvements have been completed, the applicant shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall recommend to the Planning Commission, Village Council,

- or Zoning Board of Appeals, as appropriate, approval, partial approval, or rejection of the improvements with a statement of the reasons for any rejections.
6. The Planning Commission, Village Council, or Zoning Board of Appeals, as appropriate, shall either approve, partially approve, or reject the improvements. The Zoning Administrator shall notify the applicant in writing of the action of the Planning Commission, Village Council, or Zoning Board of Appeals, as appropriate, within thirty (30) days after the official action of said Commission, Council, or Zoning Board of Appeals. Where partial approval is granted, the applicant 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.
 7. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

SECTION 17.8 ORDINANCE VIOLATIONS

- A. Any building or structure moved, erected, razed, converted, or used and any use of land or premises which is carried on in violation of this Ordinance is declared to be a nuisance per se. All buildings, structures, and land uses considered to be in violation of this Ordinance shall be reported to the Zoning Administrator.
- B. After an order to correct the violation has been issued by the Zoning Administrator, the property owner (owner of the property upon which the violation is located) shall have thirty (30) days to correct the violation. If the violation cannot be corrected within this time, the Zoning Administrator may, with just cause, extend the correction period for an appropriate amount of time up to a period of six (6) months. The approved extension period shall be at the discretion of the Zoning Administrator.

In the event a longer period of time is required:

1. The Zoning Board of Appeals, upon petition, may grant up to six (6) additional months to correct the violation if conditions warrant such an extended period of time. The six (6) period shall commence at the end of the extended period as approved by the Zoning Administrator (as referenced above).
2. If the violation involves a special land use or planned unit development, the request for the extended period of time shall be made to, and approved by, the Village Council. Any violation not corrected within the required time frame shall be reported to the Village Council.

In all cases, a request for extending the period of time for correcting a violation shall be made by the applicant. Said request shall be in writing to the Zoning Administrator and shall include specific detail on why the violation occurred, the requested time frame for correcting the violation, and actions to be pursued by the land owner to ensure correction of the violation. The written request shall be delivered to the Zoning Administrator no less than twenty-one (21) days prior to the expiration of the extended time frame as originally approved by the Zoning Administrator.

In the event the Zoning Administrator determines the violation poses an imminent threat to the health, safety, and welfare of the occupants of the premises on which the

violation is located or to the general public, the Zoning Administrator may require that immediate measures be taken to correct the violation.

- C. Any person, firm, corporation, or organization who violates, disobeys, omits, or refuses to comply with any provisions of this Ordinance or lawful order of the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or Village Council issued in pursuance of this Ordinance shall be responsible for a civil infraction punishable by the sanctions as set forth below. Each day which a violation continues, may be deemed a separate infraction.
- D. The sanction for any violation of this Ordinance which is a municipal civil infraction shall be a civil fine as provided herein, plus any costs, damages, expenses, and other sanctions authorized under Act 12 through 26, Public Acts of Michigan of 1994.
- E. The Zoning Administrator, the Building Inspector, together with law enforcement officers, are authorized officials to issue municipal civil infraction citations and municipal civil infraction violation notices for violation of this Ordinance.
- F. A violation of this Zoning Ordinance shall be a municipal civil infraction subject to a fine. Increased civil fines will be imposed for repeated violations that occur within a six (6) month period. Civil fines for first offenses, repeat first offenses and repeat second offenses will be established from time to time by the Village Council. The Village shall also be entitled to equitable relief to abate the violations and to such other relief as may be available to the Village pursuant to Chapters 83 and 87 of the Michigan Revised Judicature Act, as amended at the present time or in the future.

SECTION 17.9 SEVERABILITY CLAUSE

This Ordinance and the various Chapters, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, clause or word is adjudged unconstitutional or invalid for any reason, by any Court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the Court to be inoperable.

SECTION 17.10 CONFLICTING PROVISIONS

Where a provision of this Ordinance conflicts with a provision of another Ordinance, the strictest provision shall prevail.

SECTION 17.11 SAVINGS CLAUSE

- A. This Ordinance shall not impair or affect any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this Ordinance had not been adopted.

- B. Such proceedings may be consummated under and according to the Ordinance in force at the time such proceedings are or were commenced. All prosecution, or other actions, pending at the effective date of this Ordinance, or offenses or acts committed prior to the effective date of this Ordinance, may be continued or instituted under and in accordance with provisions of the Ordinance in force at the time of such offense.

SECTION 17.12 REPEAL OF PREVIOUS ZONING ORDINANCE

This Ordinance, when effective, repeals Ordinance No. 20 of the Village of Fowler Code of Ordinances, and all amendments, are now repealed.

SECTION 17.13 EFFECTIVE DATE

This Ordinance is hereby adopted at a regular meeting of the Village Council held on the 9th day of September 2002, and shall be effective September 22nd, 2002.