

Village of Vernon

Zoning Ordinance

Adopted March 20, 2013

Ordinance #15

Updated with assistance from:



**ROWE PROFESSIONAL
SERVICES COMPANY**

P.O. Box 3748 | Flint, MI 48502 | 810/341-7500

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ZONING ORDINANCE OF THE VILLAGE OF VERNON

PREAMBLE

An ordinance to provide for the establishment of zoning districts to encourage and regulate the use of land and the proper location of buildings and structures for residence, trade, industry, or other purposes; to regulate the height and bulk of the buildings, the density of population, and the minimum dimensions of yards, courts, and other open spaces; to provide for the administration, enforcement, penalties for violation, and amendment of said ordinance.

The Village of Vernon, under the authority of Act 33 of the Michigan Public Acts of 2008, as amended, and Act 110 of the Michigan Public Acts of 2006, , hereby enacts as follows:

ARTICLE 1 SHORT TITLE

This Ordinance shall be known as the Zoning Ordinance of the Village of Vernon.

ARTICLE 2 PURPOSES

It is the purpose of this Zoning Ordinance to promote the public health, safety, morals, comfort, convenience, and general welfare of the Village of Vernon by encouraging the use of lands and natural resources in the Village in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public streets and highways; to facilitate adequate and economical provision of transportation; sewage and drainage; water supply and distribution, and educational and recreational facilities; assuring adequate provisions for food, natural resources, housing, and commerce, insuring appropriate locations and relationships for uses of land; and facilitating the expenditure of funds for adequate public facilities and services by establishing herein standards for physical development in accordance with the objective and policies contained in the Land Use Plan for the Village of Vernon and to provide for the administration and enforcement of such standards.

ARTICLE 3 DEFINITIONS

Section 3.1 DEFINITIONS

Section 3.1.1 Rules Applying to the Text:

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.

- 1) The word "person" includes a corporation or firm, as well as an individual.
- 2) The word "building" includes the word "structure".
- 3) The word "lot" includes the word "plot", "tract", or "parcel".
- 4) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- 5) The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed" to be used or occupied.
- 6) The "present tense" includes the "future tense", the "singular number" includes the "plural", and the "plural number" includes the "singular".
- 7) Any word or term not interpreted or defined by this Article, the definition of the term shall be taken from the dictionary/edition which is presently located at the Village Hall.

Section 3.2.1 Definitions:

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Alley: Any dedicated public way other than a street which provides only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alterations: Any modification, addition or change in construction or type of occupancy; any change or rearrangement in the structural parts of a building; any enlargement of a building whether by extending a side or by increasing in height, or the moving from one location to another.

Apartments: A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple dwelling intended or designed for use as a residence by a single-family.

Basement: A story having part, but not more than one-half (½) of its height below finished grade. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes.

Boarding House: A building other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more persons.

Building: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or property.

Building Area: The total of areas taken on a horizontal plane at the main grade level of the principal building, and all accessory buildings exclusive of uncovered porches, terraces and steps.

Building, Front Line of: The line or face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches, but does not include steps.

Building, Height of: The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building Lines: A line defining the minimum front, side and rear yard requirements outside of which no building or structure may be located.

Building, Principal: A building in which is conducted the main or principal use of the lot on which it is located.

Cellar: A story having more than one-half ($\frac{1}{2}$) of its height below the average finished level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurements.

Certificate of Occupancy: A statement signed by the Zoning Administrator setting forth either that a building or structure complies with the Zoning Ordinance or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

Clubs: An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political or social purposes, which are not conducted primarily for gain and which do not provide merchandising, vending or commercial activities except as required incidentally for the membership and purpose of such club.

Commercial Vehicles: A commercial vehicle is a vehicle which is licensed by the State of Michigan as a commercial vehicle. This term includes trailers and single vehicles.

Common Land: A parcel or parcels of land together with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

Condominium, Contractible: A condominium project from which any portion of the submitted land or building may be withdrawn in accordance with the Condominium Act (PA 59 of 1978).

Condominium, Conversion: A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under Section

71 of the Condominium Act (PA 59 of 1978).

Condominium, Expandable: A condominium project to which additional land may be added in accordance with the Condominium Act (PA 59 of 1978).

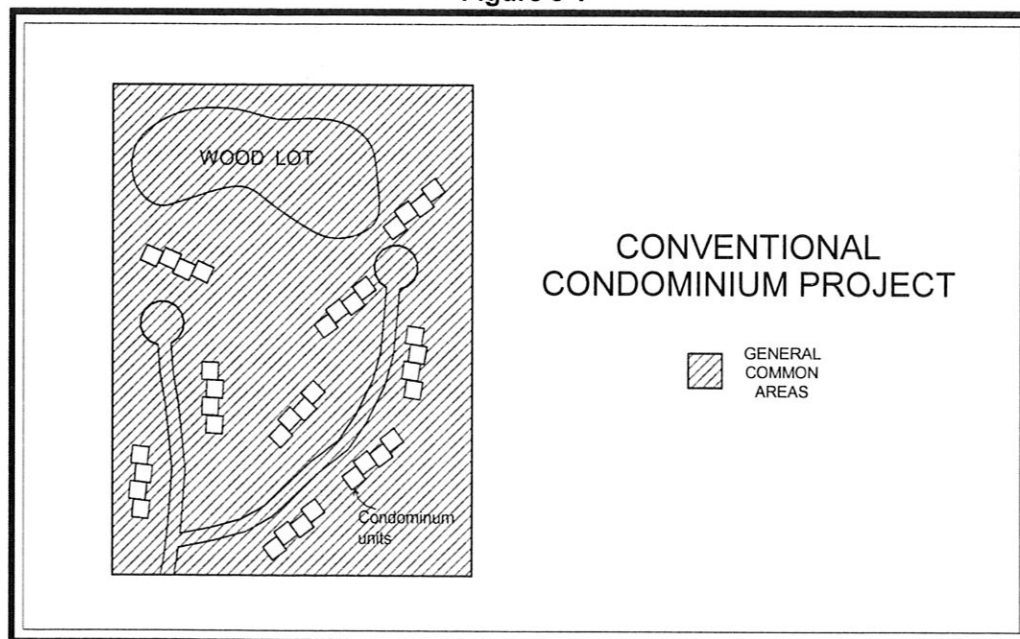
Condominium, General Common Elements: Portions of the condominium development owned and maintained by the condominium association, as defined in the Condominium Act (PA 59 of 1978).

Condominium, Limited Common Elements: Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development, as defined in the Condominium Act (PA 59 of 1978).

Condominium, Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act (PA 59 of 1978).

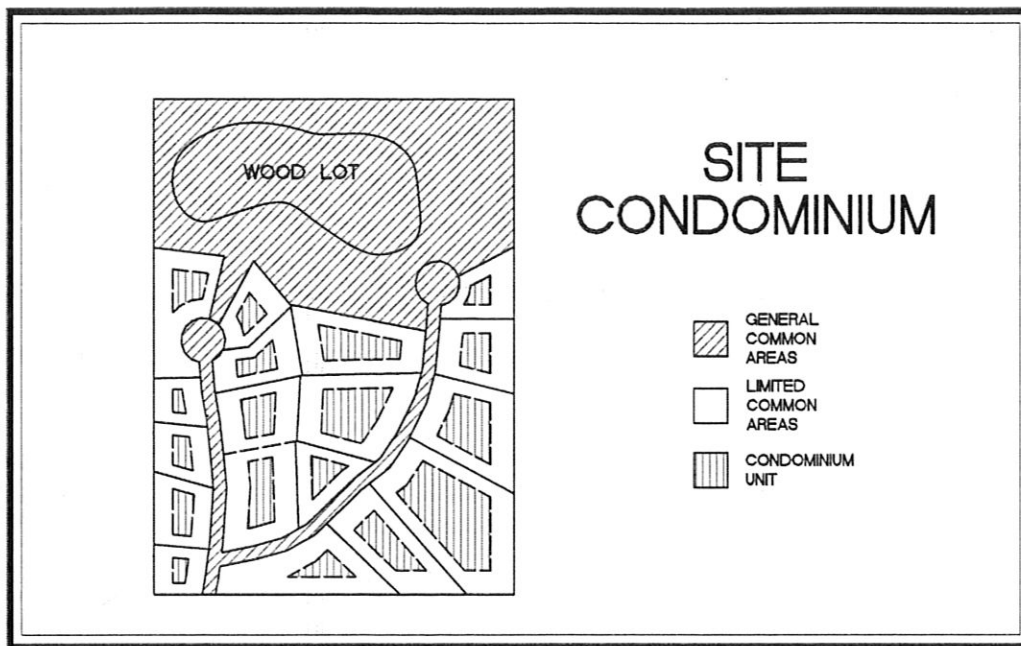
Condominium Project, Conventional: A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area (see Figure 3-1).

Figure 3-1



Condominium Project, Site: A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common elements, constitutes the equivalent of a lot (see Figure 3-2).

Figure 3-2



Condominium, Subdivision Plan: Means drawings and information prepared pursuant to section 66 of the Condominium Act, (PA 59 of 1978).

Condominium Unit: A condominium unit is that portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed, as defined in the Condominium Act (PA 59 of 1978).

Court: An unoccupied open space, other than a yard, on the same lot with a building which is bounded on two (2) or more sides by the walls of such building.

Court, Closed: A court enclosed on all sides by exterior walls of a building, or enclosed on all sides by a combination of exterior building walls and freestanding walls.

Court, Outer: A court enclosed on not more than three (3) sides by exterior walls of a building or by a combination of exterior walls and freestanding walls with one side or end open to a street, alley or yard.

Coverage: That percent of the plot or lot covered by the building area.

Density: The number of dwelling units residing upon or to be developed upon a net acre of land.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height limitations.

Dormitory: A building or portion thereof used for housing purposes under the supervision of a college, university, or other institutions.

Dwelling: Any building or portion thereof which is designed or used exclusively for residential purposes.

Dwelling Unit: A building or portion thereof designed exclusively for residential occupancy by one (1) family and having cooking facilities.

Erecting: The building, construction, alteration, moving upon or any physical activity upon a premises or lot.

Family: An individual or two (2) or more persons related by blood, marriage or adoption, or a group not to exceed two (2) persons not related by blood or marriage, occupying a premises and living as a single, nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a boarding house lodging house, hotel, club, fraternity or similar dwelling for group use. The usual domestic servants residing on the premises shall be considered as part of the family any group of persons not so related but inhabiting a single housekeeping unit, shall be considered to constitute one (1) family for each six (6) persons, exclusive of domestic employees, contained in such group.

Family, Functional: A group of no more than four (4) people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, registered student organization, association, lodge, organization, or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

Fence: An accessory structure intended for use as a barrier to property ingress and egress, a screen from objectionable vista, noise, and/or for decorative use.

Floodplain: Floodplain means the area of land adjoining the channel of a river, stream watercourse, lake or other body of water which has been or may be covered by floodwater.

Floor Area: Sum of the gross horizontal areas of the floors of a building or dwelling unit, measured from the exterior faces of the exterior walls or from the centerline of walls separating dwelling units.

Garage, Parking: A structure or series of structures for the temporary storage or parking of motor vehicles having no public shop or service connected therewith.

Garage, Private: An accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles, boats, house trailers, snowmobiles and similar vehicles owned and used by the occupants of the building to which it is accessory.

Grade, Finished: The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs related thereto.

Guest Unit: A room or group of rooms occupied, arranged or designed for occupancy by one (1) or more guests for compensation.

Lodging House: A building in which three (3) or more rooms are rented and in which no table board is furnished, but not exceeding five (5) persons.

Line, Street: The dividing line between a street right-of-way and a lot.

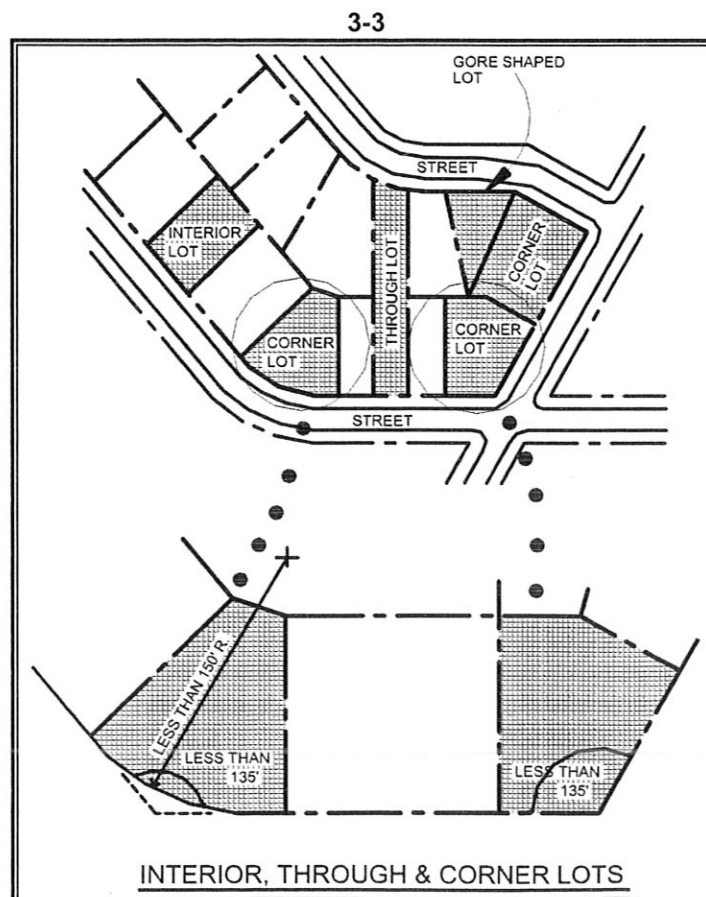
Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance, PROVIDED THAT the owner of any number of contiguous lots may have as many of said contiguous lots considered a single lot for the purpose of this Ordinance as he elects, and in such case, the outside perimeter of said group of lots shall constitute the front, rear and side lot lines thereof. For the purpose of this ordinance, a lot shall also be defines as a condominium unit and associated limited common areas in a site condominium development.

Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length (see Figure 3-3).

Lot, Depth of: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, Gore Shaped: A triangular shaped lot (see Figure 3-3).

Lot, Interior: A lot other than a corner lot (see Figure 3-3).



Lot Line: The lines bounding a lot as herein described.

Lot, Nonconforming: A lot lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the dimensional standards for the district in which it is located.

Lot Line, Front: In the case of an interior lot, the line separating said lot from the street. In the case of a through or corner lot, the line separating said lot from either street.

Lot Line, Rear: Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length entirely within the lot parallel to, or approximately parallel, and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth or rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.

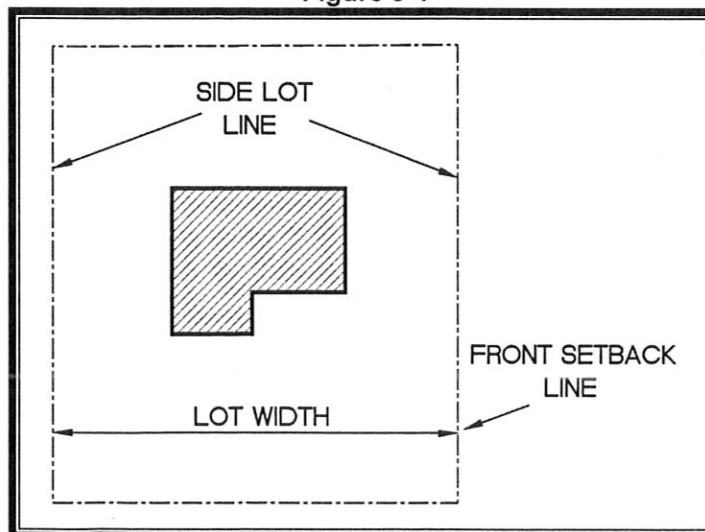
Lot Line, Side: Any lot line not a front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds in Shiawassee County, or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds in Shiawassee County.

Lot, Reverse Frontage: A key lot or the first lot to the rear of a corner lot, the front lot line of which is a continuation of the side lot line of the corner lot and fronting on the street that intersects the street upon which the corner lot fronts and/or that faces the street upon which the side of a corner lot abuts.

Lot, Through: A lot that has frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required (see Figure 3-4).

Figure 3-4



Lot, Width of: The width measured along the front lot lines or street lines (see Figure 3-4).

Major Thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic with its secondary use or function the provision of access to abutting property, and which has been classified as such upon the Future Land Use Plan of the Village of Vernon.

Minor or Local Street: A public way, the principal use or function of which is to give access to abutting properties.

Mobile Home: A structure that is transportable in one (1) or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Nonconforming Use: A building, structure or use of land lawfully existing at the effective date of this Ordinances or amendments thereto, and which does not conform to the regulations of the district or zone in which it is located.

Open Space: Any unoccupied space open to the sky on the same lot with a building.

Plan, Future Land Use: An adopted statement of policy by the Village Council relative to the agreed-upon desirable physical pattern of future community development, consisting of a series of maps, charts and written material that represents a sound conception of how the community should grow in order to being about the very best community living conditions.

Principal Use: The main use to which the premises are devoted and the principal purpose for which the premises exist.

Public Utility: Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water.

Right-of-Way: A street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles or the location of utilities.

Rooming House: A building where lodging only is provided for compensation.

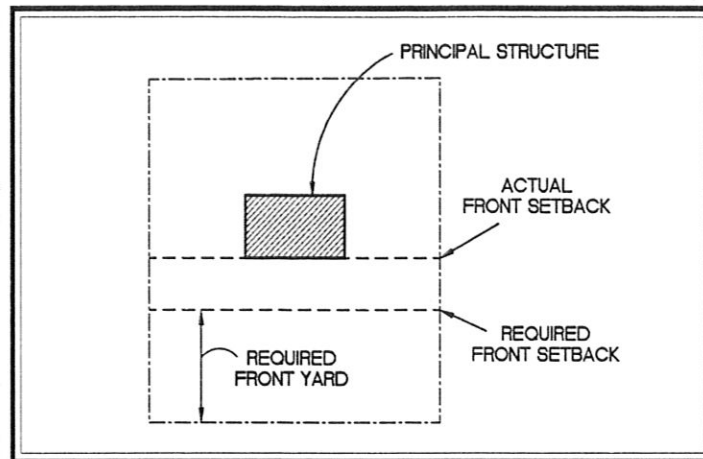
Secondary Thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary use or function the provision of access to abutting property, and which has been classified as such upon the Future Land Use Plan for the Village of Vernon.

Setback: The minimum horizontal distance between a structure, excluding steps and unenclosed porches and the front street or right-of-way line or lot line.

Setback, Average: The Average setback is applied to those village blocks where there are various setback. It is a line that represents the "average" of those lots closest to the road right of way and those furthest from the road right of way.

Setback, Required: The minimum front, rear and side setbacks as required by the ordinance. In the case of a lot on a cul-de-sac or curvilinear street, the setback shall be measured from the midpoint of the lot width on the front lot line (see Figure 3-5).

Figure 3-5

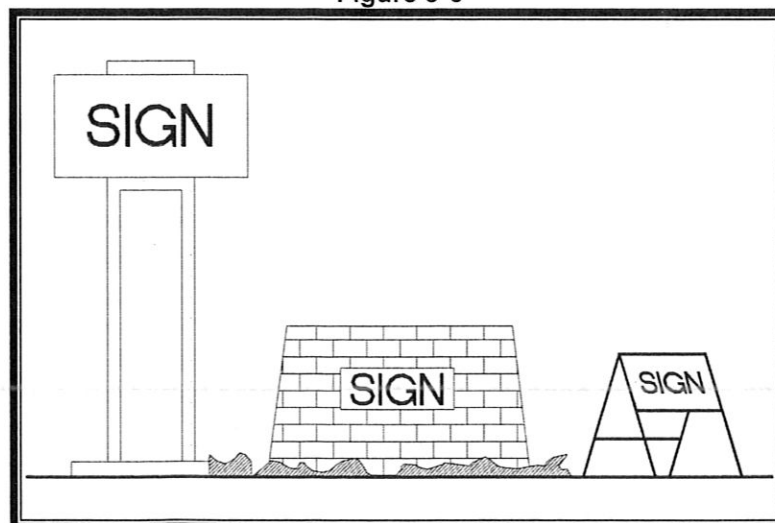


Signs: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combination thereof by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which are visible from any public way and used as an outdoor display.

Sign, Free-standing: A display sign permanently supported by one or more uprights poles, columns or braces placed in or upon the ground surface and not attached to any building or structure.

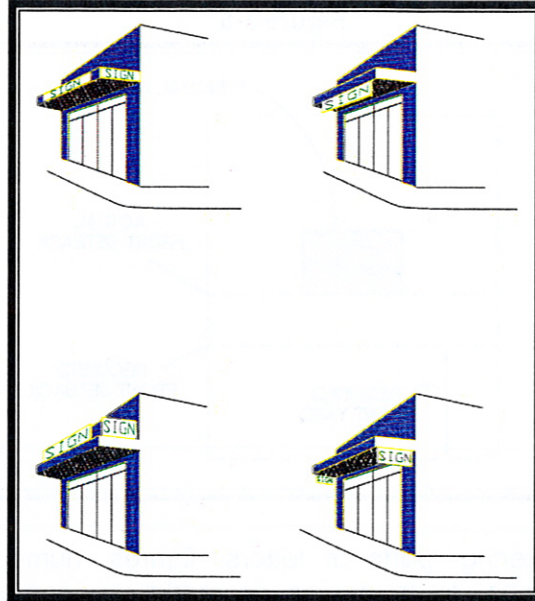
Sign, Ground Mounted: A sign that is placed at grade and not elevated above the ground by poles or by any other means (see Figure 3-6).

Figure 3-6



Signs, Marquee: A display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line (see Figure 3-7).

Figure 3-7



Signs, Off-premise: A sign that is not located on the premises to which the sign is intended to serve.

Signs, On-premise: A sign relating to the principal use of the premises on which it is located, or to products, accommodations, services, or activities located on the premises.

Signs, Portable: Any sign not permanently attached to the ground or other structure, and designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A or T-frames, and menu and sandwich board signs (see Figure 3-6).

Signs, Projecting: A sign other than a flat wall sign which projects from and is supported by a wall of a building or structure (see Figure 3-7).

Signs, Roof: Any sign which is attached to a building and any part of which extends above either the top of the building silhouette or any portion of the roof surface.

Signs, Temporary: Any sign which is fabricated of paper, plywood, fabric, wood or other temporary material, with or without a structural frame, not permanently and securely attached to either the ground, a structure or a wall, and intended for a limited period of display. Signs not permanently attached, including but not limited to signs affixed to a permanent structure by an electrical extension, portable signs with the wheels removed, or signs staked to the ground, or banners, shall be considered temporary signs.

Signs, Wall (Flat): One affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than fifteen (15) inches at all points.

Signs, Window: Window Sign - Any sign which is permanently or temporarily applied, affixed, or attached to the interior or exterior of any building window.

Site, Net Area: The total areas within the property lines of a project or development, excluding streets.

Special Use Permit: Authority granted by the Village Council for a specific use on a specific parcel authorized by Special Use Permit in the zoning district in which the parcel is located.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartments or living quarters shall be counted as a full story.

Story, Height of: The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Street: A public thoroughfare which affords the principal means of access to abutting property.

Street Line: The legal line of demarcation between a street and abutting land.

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

Structural Alterations: Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls.

Temporary Building: A building or use which is not permanent to the property and is permitted to exist for a specific reason for a specific period of time.

Travel Trailer: A recreational vehicle designed to be used for temporary residence purposes and commonly known as a travel trailer or recreational vehicle.

Use: The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

Usable Floor Area: 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 and all that area devoted to employee work space.

Variance: A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal

enforcement of the Ordinance would result in unnecessary and undue hardship.

Variance, Use: Authorization from the zoning board of appeals to establish use in a zoning district in which the use is otherwise prohibited.

Variance, Non-Use or Area: A variance that allows for a deviation from dimensional requirements of this Ordinance.

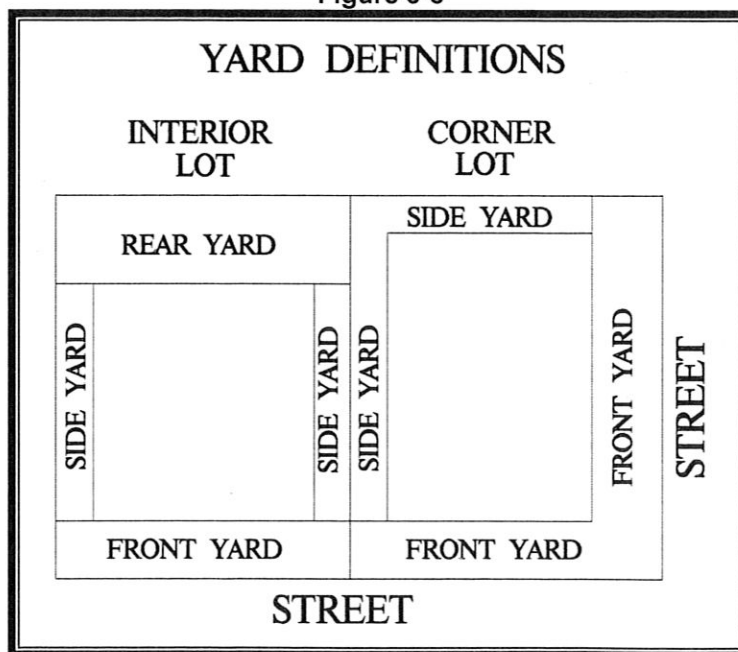
Village Council: Village Council of Vernon.

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

Yard, Front: A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building or land use.

Yard, Rear: An open space on the same lot with a main building unoccupied, except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot or the centerline of the alley, if there be an alley, and the rear line of the building (see Figure 3-8).

Figure 3-8



Yard, Side: An open, unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line (see Figure 3-8).

Zoning Administrator: Appointed officer of the Village Council to effect proper administration of this Ordinance.

Zoning Board of Appeals: The Zoning Board of Appeals for the Village established under the authority of Public Act 207 of 1921. The Village Zoning Board of Appeals (ZBA) may be referred to as the Board. Both terms mean the Zoning Board of Appeals.

Zoning Permit: Permit required for any change in use of land or structure in accordance with the provisions of this Ordinance.

ARTICLE 4 ADMINISTRATION AND ENFORCEMENT

Section 4.1 ADMINISTRATION:

Section 4.1.1 Administration:

The provisions of this Ordinance shall be administered by the Village Council of the Village of Vernon in accordance with the Michigan Planning Enabling Act, Act 33 of the Michigan Public Acts of 2008, as amended, and the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

Section 4.1.2 Zoning Administrator:

The Village Council shall designate or employ a Zoning Administrator to act as its officer to effect proper administration of this Ordinance. The term of employment, rate of compensation, and any other conditions of employment shall be established by the Village Council. For the purpose of this Ordinance, the Zoning Administrator will have the powers of a police officer.

Section 4.1.3 Duties of the Zoning Administrator:

It shall be the responsibility of the Zoning Administrator or alternate designee of the Village Council to enforce the provisions of this Ordinance, and in so doing shall perform the following duties:

- 1) Issue Permits
All applications for zoning permits shall be submitted to the Zoning Administrator who may issue zoning permits and certificates of occupancy when all applicable provisions of this ordinance have been complied with.
- 2) File of Application
The Zoning Administrator shall maintain files of all applications for zoning permits and for certificates of occupancy and shall keep records of all zoning permits and certificates of occupancy issued; these shall be filed in the office of the Village Clerk, which files and records shall be open to public inspection. Copies shall be furnished at cost upon the request of any person having a proprietary or tenancy interest in the property involved or who requests such information through the Freedom of Information Act.
- 3) Inspections
The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this Ordinance.
- 4) Record of Complaints
The Zoning Administrator shall keep a record of every identifiable complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each such complaint, which records shall be public records.

5) Report to Village Council

The Zoning Administrator shall report to the Planning Commission periodically, at intervals of not greater than six (6) months, summarizing for the period since the last previous report, all zoning permits and certificates of occupancy issued and all complaints of violation and the action taken subsequent thereon. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein.

6) Delegation of Day-to-Day Responsibilities

The Zoning Administrator may choose to delegate some of the day-to-day responsibilities of his/her job. In the event that the Zoning Administrator chooses to delegate these responsibilities, the Village Clerk will assume these responsibilities.

7) Advisor to the Zoning Board of Appeals

The Zoning Administrator shall act in an advisory capacity to the Zoning Board of Appeals.

8) Ramification of Demolishing a Non-Conforming Land Use or Structure

The Zoning Administrator shall provide notice to property owners of non-conforming uses and structures stating that if a non-conformity is destroyed or demolished then the rebuilding or reestablish of the non-conformity is prohibited.

Section 4.1.4 Zoning Permits:

The following shall apply in the issuance of any permit:

1) Requirements for Permits

The excavation for any building or structure shall not be commenced; the erection of, addition to, alteration of, or moving of any building or structure shall not be undertaken; or any land shall not be used, or an existing use of land shall not be changed to a use of a different type or class, until a zoning permit or a certificate of occupancy has been secured from the Zoning Administrator. When uses are not clearly defined by terms listed in this ordinance, then use classes listed in the State of Michigan building code shall be referenced. Deviations from the existing use prior to any change will constitute a change in use and therefore a new zoning permit will be required. A zoning permit will be required when repairs to a non-conforming structure are made over twenty percent (20%) of the structures current assessed value and/or if repairs are made to what is causing the existing non-conformity. Except upon a written order of the Zoning Board of Appeals, no such zoning permit or certificate of occupancy shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of any of the provisions of this Ordinance. In addition, no zoning permit will be considered unless it is in compliance with the Village Zoning Ordinance.

2) Application Requirements

There shall be submitted with all applications for zoning permits one (1) copy of a site layout or plat plan, drawn to scale, showing:

- a) The location, shape, area and dimension of the lot.
- b) The location, dimension, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
- c) The intended uses.

- d) The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users.
- e) The yard, open space and parking space dimensions.
- f) Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

All information listed above must be present on the zoning permit application form and fees paid in full to constitute a completed application form. Incomplete zoning permit applications will not be considered.

3) Voiding of Permit

Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed shall have passed its first building inspection. Any permit granted under this section shall become null and void after two years, unless the improvements outlined in the permit are completed. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective.

4) Inspection

The development or usage proposed by any zoning permit shall be subject to two (2) zoning inspections; one inspection before construction begins and the other before occupancy occurs. It shall be the duty of the permit holder to notify the Zoning Administrator regarding times of proper requests for inspection. Failure of the permit holder to make proper requests for inspection shall automatically cancel the permit, requiring the issuance of a new permit before construction may proceed or occupancy may be permitted.

5) Fees

Fees for inspection and the issuance of permits or certificates required under this Ordinance shall be collected by the Village Clerk in advance of issuance. The amount of such fees shall be established by the Village Council and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

6) Zoning Permit Effect on Building Permits

No building permit shall be issued prior to approval of the zoning permit.

Section 4.1.5 Certificate of Zoning Compliance:

A person with interest in any parcel in the village may request a certificate of zoning compliance for that parcel, verifying compliance of the parcel, buildings and use of the property with the village zoning ordinance from the zoning administrator.

1) Certificate for Existing Buildings and Uses of Land

Certificates of zoning compliance may be issued upon request for existing buildings, structures, or parts thereof, or existing uses of land if after inspection it is found that such buildings, structures, or parts thereof, or such uses of land are in conformity with the provisions of this Ordinance.

2) Application for Certificates

Application for certificates of zoning compliance shall be made in writing to the Zoning

Administrator. The certificate shall identify any outstanding zoning violations of the property and any existing nonconformities.

Section 4.1.6 Duties and Responsibilities of the Village Council:

- 1) The Village Council shall have the power to adopt and amend the Zoning Ordinance.
- 2) The Village Council shall approve appointments of all Zoning Board of Appeals members. In the case that the Village Council has an active Zoning Board of Appeals, such member will be excluded from any nominating vote.
- 3) The Village Council may initiate all Zoning Text and Map amendments to this ordinance.

Section 4.1.7 Duties of the Village Planning Commission:

The Village of Vernon Planning Commission shall be responsible for the following administrative and enforcement activities under this ordinance.

- 1) Site Plan Approval: The Planning Commission shall review site plans and issue its approval, conditional approval or denial of same as provided by Article 11.
- 2) Special Use Permits: The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit as provided in Section 9.3.10 of this ordinance.
- 3) Rezoning or Amendment: The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this ordinance as provided by Article 10. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Village Council. The Planning Commission may initiate a text change or rezoning, as authorized in Article 10.
- 4) Adopt the rules and guidelines for the proper administration and enforcement of the ordinance.
- 5) Act as a policy board on matters of enforcement and administration of the ordinance not covered by adopted rules or guidelines.
- 6) Make comprehensive review and recommend changes to the Zoning Ordinance every five (5) years.
- 7) Make comprehensive review to the Village Master Plan every five (5) years.

Section 4.2 ENFORCEMENT

Section 4.2.1 Violations and Penalties:

The Zoning Administrator shall enforce the provisions of this Ordinance. Violations of any provisions of this Ordinance are declared to be a civil infraction. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed or communicated to police and fire department employees or to any Village Official shall be reported to the Zoning Administrator.

1) Inspection of Violation

The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.

2) Notice of Violation

A notice of violation shall be delivered to those violating the provisions of this zoning ordinance in fourteen (14) days either delivered in-person or by certified mail with return receipt to the property owner.

3) Correction Period

All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or such longer period of time, not to exceed six (6) months, as the Zoning Administrator shall permit. A violation not corrected within this period shall be reported to the Village Attorney who is hereby authorized to and shall initiate procedures to eliminate such violations.

4) Penalties

A violation of this ordinance shall constitute a municipal civil infraction under the Village of Vernon Civil Infraction Ordinance.

5) Cumulative Rights and Remedies

In the interpretation, application and enforcement of the provisions of this Ordinance whenever any one of the provisions or limitations imposed or required by the provisions of this Ordinance are more stringent than any other law or ordinance, then the provisions of this Ordinance shall govern, provided that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

Section 4.3 ESTABLISHMENT OF ESCROW ACCOUNTS

Section 4.3.1 Escrow Accounts:

Escrow accounts may be required by the Village to cover any special meetings, consultant fees, application reviews or inspections. Fees will be deducted from the escrow account periodically to cover the aforementioned activities. The amount required for escrow will be set by the Village Council and adjusted from time to time to meet the financial requirements of such activity, review or inspection. The amount required to be placed in an escrow account shall be established from time to time by the Village Council by resolution.

ARTICLE 5 VILLAGE ZONING BOARD OF APPEALS

Section 5.1 CREATION AND MEMBERSHIP

Section 5.1.1 Establishment:

- 1) There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended, in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Zoning Board of Appeals shall consist of five (5) regular members, all of whom shall be appointed by the Village Council. One (1) regular member of the Zoning Board of Appeals shall be a member of the Planning Commission and not more than one (1) regular member may be a member of the Village Council.
- 2) The remaining regular members of the Zoning Board of Appeals shall be selected from the electors of the Village. An employee or contractor of the Village may not serve as a member of the Village Zoning Board of Appeals. Members of the Zoning Board of Appeals shall be removable by the Village Council for misfeasance, malfeasance or nonfeasance upon written charges and after a Public Hearing. A member shall disqualify himself from a vote in which he has a Conflict of Interest. Failure of a member to disqualify himself from a vote in which he has a Conflict of Interest shall constitute misfeasance in office.
- 3) The terms of each regular member shall be for three (3) years, however the terms of office shall be staggered so that not more than two (2) or less than one (1) appointment shall expire in any given year. All vacancies for unexpired terms shall be filled for the remainder of the terms.
- 4) The Village of Vernon Village Council shall establish the rate of compensation and reimbursement for members of the Board of Zoning Appeals.
- 5) The Village Council may appoint not more than two (2) alternate members of the Board of Appeals to serve for a three (3) year term. An alternate member of the Zoning Board of Appeals shall serve as a regular member of the Zoning Board of Appeals in the absence of a regular member. An alternate may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of a conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall be called to serve on a rotating basis by the chairman of the Zoning Board of Appeals when the absence, unavailability or conflict of interest of a regular member becomes known to the chairman.

Section 5.1.2 Training for Zoning Board of Appeals Members:

It shall be the duty of the Zoning Administrator to carefully review with each new member of the Zoning Board of Appeals the provisions of this Ordinance, most importantly, the provisions of Article IV as they regard the duties, powers and scope of responsibility that each Zoning Board

of Appeals member will assume while a member of the Zoning Board of Appeals. Furthermore, once each year, the Zoning Administrator may, at the Zoning Board of Appeals request, review with the entire Zoning Board of Appeals their duties, powers, scope of responsibility, and the procedures and policies set forth for the Zoning Board of Appeals in this Ordinance.

Section 5.2 ORGANIZATION AND PROCEDURES

Section 5.2.1 Rules of Procedure:

The Zoning Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meeting and carry out its function. The Zoning Board of Appeals shall choose its own Chairperson, and in his/her absence, an acting Chairperson.

Section 5.2.2 Meeting:

Meetings shall be held at the call of the Chairperson and at such times as the Zoning Board of Appeals may determine. All meetings by the Zoning Board of Appeals shall be open to the public and shall comply with the requirements of PA 267 of 1976, the Open Meetings Act. The Zoning Board of Appeals may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance, provided such a provision is included in the ZBA's rules of procedures and that an opportunity for public comment at some point in the meeting be provided for.

Section 5.2.3 Records:

Minutes shall be recorded of all proceedings which shall contain the evidence received, the findings of fact and data relevant to every case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Village Clerk and shall be made available to the general public.

The Village Clerk shall act as Secretary to the Zoning Board of Appeals and all records of the Zoning Board of Appeals action shall be taken and recorded under the Village Clerk's direction.

Section 5.2.4 Counsel:

The Village Attorney shall act as legal counsel for the Zoning Board of Appeals and shall be present at all meetings upon request by the Zoning Board of Appeals.

Section 5.2.5 Hearings:

Notice of the hearing of an appeal, variance or other matter before the Zoning Board of Appeals shall comply with Section 9.3.5 of this Ordinance except for the provisions of that section dealing with notice to residents and property owners within three hundred feet (300 feet). Those requirements shall only be applied to notices on Zoning Board of Appeals matters that involve a specific parcel.

Section 5.2.6 Decisions:

The Zoning Board of Appeals shall return a decision on a case within sixty (60) days after a request or appeal has been filed unless a further time is agreed upon with the parties concerned. Any decision of the Zoning Board of Appeals shall not become final until expiration thereof five (5) days from the date of entry of such order unless the Zoning Board of Appeals shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

Section 5.2.7 Two-Thirds Vote:

The concurring vote of a majority of the members of the Zoning Board of Appeals shall be a quorum for the transactions of business. To reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which they are required to pass under this Ordinance or to approve any non-use variance requires concurring vote of a majority of the of the members of the Zoning Board of Appeals

Section 5.2.8 Reports to Council:

At intervals of not greater than one (1) year, the Zoning Board of Appeals shall, by written report to the Village Council, list all applications and appeals made to it since its last report, and shall summarize its decisions on such applications and appeals.

Section 5.2.9 Stay:

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or on application by court of record.

Section 5.3 DUTIES AND POWERS**Section 5.3.1 Powers:**

The Village Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance, as defined in this section.

Section 5.3.2 Appeals:

- 1) The Zoning Board of Appeals shall 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 by any other official in administering or enforcing any provisions of this Ordinance, including site plan review decisions by the Planning Commission but does not include decisions by the Planning Commission of Special Use

Permits. In addition, appeals shall be considered for any special land use permit and planned unit development decisions by the Planning Commission. Appeals must be made within twenty-one (21) days after the date of the mailing of the Zoning Administrator's decision. Such appeal shall be filed with the Secretary of the Zoning Board of Appeals and with the Zoning Administrator, and shall specify the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Secretary of the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.

- 2) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or on application by court of record.

Section 5.3.3 Interpretation:

The Zoning Board of Appeals shall have the power to:

- 1) Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
- 2) Determine the precise location of the boundary lines between zoning districts.
- 3) Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use in accordance with the purpose and intent of each district.
- 4) Determine the off-street parking and loading space requirements of any use not specifically mentioned in Article 8, Section 8.1 or 8.2.

Section 5.3.4 Non Use Variances:

The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, provided all of the following conditions listed herein and can be satisfied.

- 1) Conditions: to grant a variance the Zoning Board of Appeals must find that the applicant has demonstrated practical difficulty by meeting all of the following.
 - a) Strict compliance with the dimensional requirement would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
 - b) A variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation would not give substantial relief and be more consistent with justice to others.
 - c) The plight of the owner is due to unique circumstances of the property.
 - d) The problem was not self-created.

- 2) In addition to confirming that the applicant has demonstrated practical difficulty, the Zoning Board of Appeals must insure that any variance it grants observes the spirit of the zoning ordinance, secures the public safety, and results in substantial justice.
- 3) Rules: The following rules shall be applied in the granting of variances:
 - a) The Zoning Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will, in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.
 - b) Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - i. The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance.
 - ii. The occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance.
 - c) 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 last denial except on the grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

Section 5.3.5 Change of a Nonconforming Use to Another Nonconforming Use:

The Zoning Board of Appeals shall have the power to permit a nonconforming use to change to another nonconforming use provided the applicant demonstrates that the proposed nonconforming use is no less nonconforming than the current use. The degree of the nonconformity shall be based on the potential off-site impacts including traffic, noise, hours of operation, outdoor storage and similar impacts

Section 5.4 BOND FOR COMPLIANCE

Section 5.4.1 Bond Authorization:

In authorizing any variance or in granting any conditional, temporary or special approval permits, the Village Zoning Board of Appeals may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village of Vernon covering the estimated cost of improvements associated with a project for which zoning approved is sought, be deposited with the Village of Vernon Clerk to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Village Zoning Board of Appeals may not require that deposit of the performance guarantee before the date on which the permit is to be issued. The Village Zoning Board of Appeals shall establish procedures under which a rebate of any cash deposits in reasonable proportions to the ratio of work completed on the required improvements will be made as work progresses.

ARTICLE 6 ZONING DISTRICTS, MAP AND SCHEDULE OF REGULATIONS

Section 6.1 GENERAL PROVISIONS

Section 6.1.1 Districts Established:

For the purposes of this Ordinance, the Village of Vernon is hereby divided into the following districts:

R-1A	Low Density Residential
R-1B	Medium Density Residential
R-M1	Multiple Family Residential
B-1	General Business
B-2	Highway Service
M-1	Industrial
A-1	Agricultural
R-MH	Mobile Home

Section 6.1.2 Zoning Districts Map:

The boundaries of these districts are hereby defined and established as shown on a map entitled Zoning District Map of the Village of Vernon, Shiawassee County, Michigan, which accompanies this Ordinance, and which map, with all explanatory matter thereon, is hereby made a part of this Ordinance.

The official Zoning Map shall be identified by the signature of the Village President, attested by the Village Clerk or Treasurer, and bearing the following words: "This is to certify that this is the official Zoning Map referred to in Article 6, Section 6.1.2 of the Village of Vernon Zoning Ordinance adopted on December 4, 2002."

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the official Zoning District Map, such changes shall not be considered final, and zoning permits shall not be issued until changes have been made within five (5) normal working days after the effective date of the Ordinance amendment. Each map change shall be accompanied by a reference number on the map which shall refer to the official action of the Village Council. Two (2) copies of the official Zoning District Map are to be maintained and kept up-to-date, one (1) in the Village Clerk's or Treasurer's office, and one (1) with the Zoning Administrator.

Section 6.1.3 Interpretation of District Boundaries:

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning District Map, the following rules shall apply:

- 1) Boundaries indicated as approximately following the streets or highways, the center lines of said streets or highways shall be construed to be such boundaries.

- 2) Boundaries indicated as approximately following Village boundary lines shall be construed as following such Village boundary lines.
- 3) Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- 4) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- 5) Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning District Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning District Map.
- 6) Boundaries following the shoreline of a drain, stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines, shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
- 7) Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question unless otherwise determined by the Village Zoning Board of Appeals.

Section 6.1.4 Scope of Regulations:

No building or structure or part thereof shall hereafter be erected, moved, constructed or altered, and no new use or change in use shall be made unless in conformity with the provisions of this Ordinance, and with the regulations specified for the district in which it is located.

- 1) The regulations applying to each district include specific limitations on the use of land and structure, height and bulk of structures, density of population, lot area, yard dimensions, and area of lot than can be covered by each structure.
- 2) The Board of Appeals shall have the power to classify a use which is not specifically mentioned, along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district.

Section 6.1.5 Zoning of Vacated Areas:

Whenever any street, alley or other public way within the Village shall have been vacated by official public action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley or public way shall automatically and without further action of the Village of Vernon, thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach and the same shall be used for the same use as is permitted under this Ordinance for such adjoining lands.

Section 6.1.6 Zoning of Annexed Areas:

Any area annexed to the Village of Vernon shall, immediately upon such annexation, be automatically classified as an "A-1" Agricultural District, until a zoning map for said area has been adopted by the Village Council.

Section 6.1.7 District Requirements:

All buildings and uses in any district shall be subject, where applicable, to the provisions of Article VI, "Supplementary Regulations," and Article VII, "Off-Street Parking and Loading Regulations."

Section 6.1.8 Categories Within Zone Districts:

In order to insure all possible benefits and protection for the zone districts in this Ordinance, the land uses have been classified into two (2) categories:

- 1) Uses permitted by RIGHT. The primary uses and structures specified for which the zone district has been established.
- 2) Uses permitted by SPECIAL USE PERMIT. Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zone district, but could present potential injurious effects upon the primary uses and structures within the zone district and, therefore, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Article VIII.

Section 6.1.9 Replacement of Official Zoning Map or Ordinance:

In the event that the official zoning copy of the zoning ordinance or map becomes damaged, destroyed, lost or difficult to read because of the nature of the changes made thereto, the Village Council may, by ordinance, adopt a new copy of the official zoning ordinance or zoning map, which will supersede the prior copy. The new official copy may correct drafting or other errors or omissions to the zoning map and punctuation, spelling or numbering corrections, but no such changes shall have the effect of amending the zoning ordinance or the prior zoning map. A record of all changes made as a result of this Village Council action shall be retained, along with the original official map or ordinance unless they were lost or destroyed.

Section 6.2 SCHEDULE OF REGULATIONS

Section 6.2.1 Schedule Limiting Height, Bulk, Density and Area by Zoning District:

Zoning District	MINIMUM ZONING LOT SIZE PER UNIT		MAXIMUM HEIGHT OF STRUCTURES		MINIMUM YARD SETBACK PER LOT IN FEET FROM R.O.W. AND/OR LOT LINE			MINIMUM FLOOR AREA PER UNIT	MAX % LOT AREA COVERAGE
	Area in Sq. Ft./ Acres	Width in Feet	In Stories	In Feet.	Front	Each Side	Rear		
R-1A Low Density Residential	13,000	88' (b)	2 ½	35'	35' (c) (i)	15' (c,d)	40'	1,000	By All Structures 15%
R-1B Medium Density Residential	8,500(a)	66' (b)	2 ½	35'	25' (c) (i)	10' (c,d)	30'	1,000	20%
R-M1 Multiple Family Residential Unit Type									
Single Family	8,500(a)	66' (b)	2 ½	35'	25' (c) (i)	10' (c,d)	30'	800'	35%
Duplex	8,000(a)	66' (b)	2 ½	35'	25' (c) (i)	10' (c,d)	30'	750	35%
Multi-Family	3,500(a)	66' (b)	2 ½	35'	40' (c) (i)	10' (c,d)	50'	(e)	35%
B-1 General Business	5,000	40'	2 ½	35'	--	--	--	--	--
B-2 Highway Service	10,000	100'	2 ½	35'	50'	20' (c,d)	40'	--	--
M-1 Industrial	NONE	NONE	3	40' (f)	50'	(h)	(h)	--	--
A-1 Agricultural	5 ACRES	125'	2 ½	35' (g)	60'	30'	60'	1,000	--

Section 6.2.2 Notes to Schedule:

- A 1) Development permitted only on subdivided lands served with public sewer.
- B 2) In the case where a curvilinear street pattern produces irregularly shaped lots with nonparallel side lot lines, a lesser frontage width at the street line may be permitted, provided that the lot width at the building line is equal to the specified lot width for that district.
- C 3) All measurements for front and/or side yards abutting State trunk lines shall be taken from the right-of-way and shall not be less than fifty (50) feet. All measurements for front and/or side yards abutting all arterial and/or section line, secondary, collector and/or quarter line roads shall not be less than fifty (50) feet. All measurements for front and/or side yards abutting local internal subdivision roads shall be as specified for the respective zoning districts.
- D 4) Except in the case of a corner lot where the side yard on the street side shall not be less than the front yard requirement.
- E 5) For each dwelling unit in a multiple-family dwelling: Three hundred fifty (350) square feet for one room; five hundred fifty (550) square feet for two rooms; seven hundred fifty (750) square feet for three rooms, and an average of two hundred (200) square feet for each room in excess of three rooms.
- F 6) Except that any building within one hundred (100) feet of a residential district shall not exceed fifteen (15) feet in height.
- G 7) Structures for agricultural operations may be permitted up to seventy-five (75) feet in height.
- H 8) Side and rear yards shall be ten percent (10%) of the lot width and depth respectively, but need not exceed forty (40) feet each, except where a lot in this district abuts a lot in any residential district, no building in the M-1 District shall be closer than one hundred (100) feet to the property line of such residential district lot.
- I 9) Front yard setbacks may be modified per section 7.13.4

TABLE 6-1: DISTRICT USES P = Uses Permitted By Right, SUP = Uses Permitted by Special Use Permit								
	R-1A	R-1B	R-1M	B-1	B-2	M-1	A-1	R-MH
RESIDENTIAL USES								
Adult Day Care (1-6)	SUP	SUP	SUP	P	P			
Adult Day Care (7-12)			SUP	P	P			
Adult Day Care (13+)				P	P			
Adult Foster Care Family Home	P	P	P					
Adult Foster Care Large Group Homes (7-12)		P	P					
Adult Foster Care Large Group Homes (13-20)			P					
Adult Foster Care Small Group Home (1-6)	P	P	P					
Bed and Breakfast	SUP	SUP	SUP	P	P		SUP	
Conversion of One-Family Dwellings	SUP	SUP	SUP					
Family Day Care Home	P	P	P				P	
Group Day Care Home	SUP	SUP	SUP					
Home Occupations, High Intensity	SUP	SUP	SUP					
Home Occupations, Low Intensity	P	P	P					
Mobile Home Parks								P
Multiple-Family Dwellings			P					
One-Family Dwelling	P	P	P				P	
Two-Family Dwellings		P	P					
INSTITUTIONAL USES								
Business Schools or Private Schools operated for profit				P				
Cemeteries							SUP	
Educational Institutions	SUP	SUP	SUP				SUP	
Golf Courses and Country Clubs							SUP	
Institutions for Human Care	SUP	SUP	SUP	SUP	SUP		SUP	
Private Non-Commercial Recreation Areas		SUP	SUP				SUP	
Public Buildings and Public Utility and Service Installations	SUP	SUP	SUP			P		
Public Recreation and Playgrounds	P	P	P			P	SUP	
Religious Institutions	SUP	SUP	SUP				SUP	
Social Institutions	SUP	SUP	SUP	P			SUP	
Special Open Space uses, Public Beaches, Bathhouses, Private Resorts, Recreational Camps and other Open Space uses operated for profit							SUP	
Trade or Industrial Schools						P		
Travel Trailer Parks							SUP	
COMMERCIAL AND OFFICE USES								
Automatic and Self Service Car Wash					SUP			
Automobile Showroom for New or Used Automobiles.				P				
Banks and other Financial Institutions				P				
Building Supply and Equipment Stores				P				
Business Service Establishment				P	P			
Commercial Recreation				SUP	SUP			
Contractor's Establishment engaging in retail activities on the site				SUP	SUP	P		
Day Nursery		SUP	SUP					
Temporary and Transient Amusement Enterprises							SUP	

TABLE 6-1: DISTRICT USES P = Uses Permitted By Right, SUP = Uses Permitted by Special Use Permit

	R-1A	R-1B	R-1M	B-1	B-2	M-1	A-1	R-MH
Drive thru Business				SUP	SUP			
Funeral Homes and Mortuaries			SUP	P				
Gasoline Service Stations				SUP				
Greenhouses and Nurseries Selling at retail on the premises.							SUP	
Ice Storage and Portable Dispensing					P			
Medical Clinic				P	P			
Motel					SUP			
Open Air Business					SUP			
Passenger Terminals				P	P	P		
Personal Service Establishments				P				
Planned Shopping Centers				SUP				
Printing, Publishing, Photographic Reproductions, Blueprinting and Related Trades and Art				P				
Public Garage						P		
Restaurants				P	P			
Retail Establishments				P				
Retail Establishments, Regional					P			
Secondhand Stores				SUP				
Servicing and Repair of Motor Vehicles, Trailers and Land, Snow or Water Recreational Vehicles as an accessory use to a principal retail use such as an Automobile Showroom				SUP	P			
Sexually Oriented Businesses						P		
Taverns				P				
Vehicle Repair Shop				SUP	SUP	P		
Veterinary clinics				SUP			SUP	
Veterinary hospitals and kennels						P		
INDUSTRIAL USES								
Any production, processing, clearing, testing, repair, storage, and distribution of materials, goods, foodstuffs, and other semi-finished or finished products from previously prepared material						P		
Contractor's Establishment not engaging in retail activities on the site						P		
Grain and Seed Elevators and Sales, Cold Storage for cooperative and/or wholesale agricultural products						P		
Junk Yards						SUP		
Light Manufacturing and Processing						P		
Open Industrial or Storage uses						P		
Sand or Gravel Pits, Quarries							SUP	
Sewage Treatment and Disposal Installations							SUP	
Small Manufacturing and Processing Establishments selling their entire output at retail on the premises				SUP				
Storage and Repair of large trucking equipment						SUP		
Storage Facilities for building materials, and, gravel, stone, lumber and contractor's equipment						P		

TABLE 6-1: DISTRICT USES P = Uses Permitted By Right, SUP = Uses Permitted by Special Use Permit

	R-1A	R-1B	R-1M	B-1	B-2	M-1	A-1	R-MH
Truck or Rail Freight Terminal						P		
OTHER USES								
Accessory Structures	A	A	A	A	A	A	A	A
Accessory Uses	A	A	A	A	A	A	A	A
Advertising Structures							SUP	
Airports or Landing Fields							SUP	
Automobile Parking	P	P	P	P	P	P	P	P
Communication Antennae	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Communication Towers						SUP	SUP	
Essential Services	P	P	P	P	P	P	P	P
Name Plates and Signs	P	P	P	P	P	P	P	P
Planned Unit Development			SUP					
Railroad uses, including all necessary trackage, switches, operating devices, storage, marshaling yards, and freight yards or sidings						P		
Raising and keeping of chickens on a noncommercial basis	SUP	SUP					SUP	
<i>Temporary Buildings ADDRESS IN GENERAL PROVISIONS</i>								
AGRICULTURAL								
Field Crop, Fruit Farming and Tree Nurseries						P		
Field Crop and Fruit Farming, Truck Gardening, Horticulture, Aviaries, Hatcheries, Apiaries, Greenhouses, Tree Nurseries, and similar agricultural enterprises, along with accessory uses incidental to the above							P	
Public areas such as Forest Preserves, Game Refuges, Forest-type Recreation Parks and similar public uses of low density character							P	
Public and private conservation areas and structures for the conservation of water, soils, open space, forest and wildlife resources.							P	

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS

USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
RESIDENTIAL USES			
Adult Day Care (1-6)	A facility other than a private residence, which provides care for six (6) or fewer adults for less than twenty-four (24) hours a day	Two (2) spaces	1) Adult foster care family homes must be allowed in all residential zones per Section 206 of PA 110 of 2006, the Michigan Zoning Enabling Act 2) Proof of state license required.
Adult Day Care (7-12)	A facility other than a private residence, which provides care for between seven (7) and twelve (12) adults for less than twenty-four (24) hours a day	One space per two (2) persons of approved capacity	Proof of state license required.
Adult Day Care (13+)	A facility other than a private residence, which provides care for more than twelve (12) adults for less than twenty-four (24) hours a day	Two (2) spaces plus one (1) space per six (6) persons of approved capacity over six (6)	Proof of state license required.
Adult Foster Care Family Home	A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days a week, and for two (2) or more consecutive weeks. The adult foster care family home license shall be a member of the household and an occupant of the residence. Said home shall conform and qualify for license under Public Act 218 Of 1979	Two (2) spaces for each family dwelling unit	1) Adult foster care family homes must be allowed in all residential zones per Section 206 of PA 110 of 2006, the Michigan Zoning Enabling Act 2) Proof of state license required.
Adult Foster Care Large Group Homes (7-12)	A group home that has the capacity to receive not less than seven (7) or more than twelve (12) adults. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.	Three (3) spaces	1) Proof of required state license 2) Dwelling shall comply with the minimum requirements in this ordinance for a two family dwelling
Adult Foster Care Large Group Homes (13-20)	A group home that have an approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity.	Five (5) spaces	1) Proof of required state license 2) Dwelling shall comply with the minimum requirements in this ordinance for a multi-family dwelling
Adult Foster Care Small Group Home (1=6)	A group home that has the capacity to receive six (6) or fewer adults. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.	Two (2) spaces for each family dwelling unit	1) Adult foster care small group homes with a capacity of 6 or fewer persons must be allowed in all residential zones per Section 206 of PA 110 of 2006, the Michigan Zoning Enabling Act. 2) Proof of state license required.

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS

USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Bed and Breakfast	A private residence that offers sleeping accommodations to lodgers in 14 or fewer rooms for rent in the innkeeper's residence in which the innkeeper resides while renting the rooms to lodgers, and serves breakfast at no extra cost to its lodgers	Two (2) spaces plus one for each bedroom used for the bed and breakfast	<ol style="list-style-type: none"> 1) The residence is the principal single family detached dwelling unit on the property and is owner-occupied at all times. 2) The maximum stay for any occupants of Bed and Breakfast operations shall be thirty (30) days. 3) Breakfast is the only meal that may be served to overnight bed and breakfast guests, 4) Each sleeping room used for the bed and breakfast operation shall have a separate smoke detector alarm. 5) Signage shall comply with the requirements for a home occupation under this ordinance. 6) No premises shall be utilized for a bed and breakfast operation unless there are at least two (2) exits to the outdoors from such premises. 7) If the bed and breakfast serves anything other than a continental breakfast than it will obtain the required state license and if serving full breakfasts to 9 or more rooms it shall obtain a Shiawassee County Environmental Health Department license
Conversion of One-Family Dwellings	Modification of a single family dwelling into a duplex, triplex or two or three unit apartment	Two (2) spaces for each family dwelling unit	<ol style="list-style-type: none"> 1) It can be demonstrated that larger houses in older residential areas of the Village have been or can be converted from one-family to two- and three-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. 2) That such an expanded capacity is a clear necessity to satisfy this particular housing demand. 3) That undue traffic congestion will not result. 4) That the imposition on existing sanitary facilities will not be excessive. 5) That such use will not unduly injure the character or value of the existing neighborhood. 6) That the floor area per dwelling unit is not less than the following minimums: three hundred fifty (350) square feet for one room; five hundred fifty (550) square feet for two rooms; seven hundred fifty (750) square feet for three rooms, an average of two hundred (200) square feet for each room in excess of three rooms
Family Day Care Home	A private home in which not more than six children are received for care and supervision for a period of less than 24 hours per day. The six child limitation includes children under seven years old in the resident family and shall not include more than two children under one year old.	Two (2) spaces	Proof of state license required.
Group Day Care Home	A private home in which not less than seven or more than twelve are received for care and supervision for a period of less than (twenty four) 24 hours per day. Not more than two children will be under two years old.	Two (2) spaces plus one (1) space per two children of licensed capacity	<ol style="list-style-type: none"> 1) Proof of state license required. 2) Is located not closer than 1,500 feet to any of the following: <ol style="list-style-type: none"> a) Another licensed group child care home. b) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737. c) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523. d) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections. 3) Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government. 4) Maintains the property consistent with the visible characteristics of the neighborhood. 5) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.
Home Occupations, High Intensity	Any business conducted by one or more residents of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, complies with the provisions of this ordinance, and which has visual or operational characteristics that indicate the use is being conducted.	Determined by Planning Commission at time of Special Use Permit (SUP) approval	<ol style="list-style-type: none"> 1) The non-residential use shall only be incidental to the primary residential use. 2) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference to the extent that it creates a nuisance for nearby residences. In the 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 causes fluctuations in line voltage off the premises. 3) The home occupation shall employ no more than one (1) person other than those members of the immediate family residing on the premises. 4) The majority of all activities shall be carried on indoors. No visible outdoor storage will be permitted. 5) Any change in the exterior appearance of the building or premises or other visible evidence of the conduct of the home occupation shall be minimal and shall not detract from the residential character of the area 6) No traffic shall be generated by such home occupation in greater volumes than would significantly exceed that normally expected in a residential neighborhood, and adequate off-street parking will be provided in an appropriate location

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Home Occupations, Low Intensity	Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, complies with the provisions of this ordinance and does not involve any alteration of the structure or change the character thereof.	Three (3) spaces	<ol style="list-style-type: none"> 1) The non-residential use shall only be incidental to the primary residential use. 2) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the 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 causes fluctuations in line voltage off the premises. 3) The home occupation shall not employ persons other than those members of the immediate family residing on the premises. 4) The majority of all activities shall be carried on indoors. No visible outdoor storage will be permitted. 5) There shall be no change in the exterior appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one announcement sign, not exceeding two (2) square feet in area, non-illuminated and mounted flat against the wall of the principal building. 6) 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 a required front yard. 7) The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance, but such permission is not intended to allow the essential residential character of residential districts in terms of use and appearance to be changed by the occurrence of nonresidential activities.
Mobile Home Parks	Mobile home park - A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose, regardless of whether a change is made, therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home.	Two (2) spaces for each mobile home site, plus one (1) space for each mobile home park employee	Comply with the rules of the Michigan Mobile Home Commission.

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Multiple-Family Dwellings	<p>A building or portion thereof used or designed to contain separate living units for three (3) or more families, but which may have joint services or facilities, or both.</p> <p>Examples include: garden apartments, terrace apartments, townhouses and row housing units.</p> <p>Garden Apartment: A group of two (2) or more multiple dwelling buildings not over two (2) stories in height, located on the same lot, that offer each dwelling unit direct access to an open yard area.</p> <p>Row House or Townhouse: Three (3) or more one-family dwelling units each having access on the first floor to the ground, and with common walls separating the dwelling units.</p> <p>Group Housing: A residential development involving the ultimate construction of a group of dwelling units including a combination of one-family, two-family or multiple-family dwellings on a lot, parcel or tract of land, or on a combination of lots under one ownership and containing common services or facilities.</p>	Two (2) spaces for each family dwelling unit	<ol style="list-style-type: none"> 1) The proposed project is serviced by public or semi-private water, sanitary sewer and storm sewer systems. 2) Two (2) or more residential buildings of similar or different character may be built upon one (1) lot or parcel of land after a site plan has been submitted to and approved by the Village Planning Commission, and when the following site development requirements have been complied with: <ol style="list-style-type: none"> a) Minimum Site Area: The average lot area per family or dwelling unit shall not be less than four thousand (4,000) square feet. b) Maximum Lot Coverage: Not more than thirty-five percent (35%) of the net area within property lines within a group housing project, including secondary buildings, shall be covered by buildings. c) Yards and Other Open Space: <ol style="list-style-type: none"> i) Between Buildings: The minimum horizontal distance between buildings (front to front, rear to rear) shall be fifty (50) feet for buildings one (1) story in height. This distance shall be increased by no less than five (5) feet for every story added. The minimum distance between buildings may be decreased by as much as ten (10) feet toward one (1) end if it is increased by a similar distance at the other and consistent modifications are permitted by the Vernon Village Planning Commission to accommodate plans which are not conventional in their outline or in their relation to other buildings. ii) Between Sides of Buildings: The horizontal distance between sides of buildings shall be twenty (20) feet or more for one (1) or two (2) story buildings. These distances shall be increased by not less than five (5) feet for every story added. iii) iv) Yard Dimensions: For buildings up to thirty-five (35) feet in height, no building shall be closer than fifty (50) feet to any rear property line, and twenty (20) feet to an interior side property line. v) vi) Usable Open Space: A minimum usable open space area of one hundred (100) square feet per dwelling unit shall be provided within group housing developments. Such open space shall be provided at ground level, unoccupied by principal or accessory buildings, and available to all occupants of the group housing development. Each open space so provided shall have a minimum total area of twelve hundred (1,200) square feet and shall be unobstructed to the sky, and shall not be devoted to service driveways or off-street parking or loading space, but shall be usable for greenery, drying yards, recreational space, and other leisure activity normally carried on outdoors. d) e) Private Access Drives: Private access drives may be permitted within group housing developments, PROVIDED that the following minimum requirements are met: <ol style="list-style-type: none"> i) All private drives will be paved to a minimum width of twenty (20) feet when parking is prohibited alongside the drive. Additional widths for streets may be required by the Village Planning Commission based upon the particular density and building relationship of the proposed group housing development. ii) No dead-end drive shall serve more than seventy-five (75) families as a means of vehicular access. iii) Suitable turning facilities shall be provided for vehicles at the terminus of all dead-end drives. A minimum radius of seventy-five (75) feet shall be required for all turnarounds unless acceptable alternative arrangements for turnaround of emergency is proposed and additional widths may be required by the Vernon Village Planning Commission after consideration of vehicular needs of a particular group housing development proposal. iv) Satisfactory arrangements have been made with the Village Planning Commission regarding the maintenance and repair of access drives
One-Family Dwelling	A building, structure, mobile home or prefabricated, remanufactured or precut structure designed exclusively for, and occupied exclusively by one (1) family.	Two (2) spaces for each family dwelling unit	A one-family dwelling and any additions or alterations thereto erected or placed in the Village, other than mobile homes located in a licensed mobile home park or subdivision, approved under the provisions of this ordinance, shall conform to the regulations in Section 7.2.15 of this Ordinance:
Two-Family dwellings	A detached or semi-detached building designed for or occupied exclusively by two (2) families living independently of each other.	Two (2) spaces for each family dwelling unit	

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS

USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
INSTITUTIONAL USES			
Business Schools or Private Schools operated for profit	A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be considered a business and trade school.		
Cemeteries	Land used or intended to be used for burial of the human dead and dedicated for such purposes. Cemeteries include accessory columbaria and mausoleums, but exclude crematories.	One (1) space per employee of largest shift, plus one (1) space for each three (3) seats of seating capacity in any facility for interment services	<ol style="list-style-type: none"> 1) No portion of any cemetery that is located in a wetland shall be developed or platted for gravesites. 2) All crypts, mausoleums, and other buildings shall be located at least 100 feet from the nearest lot line. 3) Entrances to cemeteries shall be off of a major street and shall be designed to minimize traffic congestion.
Educational Institutions	Public or private elementary and secondary schools, institutions for higher education, auditoriums	<p>Elementary and junior high: One (1) space for every employee, including schools administrators and teachers</p> <p>High schools and colleges: One (1) space for every employee, including administrators and teachers, plus one (1) space for each five (5) students, plus one (1) space for every eight (8) seats in a gymnasium</p> <p>Public and charter schools are exempt from zoning requirements</p>	<ol style="list-style-type: none"> 1) All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings shall blend appropriately with the surrounding area. 2) No parking space shall be provided in the front yard and the parking areas shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials, not less than four (4) feet in height.
Golf Courses and Country Clubs	A tract of land for playing golf, with tees, greens, fairways and hazards such as sand traps and surface water or a club established to provide its members with access to outdoor activities such as golf, tennis and other related activities. A golf driving range or miniature golf course is not included in the general term "golf courses" as defined in this Ordinance.	Four (4) Spaces for each one (1) golf hole plus one (1) space for each employee.	<ol style="list-style-type: none"> 1) The site area shall be fifty (50) acres or more and shall be so designed as to provide all ingress and egress directly onto or from a major street or state highway. 2) Principal and accessory buildings, structures, and parking areas, shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands. 3) Whenever a swimming pool is to be provided, said pool shall be located at least one hundred (100) feet from abutting residentially zoned property lines, and shall be provided with a protective fence six (6) feet in height and entry shall be provided by means of a controlled gate.
Institutions for Human Care	<p>Facilities for the care of people, including accommodations for short term or long term stays onsite.</p> <p>Examples include: hospitals, clinics, sanitariums, nursing or convalescent homes, homes for the aged and other philanthropic and charitable institutions</p>	One (1) space for each three (3) patient beds, plus one (1) space for each staff or visiting doctor and plus one (1) space for each four (4) employees, including nurses	<ol style="list-style-type: none"> 1) The proposed site shall be at least two (2) acres in area. 2) No building shall be closer than fifty (50) feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back from the initial fifty (50) foot setback an additional one (1) foot for each foot of additional height above the district height limitations. 3) No more than twenty-five percent (25%) of the gross site area shall be covered by buildings. 4) All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings shall blend appropriately with the surrounding area. 5) All signs shall be in accordance with the schedule outlined in Article 7, Section 7.3. 6) Off-street parking shall be provided in accordance with the schedule outlined in this table. No parking space shall be provided in the front yard and the parking areas shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials, not less than four (4) feet in height. 7) Permitted uses: Private community swimming pools, community recreation centers, tennis courts, and other noncommercial recreation facilities may be authorized, PROVIDED such facilities are to be constructed, maintained and operated by an incorporated, nonprofit club or organization with a specified limitation of members and PROVIDED FURTHER that such recreation facilities shall be operated for the exclusive use of organization members and their guests.

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Private Non-commercial Recreation Areas	<p>A noncommercial recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations and/or the public, consisting primarily of man-made structures and/or other artificial apparatus which are necessary to or form the basis for said use.</p> <p>Examples include: private nonprofit swimming pool clubs and community recreation centers</p>	One (1) space for every two (2) member families or individuals	<p>1) Minimum Site Size: One (1) acre with a minimum width of one hundred fifty (150) feet.2) Site Location: In those instances where the proposed site is intended to serve club or organization members who reside beyond the immediate neighborhood or subdivision in which the proposed site is located, the site shall be located on a major thoroughfare and all ingress and egress for the site shall be provided directly from said thoroughfare.3) Yards: Front, side and rear yards shall be at least thirty (30) feet, except on those sides adjacent to nonresidential districts wherein it shall be ten (10) feet. All yards shall be appropriately landscaped in trees, shrubs and grass. No structures or parking areas shall be permitted in said yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.</p> <p>2) Off-Street Parking shall be provided in conformance with the schedule outlined in this table. Prior to the issuance of a special use permit for any use permitted in this section, a certified copy of the bylaws of the nonprofit organization shall be filed with the Vernon Village Planning Commission in order to establish the membership involved for computing the off-street parking requirements. Whenever a parking plan is so laid out as to beam automobile lights into any residential district, a solid wall or open structure wood screen fence four (4) feet in height shall be constructed along that side of the parking area. Shrubs or trees may be used in combination with said structural screens or walls.</p> <p>3) Swimming Pool: Whenever an unenclosed swimming pool is constructed under this section, said pool shall be provided with a protective fence six (6) feet in height and entry shall be provided by means of a controlled gate.</p> <p>4) Lighting: No lighting shall have a visible source of illumination unless such lighting is necessary to carry on particular recreation pursuits. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.</p>
Public Buildings and Public Utility and Service Installations	<p>Public buildings are buildings that house public services and uses usually in offices; but not including "utility and public service installations" or "educational and social institutions.</p> <p>Examples include post offices, libraries and governmental administrative offices.</p> <p>A Public Utility and Service Installation is a building or structure used or intended to be used by any public utility.</p> <p>Examples include any gas treatment plant reservoir, tank, or other storage facility; water treatment plant, well, reservoir, tank, or other storage facility; electric generating plant, distribution, or transmission substation; telephone switching facility any storage yard for public utility equipment or vehicles; and any parking lot for parking.</p>	Determined by Planning Commission at time of SUP or site plan approval	<p>Public Buildings</p> <p>1) All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings shall blend appropriately with the surrounding area.</p> <p>2) All signs shall be in accordance with the schedule outlined in Article 7, Section 7.3.</p> <p>3) Off-street parking shall be provided in accordance with the schedule outlined in this table. No parking space shall be provided in the front yard and the parking areas shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials, not less than four (4) feet in height.</p> <p>For Public Utility and Service Installation Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.</p>
Public Recreation and Playgrounds	Any recreational space or structure owned by the public or any space and structure or combination thereof privately owned and publicly used consisting primarily of the utilization of natural physical features as the basis for said use (structures and artificial apparatus being secondary to the primary outdoor use).	Determined by Planning Commission at time of SUP or site plan approval	

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Religious Institutions	<p>Institutions that primarily provide meeting areas for religious activities for the general public. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on-site as an accessory use.</p> <p>Examples include churches, synagogues, temples and mosques and other institutions similar to and compatible with the above establishments. Schools, day care centers, hospitals and other uses sometimes associated with religious institutions are separate principal uses.</p>	One (1) space for each four (4) seats, plus one (1) space for every two (2) employees	<ol style="list-style-type: none"> 1) The proposed site shall be so located as to have ingress and egress from a major street. 2) The building may exceed the maximum height of the district it is located in if exceeds the required setbacks by one (1) foot for each foot it exceeds the maximum height and if the fire department verifies that it does not exceed their firefighting capacity.
Social Institutions	<p>A building or structure for groups of people to gather for an event or regularly scheduled program.</p> <p>Examples include theatres, auditoriums, clubs, lodges, lecture halls, banquet facilities, and similar facilities.</p>	One (1) space for every eight (8) persons of legal capacity	
Special Open Space uses, Public Beaches, Bathhouses, Private Resorts, Recreational Camps and other Open Space uses operated for profit	<p>Recreational uses requiring extensive natural open space area.</p> <p>Examples include: Public beaches, bathhouses, private resorts, recreational camps, and other open space uses operated for profit.</p>	Determined by Planning Commission at time of SUP or site plan approval	<ol style="list-style-type: none"> 1) The proposed site shall have at least two (2) acres in area. 2) The proposed site shall have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the site shall be directly from said thoroughfares. 3) All buildings and structures shall be set back at least two hundred (200) feet from any property or street line. Whenever the installation abuts upon property within a residential district, this two hundred (200) foot setback shall be landscaped with trees, grass and structural screens of a type approved by the Village Planning Commission to effectively screen the installation from surrounding residential properties. 4) No more than twenty-five (25) percent of the gross site shall be covered by buildings.
Trade or Industrial Schools	A specialized for-profit instructional establishment that provides on-site training of skills used in commercial trades such as engine repair or industrial operations such as welding or operation of fork trucks or similar equipment.	One (1) space for every employee, including administrators and teachers, plus one (1) space for each five (5) students	Any areas proposed for outdoor training shall be a minimum of one hundred (100) feet from any property line and shall be a minimum of two hundred (200) feet from an existing residence
Travel Trailer Parks	A lot or parcel of land occupied or intended for occupancy by recreational vehicles for travel, recreational, or vacation purposes	One (1) space per two hundred (200) square feet of floor area in the office plus one (1) space per camp site	<ol style="list-style-type: none"> 1) The proposed site shall be so located as to have ingress and egress from a major street. 2) The minimum lot area per park shall be three (3) acres, with a maximum of twenty (20) acres. 3) Spaces in travel trailer parks may be used by travel trailers provided they meet any additional laws and ordinances of the State of Michigan and the Village of Vernon. 4) Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a travel trailer park are permitted as accessory uses in any district in which parks are allowed, provided that: <ol style="list-style-type: none"> a) Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the park. b) Such establishments shall be restricted in their use to occupants of the park. c) Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park. 5) No space shall be so located that any part intended for occupancy for sleeping purposes shall be within fifty (50) feet of the right-of-way line of any state highway or major street, or within twenty-five (25) feet of the right-of-way of any local street. 6) Travel trailer parks may be operated on a seasonal basis between May 1 and December 1.

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS

USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
COMMERCIAL AND OFFICE USES			
Automatic and Self Service Car Wash	A building or portion thereof, containing facilities for washing more than two automobiles, using production line methods with a chain conveyor, blower, steam cleaning devices or other similar mechanical devices or providing individual bays for cleaning automobiles	Adequate parking around vacuums and similar equipment and room for staking of one (1) vehicle per washing bay	<ol style="list-style-type: none"> 1) Only one (1) ingress/egress driveway shall be permitted on any single street. 2) Where adjoining residentially zoned or used property, the Planning Commission may require a solid, decorative, masonry wall six (6) feet in height along any common lot line. Such wall shall be continuously maintained in good condition. The Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative. 3) Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least fifty (50) feet from any residential district. Such areas shall be screened with obscuring landscaping as determined by the Planning Commission.
Automobile Showroom for New or Used Automobiles.	An enclosed building used for the display and sale of automobiles and other vehicles as the principal use of the property	One (1) space per employee plus one (1) space per one thousand (1,000) square feet of display area	
Banks and other Financial Institutions	<p>An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies,</p> <p>Examples include banks, savings and loans, and credit unions.</p>	One (1) space for every one Hundred (100) square feet of floor area	
Building Supply and Equipment stores	Retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, fixtures, nursery stock, and lawn and garden supplies. Examples include hardware stores and home improvement centers	One (1) space per two hundred and fifty (250) square feet of indoor sales area and (1) space per five thousand (5000) square feet of outdoor and covered sales area	<ol style="list-style-type: none"> 1) Yard storage associated with such activities shall be completely obscured from view from public streets and from residential districts in a manner acceptable to the Planning Commission. 2) Outdoor display of materials or articles for sale shall not be allowed in the front yard or in parking lots to be utilized for customer parking. 3) Display of buildings for sale may be permitted in front yards provided such buildings meet all setback requirements and do not encroach on required parking. 4) Access shall be from a major street or state highway
Business Service Establishment	Establishments which are primarily engaged in rendering services on a contract or fee basis to business establishments. Examples include consumer credit reporting agencies, mailing list and stenographic services, business management consulting services, duplicating services, and other establishments similar to and compatible with the above establishments.	One (1) space for every two hundred (200) square feet of net floor area	
Commercial Recreation	<p>Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity.</p> <p>Examples include: Miniature golf, trampoline, or similar public amusement</p>	<p>One (1) space per four (4) people of the capacity of the facility</p> <p>Miniature golf courses: Three (3) spaces for each one (1) golf hole plus one (1) space for each employee</p>	
Contractor's Establishment engaging in retail activities on the site	A facility for the operation of a plumbing contractor, electrical contractor or similar business, including office facilities, for the storing of equipment and supplies and the retail sales	One (1) space per two hundred and fifty (250) square feet of indoor sales area	
Day Nursery	A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child.	One (1) space per employee plus one space per 10 children based on maximum capacity of license	Play Areas: There shall be provided on the site a usable outdoor play area at the rate of seventy-five (75) square feet for each child. The play area shall be fenced for safety and shall be screened from any adjoining residential land by suitable plant material.

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Drive thru Business	An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits or receive other services, or obtain goods without leaving their motor vehicles. Distinguished from a drive-in establishment by the absence of parking while the service is being provided or brought to the customers. This does not include drive-in theaters	Storage space for five (5) cars between the sidewalk area and the service window	<ol style="list-style-type: none"> 1) Service may be in automobiles or outdoors, but all other activities shall be carried on within a building. 2) A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street shall be maintained. 3) Ingress and egress points shall be located at least fifty (50) feet from the intersection of any two (2) streets.
Temporary and Transient Amusement Enterprises	Temporary and transient amusement enterprises means a traveling or transportable group or aggregation of rides, shows, games, or concessions or any such combination	Temporary and transient amusement enterprises: as determined by Planning Commission at time of SUP approval	<ol style="list-style-type: none"> 1) All sites shall be located on a major street or state highway. All traffic ingress or egress shall be from the major street or state highway. 2) Whenever any use that may be permitted in this subsection abuts property within a residential, business or agricultural district, a transition strip at least two hundred (200) feet in width shall be provided between all operations and structures, including fences and the residential or agricultural property. Grass, plant materials and structural screens of a type approved by the Village Planning Commission shall be placed within said transition strip. Golf driving ranges and miniature courses shall have a minimum transition strip of fifty (50) feet when adjacent to a residential, agricultural or business district. 3) Golf driving ranges shall provide such safety screening as deemed reasonable and necessary by the Village Planning Commission to protect the safety and welfare of adjacent areas. 4) Racetracks and drive-in theaters shall be enclosed for their full periphery with an obscuring screen fence at least eight (8) feet in height. Fences shall be of sound construction, painted or otherwise finished neatly, attractively and inconspicuously.
Funeral Homes and Mortuaries	An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held including funeral homes, undertaking parlors and mortuaries.	One (1) parking space for every fifty (50) square feet of floor area in slumber rooms, chapels and assembly rooms	<ol style="list-style-type: none"> 1) The proposed site shall front upon a major street or state highway. All ingress and egress points to the site shall be directly from the major street or state highway. 2) The conduct of all aspects of activities related to such uses shall take place within the principal building and not in an accessory building. 3) A caretaker's residence may be provided within the principal building.
Gasoline Service Stations	Any area of land including any structure or structures thereon that is used or designed for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this Ordinances, this term shall also mean any area or structure used or designed for polishing, greasing, washing, dry cleaning, spraying (but not including painting) or otherwise cleaning or servicing such motor vehicles.	Three (3) spaces for each repair and service stall, plus one (1) space for each worker on each shift	<ol style="list-style-type: none"> 1) The proposed site shall have at least one (1) property line on a major street or state highway 2) Building Setback: The service station building, or buildings shall not be located closer than twenty-five (25) feet to any property line of an adjacent residential district unless separated therefrom by a street or alley. 3) No installations except walls or fencing and permitted signs, lighting and essential services, may be constructed closer than fifteen (15) feet to the line of any street right-of-way. 4) Hydraulic hoists, pits and all lubrication, greasing, automobile washing and repair equipment shall be entirely enclosed within a building. 5) Uses permitted: Gasoline service stations as defined in Article 9, Section 9.8, including the servicing of motor vehicles under two and one-half (2-1/2) tons rated capacity, such as minor adjustments to motor vehicles, sales and installation of automotive accessories, and other servicing of motor vehicles, provided such accessory uses and services are conducted wholly within a completely enclosed building. Body repair, engine overhauling, steam cleaning or other mechanical or physical modifications to motor vehicles is specifically prohibited.
Greenhouses and Nurseries selling at retail on the premises	A commercial retail operation which sells plants and planting material including material not grown or produced on site.	One (1) space per six hundred (600) square feet of gross floor area	
Ice Storage and Portable Dispensing Structures	A facility for the manufacture of ice and for the servicing of ice dispensing equipment	One per employee of the total of the two largest shifts	
Medical Clinic	An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.	Four (4) spaces for each doctor, plus one (1) space for each employee	

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS

USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Motel	A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as "auto courts", "tourist courts", "motor courts", "motor hotel", and similar appellations which are designed as integrated units of individual rooms under common ownership.	One (1) space for each sleeping unit, plus two (2) spaces for operating personnel.	
Open Air Business	Retail sales establishments operated substantially in the open air. Examples include, motor vehicle, boats, manufactured homes, farm implements or motor home sales, repair, or rental services as well as retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment, including lumberyards.	Determined by Planning Commission at time of SUP approval	<ol style="list-style-type: none"> 1) All loading and parking areas for open-air businesses shall be confined within the boundaries of the site, and in no instance shall parking and loading activities be permitted to spill over onto adjacent roads 2) An obscuring fence shall be provided along any property line where the adjacent property is zoned for residential use. 3) Area used for open air display shall not occupy any required space for parking, loading, landscaping or buffering. 4) Plant storage and display areas shall comply with the minimum setback requirements for the district in which the use is located. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and/or covered to prevent it from blowing and leaching.
Passenger Terminals	Facilities that function as a pick-up and drop-off station for passengers of buses, trains or other forms of mass transit. The use includes repair facilities and vehicle storage areas.	Determined by Planning Commission at time of site plan approval	
Personal Service Establishments	An establishment that performs services on the premises such as barber or beauty shops, repair shops for shoes, radio, television, jewelry, self-service laundries, and photographic studios	Barber shops and beauty parlors: Two (2) spaces for each beauty and/or barber shop chair	
Planned Shopping Centers	A group of commercial establishments planned and developed as a unit with off-street parking provided on the property and designed to serve community-wide or regional retail markets.	One (1) space for every two hundred (200) square feet of gross floor area	<ol style="list-style-type: none"> 1) A market analysis by a recognized, reputable market analyst, setting forth conclusively economic justifications and need for the establishment of a center of type and size proposed by the applicant. This analysis shall be based upon, but not limited to such factors as the trade area of the community and travel time from various parts thereof to the proposed center site; general development trends and anticipated population changes; economic trends and disposable income characteristics; expected sales volumes of the center as indicated by the demand for certain types of retail merchandise; existing or anticipated competing commercial facilities, and other data and analyses which relate to the need for and feasible success and stability of the proposed center. The purpose of this requirement is to protect the Village from the over-development of retail sales and service establishments which could prove highly injurious to the community welfare. 2) A site plan defining the areas to be developed for buildings; the areas to be devoted to parking; the location of pedestrian and vehicular circulation and the points of ingress and egress; and the location of walls, landscaped areas, terraces and other open spaces; the provision of spaces for loading, unloading and servicing; the location, size and number of signs; and the treatment proposed for required transition strip areas to protect abutting land uses and zoning districts. 3) A traffic survey prepared by qualified experts indicating the effect of the proposed shopping center on adjacent streets and also indicating the anticipated points of origin, direction and amount of traffic flow to and from the proposed center. 4) A list of proposed uses to be included in the proposed center with the area of each to be devoted to retail space. 5) A statement of financial responsibility to assure construction of the planned shopping center in accordance with the site plan and the requirements of this Section.

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Printing, Publishing, Photographic Reproductions, Blueprinting and related trades and art	A commercial printing operation, including administrative offices, involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing	One (1) per one hundred (100) square feet of sales floor area	
Public Garage	A garage, other than a private or storage garage, which is used for the short-term parking of vehicles.	N/A	
Restaurants	<p>An establishment serving prepared food or beverages for consumption on the premises and which may or may not include accessory "take-out" services.</p> <p>Examples include lunch counters, coffee shops and other similar establishments but does not include drive-thru facilities</p>	One (1) space for every seventy-five (75) square feet of floor area, plus one (1) space for every three (3) seats	
Retail Establishments	Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by definition.	<p>Clothing, furniture, appliances, hardware, automobile, machinery sales; shoe repair, personnel services (other than beauty and barber shops), wholesale sales: One (1) space for every two hundred (200) square feet of floor area</p> <p>Supermarkets, self-service food stores: One (1) space for every one hundred (100) square feet of floor area</p> <p>Retail stores except as otherwise specified herein: One (1) space for every one hundred fifty (150) square feet of floor area</p>	
Retail Establishments, Regional	<p>A retail establishment that generally services a regional market and is primarily involved in purchase and resale of goods. Services may be rendered incidental to the sale of such goods at the retail establishment. There may be processing or manufacturing of products incidental or subordinate to the selling activities but not on the scale of an establishment solely involved in manufacturing (see manufacturing definitions in this Article).</p> <p>Examples include: Furniture stores, building supply establishments with outdoor storage and other large retail establishments over twenty five thousand (25,000) square feet</p>	One (1) space for every two hundred (200) square feet of gross floor area	
Secondhand Stores	An establishment where used merchandise is offered for sale as a principal portion of the business of the establishment	One (1) space for every two hundred (200) square feet of gross floor area	

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS

USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Servicing and Repair of Motor Vehicles, Trailers and Land, Snow or Water Recreational Vehicles as an accessory use to a principal retail use such as an Automobile Showroom		Three (3) spaces for each repair and service stall, plus one (1) space for each worker on each shift	
Sexually Oriented Businesses	<p>Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas". (See Definitions below)</p> <p>Specified Sexual Activities — As used in the above definitions, the phrase "specified sexual activities" shall mean and include:</p> <ul style="list-style-type: none"> 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. <p>Specified Anatomical Areas — As used in the above definitions, the phrase "specified anatomical areas" shall mean and include:</p> <ul style="list-style-type: none"> a) Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and, 3) female breast below a point immediately above the top of the areola; b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered. 	Determined by Planning Commission at time of SUP approval	<ol style="list-style-type: none"> 1) In the development of these standards, the village reviewed studies demonstrating the impact of sexually oriented businesses on crime and property values. It was determined that special regulations of these uses are necessary to insure that these adverse effects will not contribute to the blighting, deteriorating, and/or down grading of the area and the adjacent areas. 2) The prohibition against the establishment of more than one sexually oriented business, within 1,000 feet of each other and a residential zoning district, serves to avoid increases in crime associated with a concentration of sexually oriented uses and the deleterious effects of blight and devaluation of residential property values 3) Distance limitations shall be measured along a straight line forming the shortest distance between any portion of the subject parcel and parcels zoned residential or occupied by uses specified herein. 4) Any sexually oriented business /building shall be at least 1,000 feet from any of the following, except as otherwise provided by item (9) below. <ul style="list-style-type: none"> a) Another existing sexually oriented business b) Any residential district 5) Any display of adult oriented material be shielded from public view either placed behind a counter, or by providing a separately established room which would have restricted access controlled by the owner or employees; 6) All access to adult orientated material be restricted to person 18 years of age or older; 7) Signage be posted regarding the restrictions to this type of material 8) The location of the counter or room is limited to an area away from the main entry. 9) Building size shall not exceed 5,000 square feet of gross floor area. 10) The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas, as defined in this ordinance, cannot be observed by pedestrians or motorists on a public right of way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation. 11) Use shall be located within a freestanding building. A shared/common wall or shopping center shall not be considered to be a freestanding building. 12) The building shall provide sufficient sound absorbing insulation so noise generated inside said premises shall not be audible anywhere on any adjacent property or public right of way. 13) The hours of operation shall be approved by the Village Council. 14) Access shall be from a major street or county primary road. 15) Any sexually oriented business use, which allows customers to remain on the premises while viewing live, filmed or recorded entertainment or while using or consuming the products or services supplied on the premises, shall provide at least one security guard on duty outside the premises. Security guard provided will patrol the grounds and parking areas at all times while the business is in operation. 16) A license is required. 17) Prior to granting a permit for any adult regulated use, the Village Council may impose any such conditions or limitations authorized by law in connection with the grant of special uses. 18) A sexually oriented business use granted pursuant to the terms of this ordinance may not be re-established after discontinuance for a period of 90 consecutive days without a new grant of approval by the village.

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Taverns	A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Examples include bars, night clubs, private clubs, and similar facilities serving alcoholic liquor.	One (1) space for every seventy-five (75) square feet of floor area, plus one (1) space for every three (3) seats	
Vehicle Repair Shop	General repair of motor vehicles and farm equipment including engine rebuilding, or additional mechanical repair, reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rust-proofing	Three (3) spaces for each repair and service stall, plus one (1) space for each worker on each shift	<ol style="list-style-type: none"> 1) The proposed site shall have at least one (1) property line abutting a major street or county primary road. All ingress and egress to the off-street parking area shall be directly from the major street or county primary road 2) The entire service area shall be paved with a permanent surface of concrete or asphalt. 3) All equipment, including hydraulic hoists, pits, and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building. 4) There shall be no outdoor storage of merchandise such as tires, lubricants, and other accessory equipment, except that outdoor trash storage may be provided in a properly screened container 5) All vehicles, upon which work is performed, shall be located entirely within a building. 6) There shall be no above-ground tanks for the storage of gasoline, liquefied petroleum gas, oil, or other inflammable liquids or gas
Veterinary Clinics	Veterinary Clinic: A facility providing diagnosis, treatment, surgery and similar veterinary care for small domestic animals with no overnight boarding and indoor boarding of a maximum of three (3) animals at any one time.	One (1) per three hundred (300) square feet of gross floor area	
Veterinary Hospital and Kennel	<p>A veterinary hospital is a facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock. A veterinary hospital may include outdoor boarding incidental to treatment</p> <p>Kennel: Any lot or premises used for the sale, boarding or breeding of dogs, cats or other household pets. Kennel shall also mean the keeping of three (3) dogs, cats, and/or other household pets over the age of six (6) months.</p>	One (1) per three hundred (300) square feet of gross floor area	
INDUSTRIAL USES			
Any production, processing, clearing, testing, repair, storage, and distribution of materials, goods, foodstuffs, and other semi-finished or finished products from previously prepared material,		One (1) space for every two (2) employees for industries using (2) or more shifts; one (1) space for every three (3) employees for industries using one (1) only; or one (1) space for every four hundred (400) square feet of gross floor area, whichever is greater.	
Contractor's Establishment not engaging in retail activities on the site	A facility for the operation of a building contractor, well driller or similar business, including office facilities, for the storing of equipment and supplies	One (1) space for every two hundred (200) square feet of office space	
Grain and Seed Elevators and Sales, Cold Storage for cooperative and/or wholesale agricultural products	An establishment for the commercial storage of agricultural produce which may also involve the sale of seed, fertilizer, pesticides and similar products	One (1) per one hundred (100) square feet of sales floor area	

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Junk Yard	Any land or building used for commercial storage and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts from them, but not including a dump.	One (1) per employee	<ol style="list-style-type: none"> 1) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State Statutes, the State requirements shall prevail. 2) The site shall be a minimum of ten (10) acre in size. 3) A solid fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. 4) All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the fenced-in area. 5) All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line. Such front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation. The spacing and type of plant materials will be determined by the Village Planning Commission. 6) No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building. 7) Whenever the installation abuts upon property within a residential district, a transition strip at least two hundred (200) feet in width shall be provided between the fenced-in area and the property within a residential district. Such strip shall contain plant materials, grass and structural screens to effectively minimize the appearance of the installation and to help confined odors therein.

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Light Manufacturing and Processing	<p>Manufacturing establishments that are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially complete materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.</p> <p>Examples include manufacture of industrial controls, electronic components and accessories, measuring, analyzing and controlling instruments, photographic equipment and repair (except chemicals and sensitized materials), medical and optical goods, and other similar items. Production of prototype products. Research, development, and testing facilities for industrial scientific, and business or commercial establishments. Production, assembly or fabrication of candy, drugs, cosmetics and toiletries, musical instruments, toys, novelties, electrical instruments and appliances; radio and stereo equipment; pottery and figurines or other similar ceramic products using only previously pulverized clay. Manufacturing and maintenance of electric neon signs, billboards, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment. Tool and die shops; metal working machine shops involving the use of grinding or cutting tools; such as manufacturing tools, dies, jigs, and fixtures; publishing, printing, or forming of box, carton, and cardboard products. Other establishments similar to and compatible with the above establishments.</p>	One (1) space for every two (2) employees for industries using (2) or more shifts; one (1) space for every three (3) employees for industries using one (1) only; or one (1) space for every four hundred (400) square feet of gross floor area, whichever is greater.	
Open Industrial or Storage uses	Operations characterized by operations that are primarily not conducted within an enclosed facility	Two (2) spaces for staff parking	<ol style="list-style-type: none"> 1) Any activity in which materials being processed or stored are located, transported, or treated outside of a building; such use shall be provided with an obscuring, permanently maintained fence or wall no lower than the subject use or storage. 2) For mini or self-serve storage facilities the following shall apply: <ol style="list-style-type: none"> a) Access to the facility shall be from a major street or county primary road. b) All outdoor storage areas shall be appropriately screened from surrounding property, as determined by the Planning Commission. c) Maximum building height shall be nineteen (19) feet. d) A ten (10) foot wide parking strip shall be required in front of each row of storage units and a twelve (12) foot wide travel lane provided between buildings

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS

USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Sand or Gravel Pits, Quarries	A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries; borrow pits, sand and gravel operation, mining, and soil mining. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.	Determined by Planning Commission at time of SUP approval	
Sewage Treatment and Disposal Installations	A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.	Determined by Planning Commission at time of SUP approval	1) All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes. If any of the requirements of this subsection are less than those in applicable State Statutes, the State requirements shall prevail. 2) All operations shall be completely enclosed by a wire link fence not less than six (6) feet high. 3) All operations and structures shall be surrounded on all sides by a transition strip at least two hundred (200) feet in width within which grass, plant materials and structural screens shall be placed to minimize the appearance and odors of the installation. The Village Planning Commission shall approve all treatment of transition strips.
Small Manufacturing and Processing Establishments selling their entire output at retail on the premises	Manufacturing establishments that are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially complete materials may be used. Products are made for retail sale on the premises.	One (1) space for every two (2) employees for industries using (2) or more shifts; one (1) space for every three (3) employees for industries using one (1) only; or one (1) space for every four hundred (400) square feet of gross floor area, whichever is greater.	
Storage and Repair of large trucking equipment	General repair of semi tractors and trailers, farm equipment and construction equipment such as bulldozers, including engine rebuilding, or additional mechanical repair, reconditioning body work and overall painting	Three (3) spaces for each repair and service stall, plus one (1) space for each worker on each shift	
Storage Facilities for building materials, and, gravel, stone, lumber and contractor's equipment		One per employee of the total of the two largest shifts	
Truck or Rail Freight Terminal	A facility for the receipt, transfer, short term storage and dispatching of goods transported by truck or railroad.	One per employee of the total of the two largest shifts	

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS

USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
OTHER USES			
Accessory Structures	A subordinate building or structure on the same lot with a principal or main building, or the part of the main building occupied by or devoted exclusively to an accessory use	Based on use of structure	<ol style="list-style-type: none"> Accessory Buildings and Yard Restrictions: <ol style="list-style-type: none"> In a Front Yard: No accessory building shall project into any front yard. In a Rear Yard: No accessory building, including detached garages, shall be closer than three (3) feet to any rear lot line. In a Side Yard: No accessory building, including garages, shall be erected closer to any side lot line than the permitted distance for a dwelling within a residential district except when an accessory building is located ten (10) feet or more to the rear of the principal dwelling, then the accessory building shall be no closer than five (5) feet to the side lot line. On a Corner Lot: No accessory building shall be closer to the side street lot line than the side yard setback of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than eight (8) feet to the common lot line. Accessory buildings shall not occupy more than forty percent (40%) of the area of any rear yard. Accessory Building, Garages: A garage in a residential district shall comply with the following requirements: <ol style="list-style-type: none"> No more than one (1) commercial vehicle not exceeding one (1) ton rated capacity if permitted per residence, or one and one-half (1-1/2) tons if the residence is part of an agricultural operation. The accessory garage shall not exceed the area of the principal structure. Space in a garage accessory to a multiple-family residence or a motel shall be rented only to occupants of the dwelling. A parking area of ten (10) feet by twenty (20) feet shall be considered as adequate storage space for each authorized motor vehicle. Additional space may be provided in a garage for uses incidental to a garage function or for hobby workshops and storage areas.
Accessory Uses	<p>A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.</p> <p>Swimming Pool, Private: The term "Swimming Pool" shall mean any structure or container located wither above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purposes of determining required yard spaces and maximum lot coverage.</p>	None	<ol style="list-style-type: none"> Accessory Uses, Fallout Shelters: Fallout shelters are permitted uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately, and in addition to shelter use, may be used for any accessory use permitted in the district, subject to the district regulations for such use. Accessory Uses and Buildings, Customary: <ol style="list-style-type: none"> Such uses and buildings are shall be incidental to the principal use and do not include any activity conducted as a business Any accessory building or use shall be located on the same lot with the principal building. Living quarters as part of an accessory garage for domestic employees of the resident of the principal building. Private swimming pools shall comply with building code requirements Travel Trailers – Not more than one (1) unoccupied travel trailers may be located on a lot Signs shall comply with Article 12 of this ordinance
Advertising Structures	A billboard or similar off-premise sign	None	<ol style="list-style-type: none"> No billboards, or other off-premise sign may exceed two hundred fifty (250) square feet in area. All such signs shall be four (4) feet or more clear above the ground. If not attached to the wall of a building for their entire length, signs must be lighted, for safety purposes, on all sides during all hours of darkness. The illumination of such signs for purposes other than for public safety shall be subject to approval by the Planning Commission to insure that the light intensity, color and movement will not likely be so distracting to motor vehicle operators as to constitute a traffic safety hazard. Signs must be at least forty (40) feet from a lot or public right-of-way line. Along state highways the signs shall comply with the Highway Advertising Act. All signs shall also comply with any applicable provisions of Section 7.3 of this ordinance.

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS

USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Airports or Landing Fields	<p>Airports mean a transportation facility to accommodate the take-off, landing, shelter, supply, service and repair of aircraft, and the receiving and discharging of passengers and cargo.</p> <p>Landing fields mean a private transportation facility, closed to the public to accommodate the take-off and landing of aircraft. The runway is made of sod and not paved with any type of material.</p>	Regulated by Michigan Aeronautical Commission	Regulated by Michigan Aeronautical Commission
Automobile Parking			
Communication Antennae	Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals and radio frequencies.	Two (2) spaces for parking of service vehicles	<ol style="list-style-type: none"> 1) Collocation of an antennae on existing tower or other structure in compliance with previous zoning approvals of the tower or other structure are exempt from the requirements of this ordinance 2) Collocation of an antennae on an existing tower or other structure that does not comply with previous zoning approvals of the tower or other structure or on a new structure may be approved by SUP
Communication Towers	A radio, telephone or television transmission, reception or relay structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure, used for the transmission or reception of radio, televisions, microwave, or any other form of telecommunication towers and any tower erected by a public entity for hazard warning or other communication purpose	Two (2) spaces for parking of service vehicles	<ol style="list-style-type: none"> 1) The maximum height of a tower shall be two hundred (200) feet 2) Towers shall be mono poles painted a neutral color to blend in with the site 3) Towers shall be designed to permit collocation of additional antennae. 4) A new tower shall only be permitted when the applicant can demonstrate that location on an existing tower or other structure is not feasible 5) The applicant shall provide an engineer's certification that the tower is capable of supporting the number of planned antennae, including future collocations 6) The tower shall be setback from the lot lines of the property it is located on a minimum of the height of the tower unless the applicant's engineers certifies that the tower is "self-collapsing", in which case the setback is 50% of the height. When the tower is located on a lease area of a larger parcel, the setback is from the lot lines of the larger parcel.
Essential Services	The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, telephone transmission or distribution system including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities, departments or commissions.	Determined by Planning Commission at time of site plan approval	The Village Planning Commission shall have the power to permit the erection and use of a building or an addition to an existing building of a public service corporation or for public utility purposes in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure or use if the board shall find such use, height, area, building, or structure reasonably necessary for the public convenience and service.
Name Plates and Signs			
Planned Unit Development	A land area which has both individual building sites and common property such as a park, and which is a separate neighborhood or community unit.	Determined by Planning Commission at time of site plan approval	Design standards contained in Section 9.7
Railroad uses, including all necessary trackage, switches, operating devices, storage, marshaling yards, and freight yards or sidings		N/A	
Raising and keeping of chickens on a non-commercial basis	An accessory use to a residence	N/A	
AGRICULTURAL USES			
Field Crop, Fruit Farming and Tree Nurseries		N/A	

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Field Crop and Fruit Farming, Truck Gardening, Horticulture, Aviaries, Hatcheries, Apiaries, Greenhouses, Tree Nurseries, and similar agricultural enterprises, along with accessory uses incidental to the above	Apiaries: A place where bee colonies are kept.	N/A	
Public areas such as Forest Preserves, Game Refuges, Forest-type Recreation Parks and similar public uses of low density character		Determined by Planning Commission at time of site plan approval	
Public and private conservation areas and structures for the conservation of water, soils, open space, forest and wildlife resources.		Determined by Planning Commission at time of site plan approval	

ARTICLE 7 SUPPLEMENTARY REGULATIONS

Section 7.1 MISCELLANEOUS REGULATIONS

Section 7.1.1 Prior Building Permits:

Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date of permit issuance, and that the entire building shall be completed according to the plans filed with the permit application within one (1) year after the issuance of the building permit.

Section 7.1.2 Access to a Street:

Any lot of record created after the effective date of this Ordinance shall have frontage on a public street except in the case of an officially approved group housing development as provided in Article 6, Section 6.4.3. Any one (1) lot of record created before the effective date of this Ordinance without any frontage on a public street shall not be occupied without access provided by an easement or other right-of-way no less than twenty (20) feet wide.

Section 7.1.3 Rear Dwelling Prohibited:

No building in the rear of, and on the same lot with a principal building, shall be used for residential purposes except for watchmen, caretakers and domestic employees whose employment functions are related to the functions of the principal building, provided that all other requirements of this Ordinances are satisfied.

Section 7.1.4 Review of Building Design near Public Buildings and Sites:

The design of proposed nonresidential buildings within five hundred (500) feet of the nearest property line of public parks, scenic areas and buildings such as community centers, village office buildings, libraries, schools or hospitals shall be reviewed by the Zoning Administrator and if the change is major it shall first be approved by the Planning Commission before a building permit can be issued. A major change is one that requires site plan approval per Section 11.10 or which involves a change to a significant portion of the building exterior. The purpose of this requirement is to prevent the occurrence of inappropriate structural appearance of building designs intended to attract attention of potential customers and patrons in proximity to improvements in which the public has invested tax monies. The Planning Commission shall request recommendations from the Village Council before making its determination.

Section 7.1.5 Required Water Supply and Sanitary Sewer Facilities:

After the effective date of this Ordinance, no structure shall be erected, altered or moved upon a lot or premise and used in whole or in part for dwelling, business, industrial or recreational purposes unless it shall be provided with a safe, sanitary and potable water supply, and with a safe and effective means of collection, treatment and disposal of human excrement and domestic, commercial and industrial wastes. All such installations and facilities shall conform with the minimum requirements of the Shiawassee County Health Department and the State of

Michigan Health Department.

Section 7.1.6 Sight Distance:

When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, the corner triangular areas described below shall permit unobstructed cross-visibility. No obstruction to vision shall be permitted between the heights of two (2) feet and eight (8) feet above the centerline elevation of the abutting pavement in this triangular area.

The triangular areas referred to above are (see Figures 7-1 and 7-2):

- 1) The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two sides.
- 2) The area formed at a corner intersection of two (2) public right-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two (2) sides.

Figure 7-1

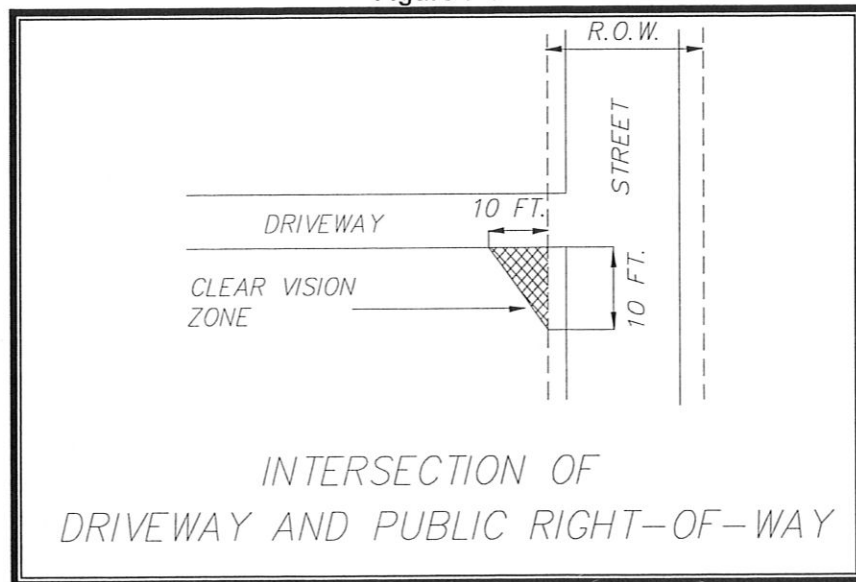
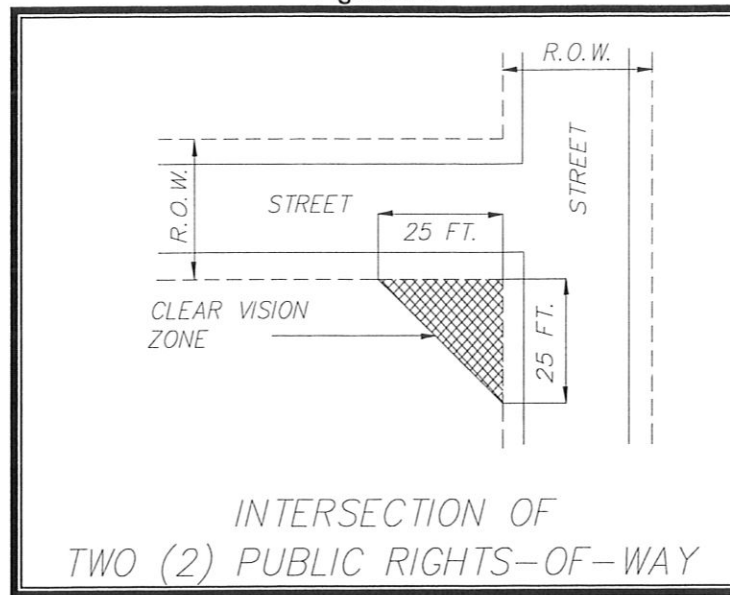


Figure 7-2



Section 7.2 SUPPLEMENTARY USE REQUIREMENTS

- 1) A parking area of ten (10) feet by twenty (20) feet shall be considered as adequate storage space for each authorized motor vehicle. Additional space may be provided in a garage for uses incidental to a garage function or for hobby workshops and storage areas.
- 2) Accessory Uses, Fallout Shelters: Fallout shelters are permitted uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately, and in addition to shelter use, may be used for any accessory use permitted in the district, subject to the district regulations for such use.
- 3) Accessory Uses and Buildings, Customary:
 - a) Such uses and buildings are shall be incidental to the principal use and do not include any activity conducted as a business
 - b) Any accessory building or use shall be located on the same lot with the principal building.
 - c) Living quarters as part of an accessory garage for domestic employees of the resident of the principal building.
 - d) Additional supplementary uses, including accessory buildings, as stipulated in Article 6, Section 6-1

Section 7.3 SIGNS

Signs, as used in this Section, are defined as signs in Article 3, Definitions, and shall be allowed in the particular district as noted in the following:

- 1) All Zoning Districts: The following signs shall not be allowed in any district.
 - a) Signs which are obsolete.
 - b) Signs which are illegal under state laws or regulation and applicable local ordinance or regulations.
 - c) Signs that are not clean and in good repair.
 - d) Signs not securely affixed to a substantial structure.
 - e) Signs which attempt or appear to attempt to regulate, warn or direct the movement of traffic, or which interfere with or resemble any official traffic sign, signal or device.
 - f) Signs which are erected or maintained upon trees, painted or drawn upon rock or other natural features.
 - g) Signs which project above the cornice or roofline except as noted in a particular zoning district.
 - h) Signs which are not consistent with the standards in this Ordinance.
 - i) Signs located in the right-of-way for public streets or highways.
- 2) R-1A, R-1B Residential Districts:
 - a) One non-illuminated sign advertising the sale or lease of the lot or building not exceeding six (6) square feet in area on any one (1) lot, such sign being placed no closer to the street line than one-half ($\frac{1}{2}$) the minimum front yard depth.
 - b) One non-illuminated sign announcing a home occupation or professional service not to exceed one and one-half ($1\frac{1}{2}$) square feet in area attached flat against a building wall of the residence or garage if the structure is less than one-hundred (100) feet. From the front lot line. If the house and garage are both more than one-hundred (100) feet, the sign may be pole mounted, at a height not to exceed three (3) feet. Placed no closer to the street line than one-half ($\frac{1}{2}$) the minimum front yard depth.
 - c) One non-illuminated sign or structure advertising a recorded subdivision or development not to exceed fifty (50) square feet and placed no closer to any street line than twenty-five (25) feet.
 - d) All plans for the construction and design of signs shall be submitted to the Village Council for review and approval, excepting signs permitted in (a) and (b) of this subsection.
- 3) R-M1 Multiple and Group Housing Developments:
 - a) All signs permitted in R-1A and R-1B Residential Districts and subject to the same limitations required for those districts.
 - b) One flat sign or structure announcing the identification of the multiple or group housing development that shall not exceed twelve (12) square feet in area. Such a sign or structure may be illuminated, provided that the source of light is not visible to traffic, neighboring residences or to the units within the Group Housing or Multiple Unit Developments.

4) B-1 General Business Districts:

- a) Signs may be attached flat against a main building or parallel to the building with a projection not to exceed eight (8) inches and may face only public streets or parking areas which are part of the development.
- b) Signs may be illuminated, but all bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view. But if intended to have moving illumination, such illumination must be approved in advance by the Vernon Village Council which body shall make certain that light intensity, color and movement will not likely distract motor vehicle operators or constitute a traffic safety hazard.
- c) Signs shall not project above the cornice or roofline.
- d) No temporary sign made of paper, cardboard, canvas or similar material, other than a sign advertising the sale or rental of the premises on which the same is located, will be permitted on the exterior walls.
- e) Signs shall not exceed, in height, twenty percent (20%) of the building height and the total area of all signs on any wall shall not exceed twenty percent (20%) of the surface area of such wall.
- f) Additional requirements for gasoline service stations to include one (1) free-standing sign structure to be utilized to identify the station, provided such sign is set back fifteen (15) feet from any public street pavement edge, and does not exceed a height of twenty-five (25) feet, nor be placed so low as to obstruct the visibility of passing motorists.
- g) The plans and specifications for site development which are required within this Section shall include the type, size, location and illumination of all signs proposed as part of the site development. The village council's review of sign proposals shall be to insure that light intensity, color and movement shall not likely be so distracting to motor vehicle operators as to constitute a traffic hazard.

5) B-2 Highway Service Districts:

- a) All signs permitted in the B-1 General Business Districts and subject to the same limitations required for those districts.
- b) Signs not exceeding two (2) square feet, purely for traffic regulations and directions within the development, may be utilized as required.
- c) One (1) free-standing sign structure may be utilized to identify the district development, provided such sign is set back twenty-five (25) feet from any public street right-of-way and is of such size and design that it will, in the judgment of the village council meet the vehicular safety and protective standards of the Highway Service District.
- d) Each face of the sign shall be no larger than .75 square feet of the total road frontage of the lot upon which the sign is placed, up to a maximum of 100 square feet. Double faced signs arranged and/or positioned back to back and parallel or with the faces at an included angle of no more than thirty (30) degrees in the plan or vertical view. The area of the sign shall be computed as one half ($\frac{1}{2}$) of the total area of the two (2) faces. When the faces of the sign are not of equal area, then the area of the sign shall be computed as the total of the largest face.

6) M-1 Industrial Districts

- a) The restrictions imposed on all signs permitted in the B-1 General Business Districts shall apply to all signs in the M-1 Industrial Districts.

7) A-1 Agricultural Districts

- a) All signs permitted in R-1A and R-1B Residential Districts and subject to the same requirements for those districts.
 - b) One non-illuminated sign advertising the sale of farm products grown on the premises not to exceed fifty (50) square feet in area, and placed no closer to any street line than fifteen (15) feet.
 - c) Homes of occupants and other identification painted on or otherwise made a part of the surface of a roof of a barn and other accessory building pertaining to and identifying the owner and/or activity of the farm unit, provided said identification is not for advertising purposes.
 - d) Memorial or historical signs such as "Centennial Farm" signs and/or other signs representing awards won by the farm unit and/or its properties.
- 8) For Non-conforming Uses: One (1) sign placed flat on the wall of a legal nonconforming use not to exceed twenty (20) square feet in area.
- 9) For Organizations and Institutions: One (1) sign per lot for churches, schools, clubs, associations and institutions serving as identification and/or bulletin board not to exceed twenty (20) square feet in area. Such signs may be placed flat against the wall of a building or may be free-standing, provided that it shall be not closer to any property line than ten (10) feet. Such signs may be illuminated, providing the source of light is not visible to traffic or neighboring properties.

Section 7.4 SUPPLEMENTARY USES

Customary accessory uses and buildings incidental to the permitted principal use of a premise. The following accessory uses may be permitted under the conditions stipulated:

- 1) Customary accessory uses and buildings incidental to the permitted principal use of a premise
- 2) The storage of not more than one (1) unoccupied travel trailer upon each lot or parcel.
- 3) All signs shall conform to the requirements of Article 7, Section 7.3.

Section 7.5 SWIMMING POOLS, PRIVATE

Provided that they meet local building code requirements

Section 7.6 TEMPORARY BUILDINGS

The following requirements are for uses incidental to construction work:

- 1) Such buildings shall be removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever is the lesser time period.

Section 7.7 TEMPORARY DWELLING, USES OF STRUCTURES FOR

No structure shall be used for dwelling purposes that is not considered a standard dwelling structure as defined in this Ordinance. No garage or other accessory building, tent, cabin, partial structure, whether fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purpose for any length of time unless authorized by the Planning Commission by the issuance of a special use permit as provided for in Article 9.

Section 7.8 TEMPORARY OUTDOOR USES

- 1) A permit shall be obtained from the village and shall not be issued for more than thirty (30) days in any one (1) year.

Section 7.9 TEMPORARY RESIDENCE

- 1) The use of a mobile home as a temporary residence during construction of a dwelling or for the care of an ill or elderly relative.

Section 7.10 EXCEPTION TO REQUIRED LOT AREA FOR RESIDENTIAL DISTRICTS

Any residential lot created and recorded prior to the effective date of this Ordinance may be used for any permitted use even though the lot area and/or dimensions are less than those required for the district in which the lot is located, provided:

- 1) That the other requirements of the district are met.
- 2) That no adjacent land or lot is owned by the owner of the lot in question.
- 3) That no lot shall be so reduced in area that the required open space will be smaller than those established as a minimum for the district in which the lot is located.
- 4) That any lot so expected shall be no less than fifty (50) feet in width at the street line.

Section 7.11 LOT AREA CAN BE ALLOCATED ONCE

No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for the construction of a proposed or the alteration of an existing building.

Section 7.12 ACCESSORY BUILDING

An accessory building shall not occupy more than forty percent (40%) of the area of any rear yard.

Section 7.13 SUPPLEMENTARY YARD REGULATIONS**Section 7.13.1 Side Yard Reduction:**

Area required for side yards may be reduced in the following situations:

- 1) For residential lots adjoining an alley, the least width of a required side yard may be measured to the centerline of that alley, provided that no building shall be erected closer than five (5) feet to the nearest alley right-of-way.
- 2) For lots of record eighty (80) feet or more in width at the building line, the same side yard requirements as for lots one hundred (100) feet or over in width shall apply.
- 3) For lots of record sixty (60) to seventy-nine (79) feet in width at the building line, the least width of either side yard shall be eight (8) feet, but the sum of two (2) side yards shall not be less than eighteen (18) feet.
- 4) Lots of record fifty (50) to fifty-nine (59) feet in width at the building line, the least width of either side yard shall be six (6) feet, but the sum of the two (2) side yards shall not be less than thirteen (13) feet.

Section 7.13.2 Rear Yard Reduction:

- 1) When a lot of record in any residential district has a depth of less than one hundred fifteen (115) feet prior to the effective date of this Ordinance, the rear yard of such lot may be reduced one-fourth (1/4) of distance if the lot depth is less than one hundred fifteen (115) feet, provided that:
 - a) No rear yard shall be less than twenty (20) feet in depth.
 - b) When there is a public alley at the rear of a lot upon which the lot abuts for its full width, measurements of the depth of the rear yard may be made to the centerline of such alley.

Section 7.13.3 Permitted Yard Encroachments:

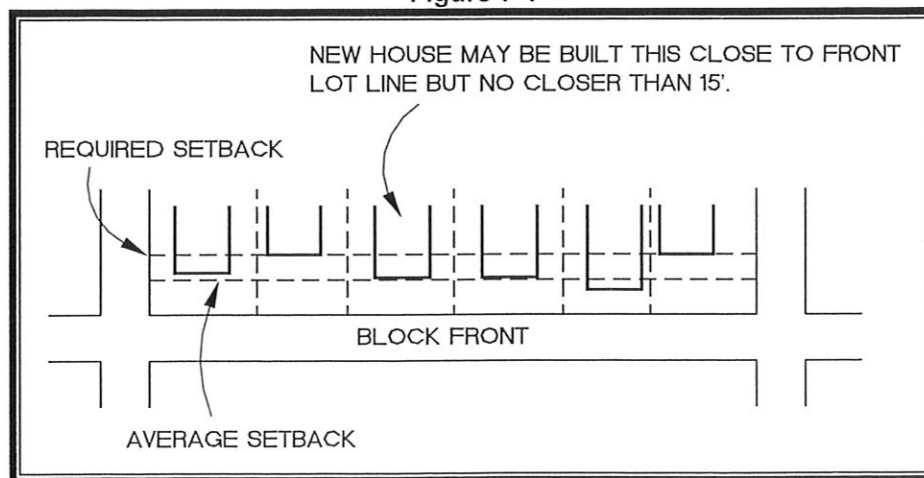
- 1) Paved terraces, patios and uncovered porches shall not be subject to yard requirements, provided:
 - a) The paved area is unroofed and without such walls, parapets or other forms of solid, continuous enclosure that so link the paved area to the principal building that an enclosed area is formed which appears functionally a part of the principal building.
 - b) The highest finished elevation of the paved area is not over three (3) feet above the average surrounding finished ground grade.
 - c) No portion of any paved area is closer than five (5) feet from any lot line.

- 2) Unenclosed porches, roofed or unroofed, may project into a required side or rear yard area a distance not to exceed eight (8) feet, provided:
 - a) The porch is unenclosed, no higher than one (1) story, and is erected on piers.
 - b) The porch shall not be closer than eight (8) feet at any point to any side or rear lot line.
- 3) Enclosed porches, either one (1) story, two (2) story, or an unenclosed porch having solid foundations and capable of being enclosed shall be considered an integral part of the building and shall, therefore, be subject to all yard and area dimensional requirements established for principal buildings.
- 4) Special structural elements such as cornices, sills, beltcourses, chimneys, gutters, eaves, pilasters and similar structural features may project into any yard up to a maximum of two and one-half (2-1/2) feet.
- 5) Fire escapes, outside stairways and balconies, if of open construction, may project into the yard area up to a maximum of five (5) feet.

Section 7.13.4 Permitted Exceptions to Front Yard Setbacks:

- 1) In any residential zoning district the front yard requirements of a lot may be modified so as to equal the average front yard setback of existing principle structures along the same block front (or two hundred (200) feet either side of the lot in question, whichever is less) provided that the front yard setback shall not be less than fifteen (15) feet (see Figure 7-4).

Figure 7-1



Section 7.14 SUPPLEMENTARY HEIGHT REGULATIONS

Section 7.14.1 Permitted Exceptions, Structural Appurtenances:

The following kinds of structural appurtenances and permitted exceptions shall be permitted to exceed the height limitations for authorized uses only when all of the following conditions can be

satisfied: No portion of any building or structure permitted as an exception to a height limitation shall be used for human occupancy or for commercial enterprise. Any structural exception to height limitations shall be erected only to such height as may be necessary to accomplish the purpose it is intended to serve so as not to become a hazard to aviation. If the roof area of such structural elements permitted to exceed the height limitations exceed twenty percent (20%) of the gross roof area, they shall be considered as integral parts of the whole structure and, thereby, shall not be eligible for permission to exceed height limitations. Structural appurtenances qualifying for exception includes those listed below:

- 1) Ornamental in purpose, such as church spires, belfries, cupolas, domes, ornamental towers, flag poles and monuments.
- 2) Appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell, penthouses, ventilators, bulkheads, radio towers, masts, aerials, television antennas, fire and hose towers, cooling towers, and grain and seed elevators.
- 3) Commercial free-standing towers when not attached to a building or structure, shall be constructed under applicable State and Federal regulations and approved by the Planning Commission and, in addition, shall comply with the requirements of Section 7.22.
- 4) Free-standing towers, such as TV or radio towers intended primarily to serve the occupants of the main structure, shall not exceed fifty (50) feet.

Section 7.14.2 Permitted Exceptions, Residential Districts:

There shall be no exceptions permitted for residential structures; certain nonresidential structures in residential districts may be permitted to exceed height limitations as specified in Article 9, Section 9.8.

Section 7.14.3 Permitted Exceptions, Business and Industrial Districts:

In any business or industrial district, any principal building may be erected to a height in excess of that specified for the district, provided each front, side and rear yard is increased one (1) foot for each one (1) foot of such additional height.

Section 7.15 EXTERIOR LIGHTING

All outdoor lighting in all zoning districts other than residential shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts, adjacent residences, and public rights-of-ways.

Section 7.15.1 Illumination:

Illumination guidelines shall generally be in accordance with the following standards:

1) Street Illumination

TABLE 7-1 Street Illumination		
Street Hierarchy	Nonresidential Area	
	Lux	Footcandles
Major	15	1.4
Collector	10	1.0
Local	6	0.6

2) Parking Illumination

TABLE 7-2 Parking Illumination				
Level of Activity	Active Vehicular Use Areas Only		General parking and Pedestrian Areas	
	Lux	Footcandles	Lux	Footcandles
Low activity	5	0.5	2	0.2
Medium Activity	10	1.0	6	0.6
High Activity	20	2.0	10	1.0
1) High Activity. Examples include major athletic facilities, major cultural or civic events, regional shopping centers, and fast food facilities.				
2) Medium activity. Examples include community shopping centers, office parks, hospital parking areas, transportation parking (airports, etc.), cultural, civic or reception events, and residential complex parking.				
3) Low activity. Examples include neighborhood shopping, industrial employee parking, educational facility parking, and church parking.				

3) Building Exteriors

TABLE 7-3 Building Exteriors		
Component	Outdoor Areas	
	LUX	Footcandles
Entry/Active Use Area	50	5.0
Vital Locations	50	5.0
Building Surrounds	10	1.0
Gardens (General)	5	0.5
Walkways	5	0.5
Monuments (Flood Lighted)	150	15.0

Lighting shall be positioned in such a way or shielded from adjacent property and designed to reflect continuity with the pedestrian orientation of the area in question. All unshielded lights such as floodlights, wall pack units, and other types of unshielded lights, and lights where the lens or bulb is visible outside of the light fixture are not permitted except in service areas where the lights will not generally be visible by the public or adjacent residential properties. Lights underneath canopies must be fully recessed into the canopy to minimize glare from the light source. All lighting shall be focused on the property which they are located and shall not extend to adjacent property owners.

Section 7.16 CONSTRUCTION OR CONTRACTS UNDER EXISTING PERMITS; BUILDING COMPLETION PERIOD

Any structure for which a building permit has been issued, and construction of the whole or a part of which has been started, or for which a contract has been entered into pursuant to a building permit issued prior to the effective date of this Ordinance may be completed and used in accordance with the plans and applications on which such building permit was granted, provided that the construction permitted by such permit has been prosecuted and completed within one (1) year from the date of issuance of such building permit. It is considered a violation of this zoning ordinance in the event that construction is not completed within one (1) year and may require additional fees to be paid to the village. Such additional fees shall be determined by the Village Council.

Section 7.17 INDUSTRIAL PERFORMANCE STANDARDS

- 1) Enclosed Buildings: Activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors, provided that within three hundred (300) feet of any other district all storage shall be in completely enclosed buildings. All outdoor storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates, such fence or wall shall be at least eight (8) feet in height, but in no case shall the fence be lower than the enclosed storage. Such storage shall not be deemed to include the parking of licensed motor vehicles under one and one-half (1-1/2) tons rated capacity.
- 2) Noise emanating from a use in this district shall not exceed eighty (80) decibels as measured at the property line.
- 3) Uses in this district shall conform to the following standards:
 - a) Emit no obnoxious, toxic or corrosive fumes or gases which are deleterious to the public health, safety or general welfare.
 - b) Emit no smoke, odorous gases, or other odorous matter in such quantities as to be offensive to health, safety, and general welfare at or beyond the boundary of the use of the parcel, for the purpose of grading the density of smoke, the shade or appearance of smoke, which is equal to but not darker than No.1 of the Ringlemann Chart, as published and used by the United States Bureau of Mines, may be emitted for a period not exceeding four (4) minutes out of any thirty (30) minutes.
 - c) Discharge into the air no dust or other particulate matter created by any industrial operation or emanating from any products stored prior or subsequent to processing.
 - d) Produce no heat or glare detrimental to the health, safety, and general welfare at or beyond the lot boundaries.
 - e) Produce no physical vibrations to such an extent to be detrimental to the health, safety, and general welfare at or beyond the lot boundaries.
 - f) Discharge no radioactive materials that exceed quantities established by the U.S. Bureau of Standards.
- 4) Use shall not include in the manufacturing process any production or storage of any material designed for use as an explosive, nor in the use of any such material in production.

Section 7.18 NON-CONFORMING USES, LOTS AND STRUCTURES**Section 7.18.1 Purpose:**

Within the zoning districts established by this Ordinance there exist: lots, structures, uses of land and structures, and characteristics of use which were lawful prior to adoption of this Ordinance, but do not conform to provisions of this Ordinance or which may be made non-conforming as a result of future amendments to this Ordinance. These include structures that were granted variances under the provisions of a previous ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district.

Section 7.18.2 Non-Conforming Lots of Record:

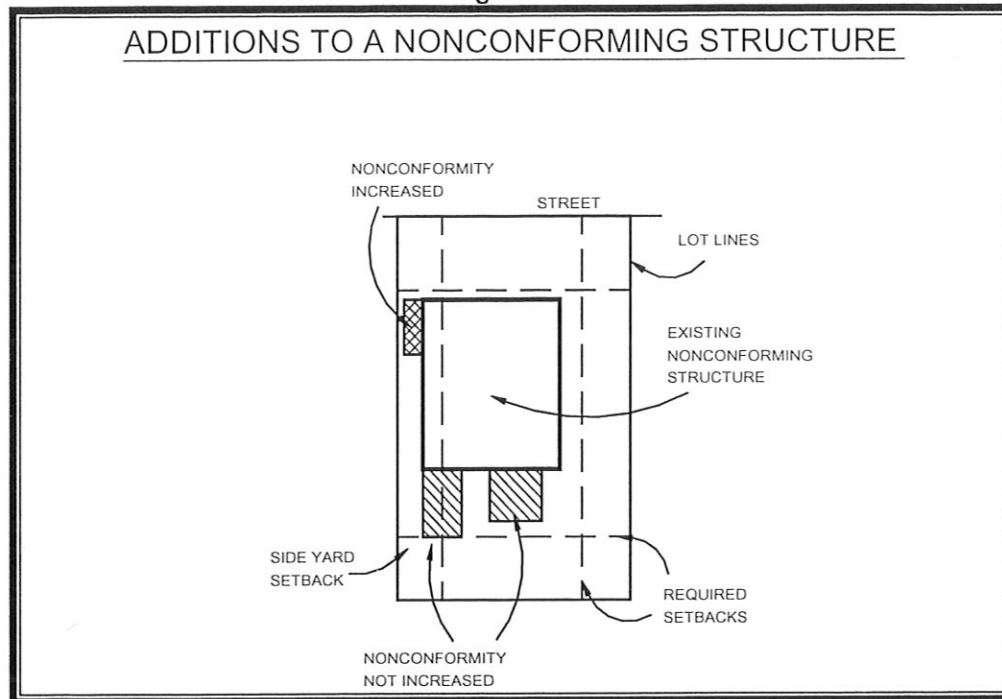
Any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance, or an amendment thereto, shall be used only for a use permitted in this Ordinance. If the use of a nonconforming lot requires a variation of the setback or yard requirements of this Ordinance in excess of fifteen (15) percent of the requirements, then such use shall be permitted if a variance is granted by the Zoning Board of Appeals under the terms of this Ordinance. The reduction by fifteen (15) percent or less of dimensional requirements for lawful nonconforming lots may be granted by the Zoning Administrator. When the minimum dimensional requirements of this Ordinance can be met by the combination of two or more nonconforming contiguous lots owned by the same person, said lots may be combined for use and no variance is necessary.

Section 7.18.3 Non-Conforming Structures:

Where a lawful structure exists at the effective date of adoption of this Ordinance or some future amendment to this Ordinance, that could not be built under the terms of this Ordinance or some future amendment to this Ordinance, by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provision:

- 1) No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity, or in a way that neither increases or decreases the non-conformity unless granted a variance by the Zoning Board of Appeals. (See Figure 7-5).
- 2) Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than one hundred percent (100%) of its assessed value at time of destruction, or fifty percent (50%) of its market value at the time of its destruction as determined by a certified appraiser hired by the property owner, it shall not be reconstructed except in conformity with the provisions of this Ordinance, unless a variance is granted by the Zoning Board of Appeals.

Figure 7-2



- 3) Should such structure be moved for any reason, it shall hereafter conform to the regulations for the zoning district in which it is located after it is moved.

7.18.4 Non-Conforming Uses of Land:

Where a lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, or a future amendment to this Ordinance, the use may be continued so long as it remains otherwise lawful provided:

- 1) No such 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 adoption or amendment of this Ordinance.
- 2) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- 3) No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
- 4) A non-conforming use of land may be changed to another non-conforming use by approval of the Zoning Board of Appeals, provided that the Zoning Board of Appeals determines that the proposed use is more consistent with the current zoning classification than the current use. Whenever a non-conforming use of land has been changed to a conforming use, it shall not thereafter be changed to a non-conforming use.

7.18.5 Non-Conforming Uses of Structures:

If a lawful use involving individual structures or involving structure and premises in combination exists at the effective date of adoption of this Ordinance, or future amendment to the ordinance that would not be allowed in the zoning district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) No existing structure devoted to a use not permitted by this Ordinance in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located.
- 2) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- 3) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use by approval of the Zoning Board of Appeals provided that the Zoning Board of Appeals determines that the proposed use is more consistent with the current zoning classification than the current use. Whenever a non-conforming use has been changed to a conforming use, it shall not thereafter be changed to a non-conforming use.
- 4) Whenever a nonconforming structure has been discontinued for twelve (12) consecutive months, such discontinuance shall be considered conclusive evidence of an intention to abandonment; the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this Ordinance.
- 5) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this section is defined as damaged to an extent more than one hundred percent (100%) of the assessed value at time of destruction.
- 6) If no structural alterations are made, the Zoning Board of Appeals may, upon an appeal, authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.

Section 7.18.6 Repairs and Maintenance:

- 1) For any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months for ordinary repairs, or on repair or replacement of non-bearing: walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty percent (20%) of the current assessed value of the non-conforming structure or non-conforming portion of the structure, provided that the cubic content existing when it became non-conforming shall not be increased.

- 2) Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector, unless the property is condemned by the Village.

Section 7.18.7 Change of Tenancy or Ownership:

A non-conforming structure, or use of land or structure, may be sold or change tenants without affecting its non-conforming status.

Section 7.18.8 Illegal Nonconforming Uses:

Nonconforming uses of buildings or land existing at the effective date of this Ordinance established without a building permit or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued within a period of three (3) years following the effective date of this Ordinance, subject to the review and approval of the Village Council.

Section 7.18.9 District Changes:

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

Section 7.18.10 Elimination of Nonconforming Uses:

In accordance with the Michigan Zoning Enabling Act, 110 of 2006, the Village Council may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or may be used by the Village for a public use. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

Section 7.19 HOME OCCUPATIONS

Home Occupations are permitted in residentially zoned districts, subject to the following conditions:

- 1) Home occupations shall be reviewed annually. If conditions in this section are not met, said permit may be revoked by the Village Planning Commission.
- 2) There shall be no visible change to the outside appearance of the dwelling.
- 3) No person, other than members of the family residing on the premises, shall be engaged in such occupation.
- 4) Traffic, parking, sewage or water use shall not be noticeably different from impacts associated with a typical home in the neighborhood.
- 5) The use shall not generate noise, vibration, glare, fumes, toxic substance, odors or

electrical interference, at levels greater than normally associated with a single family home.

- 6) Outside storage or display is prohibited.
- 7) Signs are not permitted except address numbers.
- 8) The home occupation shall occupy no more than twenty five (25) percent of the usable floor area of the dwelling.
- 9) All delivery of goods and visits by patrons and activity shall occur between 8:00 a.m. and 8:00 p.m.
- 10) The following home occupations are prohibited:
 - a) Private clubs
 - b) Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference.
 - c) Restaurants.
 - d) Stables or kennels.
 - e) Tourist homes.
 - f) Repair, maintenance, painting and storage of automobiles, machinery
 - g) trucks, boats, recreational vehicles and similar items.

Any proposed home occupation that is neither specifically permitted above, or specifically prohibited above, shall require a special use permit.

Section 7.20 GENERAL EXCEPTIONS

The following uses are exempt from the requirements of this Zoning Ordinance:

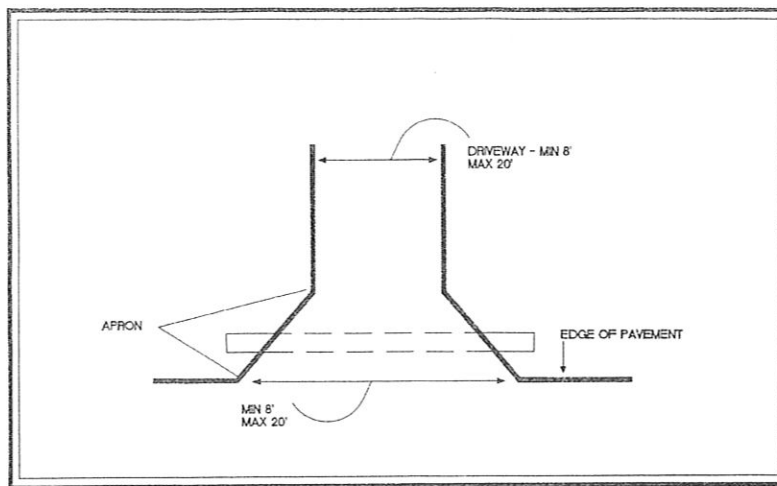
- 1) Voting Places
- 2) Essential Services

Section 7.21 GENERAL CONSTRUCTION REQUIREMENTS

Section 7.21.1 Driveways:

- 1) Materials such as concrete and other non-friable or dust less surfaces are required when constructing a driveway after the effective date of this Ordinance.
- 2) A minimum driveway apron of eight (8) but not to exceed twenty (20) feet (see Figure 7-6), a minimum thickness of six (6) inches and poured with 3500 mix shall be provided.

Figure 7-3

**Section 7.21.2 Culverts:**

- 1) Construction of any new building or structure, after the effective date of this Ordinance, shall require the construction of culverts where the filling or construction of driveways would obstruct current drainage flow.
- 2) A minimum apron of eight (8) to twelve (12) feet, a minimum thickness of six (6) inches and poured with 3500 mix.

Section 7.21.3 Sidewalks:

- 1) New construction in any zoning district, after the effective date of this ordinance, shall require a poured sidewalk if the adjacent properties have existing sidewalks.

ARTICLE 8 OFF-STREET PARKING AND LOADING REGULATIONS

Section 8.1 OFF-STREET PARKING REQUIREMENTS

Section 8.1.1 Intent of Parking Provisions:

It is the intent of this Ordinance that off-street parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged after the effective date of this Ordinance.

Section 8.1.2 Definitions:

The term "floor area" as applied to offices, merchandising or service types of uses shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients, patients or tenants, including those areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, for housing of mechanical equipment integral with the building, for maintenance facilities or for those areas where customers, patients, clients, salesmen, and the general public are denied access. "Floor area" shall be measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings.

Section 8.1.3 Fractional Spaces:

When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.

Section 8.1.4 Requirements for a Use Not Mentioned:

In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is mentioned and which is most similar to the use not listed shall apply.

Section 8.1.5 Use of Parking Areas:

No commercial repair work, servicing or selling of any kind shall be conducted on any parking area. Required parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.

- 1) No charge shall be made for customers, employees or other visitors utilizing the parking facilities.
- 2) No advertising sign shall be erected on required parking areas except that not more than one (1) directional sign at each point of ingress or egress may be erected which may also bear the name of the enterprise the lot is intended to serve. Such signs shall not

exceed twenty (20) square feet in area and shall not project beyond the property line of the premises.

Section 8.1.6 Building Additions or Other Increases in Floor Area:

Additional parking shall be provided and maintained in proper ratio to any increased floor area or building use capacity.

Section 8.1.7 Joint Use of Parking Areas:

The joint use of parking facilities by two (2) or more uses is recommended and may be granted by the Board of Appeals whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design and construction can be satisfied.

1) **Computing Capacities**

In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.

2) **Record of Agreement**

A copy of an agreement between joint uses shall be filed with the application for a building permit and recorded with the Register of Deeds of Shiawassee County. The agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.

Section 8.1.8 Parking Space Requirements:

The number of required off-street parking spaces in all districts for every residential, recreational, institutional, cultural, business and industrial use shall be provided in accordance with the minimum requirements in Table 6-2:

Section 8.1.9 Location of Parking Areas:

All off-street parking areas required in this Ordinance shall be located on the same lot, on the immediate premises of the developed site, and in the same district as the use they are intended to serve, with the exception of the following uses:

1) **Uses in B-1 General Business Districts**

Parking on the premises or within five hundred (500) feet measured from the nearest point of the parking area to the nearest point of the building.

2) **Uses in M-1 Industrial Districts**

Parking on the premises or within eight hundred (800) feet walking distance from a normal entrance.

- 3) Public and Quasi-Public Buildings, places of assembly, private clubs, associations and institutions
Parking on the premises or within five hundred (500) feet measured from the nearest point of the parking to the nearest point of the building.
- 4) Businesses in the main downtown area, where contiguous separate buildings are located, are excluded from these requirements.
- 5) Residential Uses
Parking for residential uses shall be in a garage or an established driveway.

Section 8.1.10 Plot Plan Review:

Whenever four (4) or more vehicles are required for a given use under the requirements of this Section, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Administrator before a building permit can be issued. Such plans and specifications should show the location, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits and any other detailed feature essential to the complete design and construction of the parking area. Furthermore, any off-street parking area proposed adjacent to a county primary road, a State or Interstate limited access highway, State trunkline or interchange, it shall be incumbent upon the applicant to show that the proposed site location and design shall not cause unsafe traffic congestion resulting at or in conjunction with the above mentioned roadways, and the applicant shall request and submit with his application written recommendations from the Traffic Division of the Michigan Department of State Highways and Transportation and/or from the Shiawassee County Road Commission regarding the relationship between the proposed use and the roadway concerned, from whichever is the body responsible for the road.

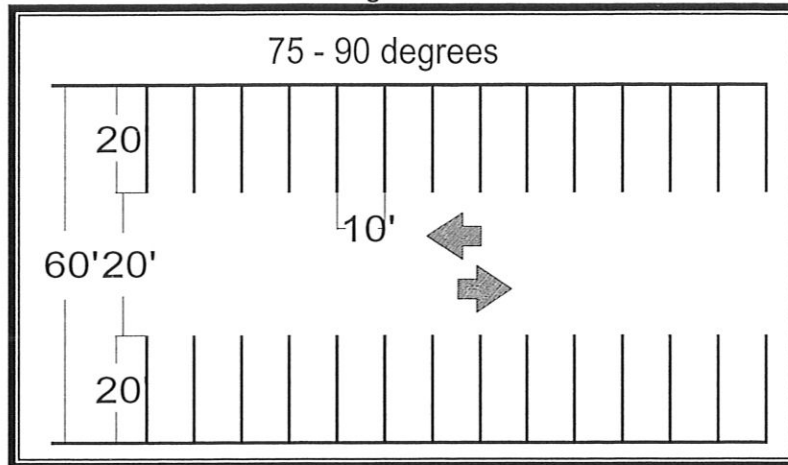
Section 8.1.11 Site Development Requirements:

All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements:

- 1) A minimum area of two hundred (200) square feet, ten (10) feet by twenty (20) feet shall be provided for each vehicle parking space; each space shall be definitely designated and reserved for parking purposes exclusive of space requirements for adequate ingress and egress.
- 2) Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
- 3) Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.
 - a) Except for parking space provided on single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than twenty (20) feet wide and so located as to secure the most appropriate development of the individual property.
 - b) Each entrance to and exit from any off-street parking area shall be at least ten (10) feet from any adjacent lot within a residential district.

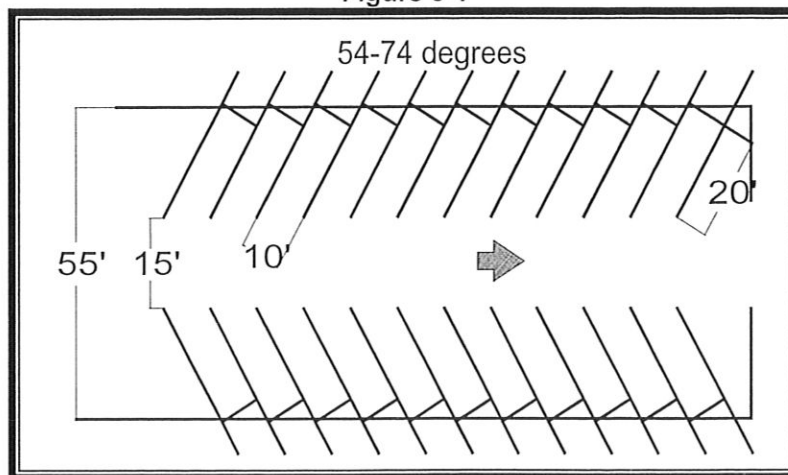
- 4) Each vehicle parking space within an off-street parking area shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern as follows:
- a) For right angle parking patterns seventy-five (75) to ninety (90) degrees, the maneuvering lane width shall be twenty (20) feet. This dimensional layout provides for two-way traffic movement. (see Figure 8-1)

Figure 8-1



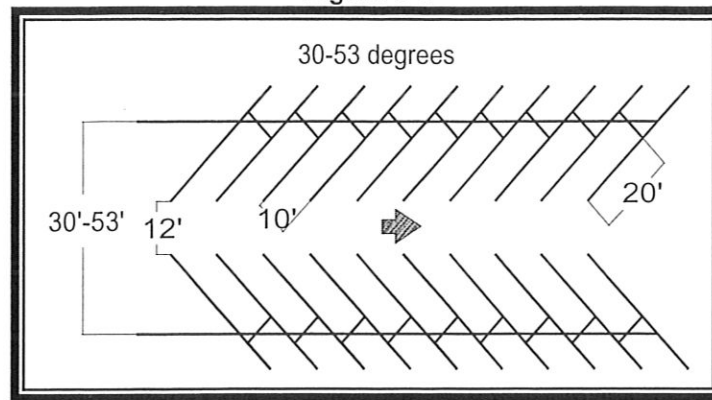
- b) For parking patterns fifty-four (54) to seventy-four (74) degrees, the maneuvering lane width shall be fifteen (15) feet. This dimensional layout provides for one-way traffic movement. (see Figure 8-2)

Figure 8-1



- c) For parking patterns thirty (30) to fifty-three (53) degrees, the maneuvering lane width shall be twelve (12) feet. This dimensional layout provides for one-way traffic movement. (see Figure 8-3)

Figure 8-2



- 5) Parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable, smooth and dustless surface, and shall be graded and provided with adequate drainage facilities to dispose of all collected surface water.
- 6) Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation. Such lighting shall not exceed an intensity of five (5) foot candles, nor shall it be less than 1.5 foot candles. All lighting shall be so arranged to reflect light away from an residential property adjacent to the parking area and any adjacent road or street so the light will not interfere with traffic.
- 7) Where a parking area with a capacity of four (4) or more vehicles abuts a residential district or public right-of-way in a residential district, a buffer strip at least ten (10) feet wide shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of structural or plant materials no less than four (4) feet in height and spaced so as to effectively screen the parking area from the residential area.
- 8) All parking shall comply with State Barrier Free Requirements.

Section 8.1.12 Reduction, Modification, Waiver:

The Board of Appeals may authorize reduction, modification, or waiver of these parking requirements under specified conditions by the issuance of a conditional permit when an appeal has been filed with them consistent with the requirements of Article IV, Section 4.3.1 and 4.4.4.

Section 8.2 LOADING AND UNLOADING SPACE REQUIREMENTS

Section 8.2.1 Intent and Purpose:

In order to prevent undue interference with public use of streets and alleys, every manufacturing storage warehouse, department store, wholesale store, retail store, hotel, hospital, laundry, dairy, mortuary and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use.

Section 8.2.2 Additional to Parking Space:

Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 7.1, and shall not be considered as supplying off-street parking space.

Section 8.2.3 Space Requirements:

There shall be provided adequate space for standing, loading and unloading services not less than twelve (12) feet in width, fifty (50) feet in length, and fourteen (14) feet in height, open or enclosed, for all uses listed in the following table, or for similar uses similarly involving the receipt of distribution by vehicles of materials or merchandise. Where the aforementioned dimensions cannot be complied with because of lack of space area, the space for standing, loading and unloading services not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.

USE	FLOOR AREA	REQUIRED SPACE
Commercial uses such as: Retail Stores, Personal Services, Amusement, Automotive Service	20,000 or fraction thereof and each additional 20,000 or fraction thereof	One (1) space
Hotels, Offices	First 2,000. Next 50,000 or fraction thereof and each additional 100,000 or fraction thereof	None One (1) space
Wholesale and Storage, including building and contractor's yards	First 20,000 and Each additional 20,000 or fraction thereof	One (1) space
Manufacturing uses	First 20,000 or fraction thereof and each additional 20,000 or fraction thereof	One (1) space
Funeral Homes & Mortuaries	First 5,000 or fraction thereof and each additional 10,000 or fraction thereof	One (1) space
Hospitals	First 10,000 Next 100,000 or fraction thereof. Each additional 200,000 or fraction thereof	None One (1) space
Schools, Churches, Clubs, Public Assembly buildings	For each building	One (1) space
For similar uses not listed	For each building 5,000 or over	One (1) space

Section 8.2.4 Access:

Access to a truck standing, loading and unloading space shall be provided directly from a public street or alley, and such space shall be so arranged to provide sufficient off-street maneuvering space, as well as adequate ingress and egress to and from a street or alley.

Section 8.2.5 Site Requirements:

Off-street loading spaces and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where off-street loading space adjoins or abuts a lot or premises used for residential, educational, recreational, or religious purposes, or abuts a residential district, there shall be provided a masonry wall or solid fence not less than four (4) feet in height between the off-street loading space and said uses.

ARTICLE 9 USES AUTHORIZED BY SPECIAL USE PERMIT

Section 9.1 GENERAL STANDARDS AND REQUIREMENTS

Section 9.1.1 Intent and Purpose:

Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, it is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide controllable and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zone districts by the issuance of a special use permit. By such a procedure, the Planning Commission has the opportunity to impose conditions and safeguards upon each use which are deemed necessary for the protection of the public welfare.

The following Sections, together with previous references in other Articles of this Ordinance, designate specific uses that require a special use permit, and in addition, specify the procedures and standards which must be met before such a permit can be issued.

Section 9.2 INITIATION OF SPECIAL USE PERMIT APPLICATION

A property owner may file an application to use their land for one or more of the special uses provided for in this Ordinance in the zoning district in which the land is located. A person other than the property owner may only submit an application with the written approval of the owner.

Section 9.3 PERMIT PROCEDURES

An application for a special use permit for any land or structure use permitted under this Article shall be submitted and processed under the following procedures:

Section 9.3.1 Submission of Application:

Any application shall be submitted through the Village Clerk on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Village Council to cover costs of processing the application. No part of any fee shall be refundable. The Village Clerk shall be responsible for distribution of public notices, plans for review and any other pertinent information.

Section 9.3.2 Data Required:

Every application shall be accompanied by the following information and data:

- 1) The special form supplied by the Village Clerk, filled out in full by the applicant, including a statement of supporting evidence concerning the required findings specified in Section 9.4.
- 2) Site plan, plot plan, or development plan, drawn to scale (preferably 1" = 100') of the total property involved showing the location of all existing and proposed structures and their uses, and the location and extent of all above ground development, both existing and proposed.
- 3) Preliminary plans and specifications of the proposed development and for all construction.

Section 9.3.3 Changes in the Site Plan:

The site plan, as approved, shall become part of the record of approval, and subsequent actions relative to the activity authorized shall be consistent with the approved site plan unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the Planning Commission.

Section 9.3.4 Approval of the Site Plan by Compliance:

A site plan shall be approved if it contains the information required by this Section and is in compliance with the Zoning Ordinance and the conditions imposed thereunder, other applicable ordinances and State and Federal Statutes.

Section 9.3.5 Planning Commission Review:

The application, along with all required data, shall be transmitted to the Planning Commission for review. After adequate review and study of the application, one (1) notice of a public hearing on the request shall be published in a newspaper of general circulation in the Village of Vernon, and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet, including property located outside the boundaries of the village. The notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distance spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- 1) Describe the nature of the special land use request.

- 2) Indicate the street address of the property which is the subject of the special land use request. If the property does not have a street address, it shall be described by tax roll ID number, or parcel description, whichever is available.
- 3) State when and where the special land use request will be considered.
- 4) Indicate when and where written comments will be received concerning the request.
- 5) Indicate when and where a copy of the application may be inspected.

Section 9.3.6 Review by Government Entities:

The Village Clerk shall transmit one copy to the Building Inspector, one copy to the any pertinent Shiawassee County Agencies, Fire Department, Police Department, Planners, Engineers as determined to be appropriate by the Village Clerk.

Section 9.3.7 Village Planning Commission Decision:

Following the public hearing the Village Planning Commission shall consider the special use permit application at its next regular meeting. If the Village Planning Commission deems any changes, additions or departures are advisable to the proposed conditions of the proposed permit, or if it is felt additional study is necessary, it may postpone action on the request until a subsequent meeting. If the date of the subsequent meeting is announced at the public hearing, notice of another public hearing is not required although all subsequent meetings must be open to the public. The decision rendered by the Village Planning Commission on the special use permit application shall be accompanied with a clear explanation of the reason for the action taken. Any permit issued shall contain all the specified conditions under which the use is allowed. Only upon approval of the Village Planning Commission shall a special use permit be issued by the Village Clerk.

Section 9.3.8 Permit Expiration:

A special use permit issued under this Section shall be valid for a period of one (1) year from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Zoning Administrator shall notify the applicant in writing of the expiration or the revocation of said permit. The Village Planning Commission shall review every special use permit and the associated land use prior to the expiration of the permit, and shall approve continuance or discontinuance of said permit based on whether the activities, structures and other site characteristics satisfactorily comply with the conditions stipulated in the special use permit. Following the approval of a special use permit the Planning Commission may require annual or less frequent reviews of the permit to determine compliance with the conditions of approval.

Section 9.3.9 Compliance Review:

Compliance review shall be conducted on an annual basis set from the date the permit was originally granted. When a review is completed and if it is determined that compliance with all applicable conditions of the permit have not been complied with, the Village Zoning Administrator shall inform the Village Planning Commission of said violation.

Section 9.3.10 Permit Revocation:

The Village Planning Commission shall have the authority to revoke any special use permit after it has been proved that the holder of the permit has failed to comply with any of the applicable conditions specified in the permit. Revocation shall only occur a public hearing following the notice requirements in Section 9.3.5 After a revocation notice has been given, the use for which the permit was granted must cease within sixty (60) days.

Section 9.3.11 Reapplication:

No application for a special use permit which has been denied wholly or in part by the Village Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions.

Section 9.4 BASIS FOR DETERMINATIONS

Before making a recommendation on a special use permit application, the Vernon Village Planning Commission shall establish beyond a reasonable doubt that the following general standards, as well as the specific standards outlined in each applicable Section of this Article shall be satisfied.

Section 9.4.1 General Standards:

The Village Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on its proposed location will:

- 1) Be harmonious with, and in accordance with the general principals and objectives of the Future Land Use Plan of the Village of Vernon.
- 2) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
- 3) Not be hazardous or disturbing to existing or future uses in the same general vicinity.
- 4) Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.
- 5) Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, vibrations or odors.
- 6) Be related to the standards established in the Ordinance for the land use or activity under consideration.

- 7) Be related to the valid exercise of police power and purposes which are affected by the proposed use or activity.

Section 9.4.2 Conditions and Safeguards:

The Village Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for insuring that the intent and objectives of this Ordinance will be observed. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Village Planning Commission and the landowner. The Village Clerk shall maintain a record of changes granted in conditions. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

Section 9.5 EXPLANATION TO APPLICANT OF VILLAGE PLANNING COMMISSION'S DECISION

Following receipt and review of the application, the Village Planning Commission shall review the request for approval of the Special Use Permit and the Site Plan.

The Village Planning Commission shall do one of the following:

- 1) Approve the Special Use Permit and Site Plan.
- 2) Approve the Special Use Permit and Site Plan with conditions.
- 3) Deny the Special Use Permit and/or the Site Plan.
- 4) Table the application for additional information or to conduct its own public hearing.
- 5) Notice to applicant(s) of the Village Planning Commission Decision shall be given to applicant(s) within two (2) weeks of decision to approve, approve with conditions, denial or tabled special use requests. Said notice shall be delivered by mail with explanation of Village Planning Commission's decision.

Section 9.6 PERFORMANCE GUARANTEES

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of the Village and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Village Planning Commission may require the applicant to deposit a performance guarantee as set forth herein. Performance guarantees shall be required in instances where an occupancy permit is requested prior to completion of all improvements on an approved site plan. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

- 1) Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit, corporate surety or performance bond in the amount of

the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.

- 2) Where the Village Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the Village Clerk prior to the issuance of a zoning permit. The Village shall deposit the performance guarantee, if in the form of a cash deposit, certified check or performance bond in an interest-bearing account.
- 3) An approved special use permit shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date the special use permit is approved.
- 4) In the event the performance guarantee deposited is a cash deposit or certified check, the Village shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposit funds when one hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee may be applied by said applicant to assure compliance with Zoning Ordinance standards and the specifications of the approved site plan.
- 5) Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
- 6) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Village, the Village shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the Village to complete the improvements for which it was posted, the applicant shall be required to pay the Village the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the Village use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the Village's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Village to ensure completion of an improvement associated with the proposed project prior to the Village's approval, the applicant shall not be required to deposit with the Village a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the Village and prior to the issuance of a building permit, the applicant shall enter into an agreement incorporating the provisions hereof with the Village regarding the performance guarantee.

Section 9.7 PLANNED UNIT DEVELOPMENT**Section 9.7.1 Authorization:**

Rapid and intensive urbanization in certain areas of Shiawassee County during the past decade has produced a need for an economical single-family living unit that is adaptable to urban densities, but that retains many of the attractive features of the suburban home. Among the housing concepts emerging to meet this need are townhouses, row houses, garden apartments and similar types of housing units with common property areas; cluster types of subdivisions in which housing units are arranged in cluster forms, and housing units developed with related recreational space such as golf courses, swimming pools, private parks, community centers and other recreational facilities.

It is the purpose of this Section to encourage more imaginative and livable housing environments within the R-M1 Residential Districts through a planned reduction or averaging of the individual lot area requirements for each zone district providing the overall density requirements for each district remains the same. Such averaging or reduction of lot area requirements shall only be permitted when a landowner, or a group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a special use permit may be issued for construction and occupancy of a planned unit development providing the standards, procedures and requirements set forth in this Section can be complied with.

Section 9.7.2 Objectives:

The following objectives shall be considered in reviewing any application for a special use permit for planned unit development.

- 1) To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills and other natural assets.
- 2) To encourage the provision of open space and the development of recreational facilities at a generally central location and within reasonable distance of all living units.
- 3) To encourage developers to use more innovation in land use and variety in design, energy, and the providing of public services and utilities.
- 4) To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities.
- 5) To encourage variety in physical development pattern of the Village by providing better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the community.

Section 9.7.3 Qualifying Conditions:

Any applications for a special use permit shall meet the following conditions to qualify for consideration as a planned unit development:

- 1) The planned unit development site shall be not less than ten (10) acres in area, shall be under the control of one owner or group of owners, and shall be capable of being planned and developed as one integral unit.
- 2) The planned unit development site shall be located within the R-M1 Residential District.
- 3) Public water and sewer facilities shall be available or shall be provided as part of the site development.
- 4) The proposed population density of the planned unit development shall be no greater than if the tract were developed with the lot area requirements of the particular zone district in which it is located.
- 5) For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be dedicated to the Village or shall be set aside for the common use of the home or lot owners within the planned unit development under legal procedures which shall also give the Village a covenant or interest therein so that there are assurances that the required open space shall remain open.
- 6) The proposed planned unit development shall meet all of the general standards outlined in this Article, Section 9.1.3.

Section 9.7.4 Multi-phased Projects:

Final approvals may be granted on each phase of a multi-phased planned unit development if each phase contains the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the planned unit development and the residents of the surrounding area.

Section 9.7.5 Uses That May Be Permitted:

The following uses or land and structures may be permitted within planned unit developments:

- 1) All uses permitted by right, or by special use permit in the R-1B Residential Districts, subject to all the restrictions specified therefor.
- 2) Townhouses, row houses, garden apartments or other similar housing types which can be defined as a single-family dwelling with no side yards between adjacent dwelling units, PROVIDED that there shall be no more than five (5) dwelling units in any contiguous group.
- 3) Recreation and open space, PROVIDED that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this Section:
 - a) Private recreational facilities such as golf courses, swimming pools or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.

- b) Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, lowlands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
- 4) Name Plates and Signs as provided in Article 7, Section 7.3.
- 5) Off-street Parking as provided in Article 8, Section 8.1.
- 6) Customary Accessory Uses as permitted in R-1B and R-M1 Residential Districts.
- 7) Offices and neighborhood commercial uses permitted by right in the general business district, provided that they do not constitute more than ten percent (10%) of the total land area of the pud.

Section 9.7.6 Lot Size Variation Procedure:

The lot area for planned unit developments within R-1B Residential Districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following procedures:

1) **Site Acreage Computation**

The gross acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed planned unit development is located.

In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure:

- a) Land utilized by public utilities as easements for major facilities such as electric transmission lines, sewer lines, water mains or other similar lands which are not available to the owner because of such easements.
- b) Lands within floodplains as specified in the Village of Vernon Flood Plain Map prepared by the Federal Emergency Management Agency.

2) **Maximum Number of Lots and Dwelling Units**

After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes, and dividing the remaining net area available by the minimum lot area requirement of the dwelling unit density type allowed in the R-M1 District.

- a) The fixed percentages for street right-of-way purposes to be subtracted from the total gross area available for development shall be twenty percent (20%) for the R-M1 Residential District. These percentages shall apply regardless of the amount of land actually required for street right-of-way.
- b) Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned unit development is located,

PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract were developed under the minimum lot area requirements of the applicable zone district in which it is located.

- 3) Notwithstanding other procedures set forth in this Section, lot sizes within planned unit developments shall not be varied or reduced in area below the following minimum standards:
 - a) One-Family Detached Dwelling Units: Six thousand three hundred (6,300) square feet of lot area within the R-M1 Residential District.
 - b) Two-Family Dwellings: Six thousand (6,000) square feet of lot area within the R-1M Residential District.
 - c) Townhouses, Row Houses, or Other Similar Dwelling Types: Three thousand (3,000) square feet of lot area for each dwelling unit for the R-M1 Residential District.
- 4) Permissive Minimum Yard Requirements
Under the lot averaging or reduction procedure, each lot shall have at least the following minimum yards:
 - a) Front Yard: Twenty-five (25) feet for all dwellings, PROVIDED that front yard requirements may be varied by the Village Planning Commission after consideration of common greens or other common open space if such space provides an average of twenty-five (25) feet of front yard area per dwelling unit.
 - b) Side Yard: Eight (8) feet on each side for all one- and two-family dwellings; none for townhouses or row houses, PROVIDED that there shall be a minimum of fifteen (15) feet between ends of contiguous groups of dwelling units.
 - c) Rear Yard: Twenty-five (25) feet for all dwellings, PROVIDED that rear yard requirements may be varied by the Village Planning Commission after consideration of common open space lands or parks which abut the rear yard area.
- 5) Maximum Permissive Building Height
Two and one-half (2-1/2) stories, but not exceeding thirty-five (35) feet. Accessory buildings shall not exceed a height of fifteen (15) feet.

Section 9.7.7 Open Space Requirements:

For each square foot of land gained through the averaging or reduction of lot sizes under the provisions of this Section equal amounts of land shall be provided in open space. All open space, tree cover, recreational area, scenic vista or other authorized open land areas shall be either set aside as common land for the sole benefit, use and enjoyment of present and future lot or homeowners within the development, or may be dedicated to the Village as park land for the use of the general public. The Village Planning Commission shall determine which of these options is most appropriate and shall use one of the following procedures as part of its approval of a special use permit for a planned unit development:

- 1) That open space land shall be conveyed by proper legal procedures from the tract owner or owners to a homeowner's association or other similar nonprofit organizations so that fee simple title shall be vested in tract lot owners as tenants in common, PROVIDED that suitable arrangements have been made for the maintenance of said land and any

buildings thereon, and PROVIDED FURTHER an open space easement for said land may be conveyed to the Village to assure that open space land shall remain open.

- 2) That open space land may be dedicated to the general public for park or recreational purposes by the tract owner or owners, PROVIDED that the location and extend of said land conforms to the Future Land Use Plan for the Village of Vernon, and PROVIDED FURTHER that the access to, and the characteristics of said land, are such that it will be readily available to and desirable for public use, development and maintenance.

It is the intent of this section that in cases where option 9.9.7 (2) above is determined to be in the best interest of the Village that the owners or developers of the planned unit development shall not be compelled or required to improve the natural condition of said open space lands PROVIDED the owners have not in any way altered the natural condition of said open space lands during the course of the construction and occupation of the premises.

Section 9.7.8 Approval upon Compliance:

A request for approval of a land use or activity which is in compliance with the standards stated in Article 9 and the conditions imposed thereunder, other applicable ordinance, and State and Federal statutes shall be approved.

ARTICLE 10 AMENDMENTS

Section 10.1 THE VILLAGE COUNCIL MAY AMEND

The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Districts Map of the Village of Vernon may be amended, supplemented, or changed by the Village Council in accordance with the State of Michigan Act 110 of the Public Acts of 2006, as amended.

Section 10.2 INITIATION OF AMENDMENTS

- 1) Proposals for amendments, supplements or changes to the zoning ordinance text may be initiated by the Village Council, Village ZBA or the Village Planning Commission by resolution, or by petition of one (1) or more owners of property to be affected by the proposed amendment.
- 2) Proposals to amend the zoning ordinance map may be initiated by Village Council, or the Village Planning Commission by resolution, or by application of the owner of the property to be affected by the map change or by another person with the property owners permission.

Section 10.3 AMENDMENT PROCEDURE

Section 10.3.1 Petition to Village Council:

Each petition by one (1) or more owners for an amendment shall be submitted by application to the Village Clerk on a standard form provided. A fee, as established by the Village Council, shall be paid at the time of application to cover costs of necessary advertising for public hearing, for the use of a standard amendment sign, the investigation of the amendment request. No part of such fee shall be returnable to a petitioner. No fee shall be charged if the Village or any official body of the Village is the moving party.

Section 10.3.2 Who Can File a Petition for an Amendment and Information Required:

Any proposal for an amendment to the Zoning Map (i.e. to rezone a parcel(s)) may be initiated by the owner of that parcel(s) or a person with written permission of the owner. The process is initiated with the filing of the following with the Village Clerk:

- 1) An application for rezoning.
- 2) A map at a scale of not less than 1"=50' showing the subject parcel in relation to adjoining parcels of land.
- 3) The necessary fees for such zoning change.
- 4) A copy of the deed to the property.

Any proposal for an amendment to the Zoning Ordinance text or map may be initiated by the Village Council, Village Planning Commission or Zoning Board of Appeals, upon filing with the Village Clerk a resolution duly adopted identifying the proposed amendment.

Section 10.3.3 Public Hearing Procedure and Notice Thereof:

For any public hearing conducted by the Village Planning Commission on a proposed amendment to this Ordinance, the following procedure and notice requirements shall apply:

- 1) Notice of the public hearing shall be given by publishing said notice at least once in a newspaper of general circulation in the Village of Vernon stating the time and place of such hearing and the substance of the proposed amendment, the time and place where the proposed amendment can be inspected and where comments can be sent, and in the event of a proposed change in the Zoning Districts Map, the street address of the properties affected shall also be stated. If the properties do not have street addresses, the tax parcel ID number shall be used. This notice shall appear in said newspaper at least fifteen (15) days prior to the date set for the public hearing.

Furthermore, not less than fifteen (15) days notice of the time and place of such public hearing shall first be given by mail to each public utility company, telecommunications company, and to each railroad company owning or operating any public utility or railroad within the districts or zones affected that registers its name and mailing address with the Village Clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained by the Village Clerk. A hearing shall be granted any person interested at the time and place specified on the notice.

- 2) Additionally, any parcel regarding which a petition for change in zoning classification has been filed by any person, shall be posted by the petitioner for at least fifteen (15) days prior to the public hearing. The posted notices shall be provided by the Zoning Administrator once the Village Planning Commission sets its date for a public hearing. The posted notices shall include the following messages: a) the present zoning classification; b) the proposed zoning classification; c) the time and place of the public hearing, and d) the location where a copy of the application may be inspected and where comments may be sent.
- 3) Notice of the proposed zoning change shall also be made by the Village Clerk, mailing notification by first class mail to the person or firm to whom the property is assessed, and to all persons or firms to whom property within three hundred (300) feet are assessed, including property outside the village boundaries, PROVIDED, however, that failure to mail such notices in any particular instances shall not invalidate any zoning ordinance enacted.
- 4) Notice of the proposed zoning change shall also be made by the Village Clerk, mailing notification by first class mail to adjacent Vernon Township if said property is within three hundred (300) feet are assessed, PROVIDED, however, that failure to mail such notices in any particular instances shall not invalidate any zoning ordinance enacted.
- 5) At the public hearing where the proposed zoning ordinance amendment is considered, the Village Planning Commission shall provide the public and the applicant with a reasonable opportunity to comment on the proposal.

- 6) A record of all comments and correspondence regarding a proposed amendment shall be submitted to the Village Council.

Section 10.3.4 Standards For Approval of Zoning Amendment:

In reviewing any proposed amendment the Planning Commission and Village Council shall consider the following:

- 1) In the case of a proposal to amend the zoning ordinance text the Village shall find:
 - a.) The change is necessary to clarify a provision of the ordinance, or
 - b.) The change is necessary to correct a mistake in the ordinance, or
 - c.) The change is necessary to implement a goal or policy of the Village Master Plan, or
 - d.) The change is necessary to improve administration of the ordinance or to better serve the community
 - e.) In addition to one (1) or more of the above findings, the Village must determine that the requested amendment is in compliance with the Village Master Plan or that a mistake in the plan or changes in conditions or Village policy have occurred that are relevant to the request. If the Village Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
- 2) In the case of a proposed zoning map amendment(rezoning) the Village shall find one of the following:
 - a.) The requested amendment is in compliance with the Village Master Plan or that a mistake in the plan or changes in conditions or Village policy have occurred that are relevant to the request. If the Village Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
 - b.) The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the Master Plan.

Section 10.3.5 Action by the Village Council:

At the next regularly scheduled Village Council meeting following receipt of the Planning Commission's report, the Village Council shall consider the proposed amendment. The Village Council shall provide a hearing to any property owner who requests a hearing by certified mail, addressed to the clerk. The Village Council may take the following actions on a zoning amendment.

- 1) Approve the proposed amendment by a majority vote of the members of the Village Council
- 2) Deny the request
- 3) Set a date for a public hearing on the matter before making the decision. Notice of a public hearing by the Village Council shall comply with Section 10.3.3 of this ordinance.

- 4) Send the request back to the Planning Commission for further review.
- 5) Consider changes to the proposed amendment

Section 10.3.6 Letter of Protest to Proposed Amendment:

In case a protest against any proposed amendment to this Ordinance be presented in writing to the Village Clerk prior to the Village Council voting on the proposed amendment thereon, duly signed by the owners of twenty percent (20%) of the area of land included in the proposed change, or by the owners of twenty percent (20%) of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of land included in the proposed change, such amendment shall not be passed except by a two-thirds (2/3) vote of all members of the Village Council. Publicly-owned land shall be excluded in calculating the twenty percent (20%) and area requirement.

Section 10.3.7 Publication of Notice of Ordinance Amendments:

Following adoption to subsequent amendments to this Ordinance by the Village of Vernon, one (1) notice of adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days after adoption. The notice shall include the following information:

- 1) Either a summary of the regulatory effect of the amendment including the geographic area affected or the text of the amendment.
- 2) The effective date of the amended Ordinance, which shall be seven days from the date of publication or a later date set by the Village Council.
- 3) The place and time where a copy of the amended Ordinance may be purchased or inspected. The filing and publication requirements in this Section relating to City and Village Zoning Ordinances supersede charter provisions relating to the filing and publication of City and Village Ordinances.

Section 10.4 COMPREHENSIVE REVIEW OF ZONING ORDINANCE

The Village Planning Commission shall, from time to time at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Village Council recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

ARTICLE 11 SITE PLAN REVIEW

Section 11.1 PURPOSE

The intent of this section is to provide for construction and cooperation between the land owner and the Village Council in order that the owner may accomplish his objectives in the utilization of his land within the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

Section 11.2 SCOPE

Except as set forth below, the Zoning Administrator shall not issue a zoning permit for construction of any building, structures or uses until a Site Plan, submitted in accordance with the Village Zoning Ordinance, shall have been reviewed and approved by the Village Planning Commission. The following buildings, structures or uses shall be exempt from the Site Plan Review procedure.

- 1) Single or two-family homes and their accessory structures under separate ownership or an individual and separate lot for each home except condominium and site condominium projects.
- 2) Non-residential accessory structures under 1,000 square feet in size.
- 3) Expansion of existing structures under 1,000 square feet in size.
- 4) Changes in use not involving issuance of a Special Use Permit or changes in the structure, provided no other improvements regulated by this ordinance are required, such as additional parking or landscaping.

Section 11.3 OPTIONAL SKETCH PLAN REVIEW

Preliminary sketches of proposed site and development plans may be submitted for review to the Village Planning Commission prior to submission of a complete site plan. The purpose of such procedure is to allow discussion between an owner and the Planning Commission to better inform the owner of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:

- 1) The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership.
- 2) A legal description of the property.
- 3) Sketch drawings showing tentative site and development plans.

The Village Planning Commission shall not be bound by a tentative approval given at this time.

Section 11.4 APPLICATION PROCEDURE

Requests for final site plan review shall be made by filing with the Zoning Administrator a complete site plan application consisting of the following:

- 1) A review fee as determined by resolution of the Village Council based upon the cost of processing the review.
- 2) Four copies of the completed application form for site plan review shall contain, as a minimum, the following:
 - a) The name and address of the applicant.
 - b) The legal description of the subject parcel of land.
 - c) The area of the subject parcel of land stated in acres, or if less than one acre, in square feet.
 - d) The present zoning classification of the subject parcel.
 - e) A general description of the proposed development.
 - f) A list of all state and federal permits required for the proposed development.
- 3) Twelve (12) copies of the proposed site plan, drawn on 24" x 36" paper, which shall include as a minimum the following:
 - a) The plan shall be drawn to a scale of not greater than one inch equals 20 feet for a development of not more than three acres and a scale of not less than one inch equals 100 feet for a development in excess of three acres.
 - b) The plan shall show an appropriate descriptive legend, north arrow, scale, date of preparation and the name and address of the individual or firm preparing the same.
 - c) The seal of the professional engineer, architect or surveyor that prepared the site plan.
 - d) Location map indicating the relationship of the site to surrounding land use (to determine compliance with requirements relating to setbacks from adjacent land use or access issues).
 - e) The property shall be identified by lot lines and general location together with dimensions, angles, and size correlated with the legal description of the property. The legal description shall be tied to existing monumentation.
 - f) The topography of the site with at least two foot contour intervals (to determine compliance with any minimum or maximum grade requirements, clear vision requirements and height requirements, and to check drainage information).
 - g) Location of all natural features such as wood lots, streams, rivers, lakes, wetlands, unstable soils and similar features shall be shown (to determine compliance with any standards related to the protection of natural features and/or compliance with applicable local, state and federal laws).
 - h) Existing man-made features upon the site and within 100 feet of the same shall be disclosed (to determine compliance with any setback standards linked to structures on adjacent lots, or in the case of a conditional use permit, to determine suitability of the site for the proposed use based on proximity to incompatible uses).
 - i) The location, proposed finished floor and grade line elevations, size of proposed main and accessory buildings, the relationship of buildings to one another and to any existing structures on the site, the height of all buildings and square footage of floor space therein shall be disclosed. Front, side and rear elevation drawings of proposed structures. Site plans for multiple-family residential development shall also

- include a density schedule showing the number of dwelling units per net acres, including a dwelling schedule showing the unit type and number of each such units (to determine compliance with maximum height, maximum lot coverage and density requirements and parking requirements and design compatibility standards).
- j) Floor plan showing existing and proposed uses (to verify gross vs. usable floor area and principal vs. accessory uses).
 - k) All proposed and existing streets, driveways, sidewalks and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown (to determine compliance with traffic access standards including adequacy of access, conflicts between vehicles and pedestrians, turning movement conflicts between the site and other nearby driveways).
 - l) The location, size and number of parking spaces in off-street parking areas, service lanes thereto, and service parking and delivery or loading areas (to determine compliance with parking space and off-loading space requirements).
 - m) Cross section showing construction of drives and parking area (to show compliance with requirements regarding pavement surface and adequacy of base material)
 - n) The location, use and size of open spaces together with landscaping, screening, fences, walls and proposed alterations of topography or other natural features shall be indicated (to determine compliance with screening and landscaping requirements).
 - o) The proposed operations on the site shall be described in sufficient detail to indicate the effect, if any, upon adjoining lands and occupants, together with any special features which are proposed to relieve any adverse effects to adjoining land and occupants. Any potential demands for future community services will be described, together with any special features which will assist in satisfying such demands.
 - p) Any earth-change plans required by state law shall also be submitted with the application.
 - q) The location, intensity and orientation of all on site lighting (to determine compliance with requirements regarding lighting being directed off adjacent premises and rights-of-way).
 - r) Proposed surface water drainage for the site (to ensure that adequate drainage will be provided to the property, and that the proposed development will not direct any additional surface water onto adjacent property).
 - s) The location and capacity of all proposed sanitary sewage disposal and water supply (to ensure compliance with the standard requiring adequate water and sewer service, and to prevent overloading the village's sewer systems).
 - t) Designation of fire lanes (to determine compliance with fire code requirements).
 - u) Outdoor storage or activity areas (to comply with standards relating to outdoor storage of material or outdoor activities).
 - v) Location of trash receptacles (to determine compliance with ordinance requirements regarding location and screening).
 - w) Listing of type, quantity, storage location and secondary containment provisions for any hazardous material stored or used on the site (to verify compliance with any groundwater protection requirements).
 - x) Such other information as may be determined to be necessary by the Village Planning Commission because of any peculiar features of the proposed development.
 - y) The Village Planning Commission may waive any site plan requirements they determine are not applicable to the site being reviewed.

- 4) The Planning Commission may require a digital copy of the site plan to be submitted by the applicant.

Section 11.5 ACTION ON APPLICATION AND PLANS

- 1) The complete site plan application shall be submitted to the Zoning Administrator at least twenty (20) days prior to the next regularly scheduled Planning Commission meeting. If an incomplete site plan is submitted, it shall be returned to the applicant with an explanation of what information is missing. If the applicant then resubmits the site plan less than 20 days prior to the next regularly scheduled Planning Commission meeting, the site plan shall not be reviewed at that meeting.
- 2) The Zoning Administrator shall record the receipt of the application and plans and transmit one copy to each member of the Planning Commission; as well as copies to the Building Inspector, Police Chief, Fire Chief, DPW Director, and Village Engineer.
- 3) The people receiving a copy of the site plan shall review the plan and submit their comments at least five (5) days in advance of the hearing to determine compliance with Section 13.6.
- 4) Following the hearing, the Planning Commission shall have the authority to approve the site plan, disapprove the site plan, or approve the site plan with conditions, in accordance with the purposes of the site plan review provisions of the Village Zoning Ordinance and the criteria contained therein. Any required conditions shall be stated in writing, together with the reasons for such conditions, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required conditions, if any, or may require a further review after the same have been included in the proposed plans for the applicant. The decision of the Planning Commission shall be made by said Board within 100 days of receipt of the application by the Zoning Administrator unless an extension of time is mutually agreed upon by the applicant and the Planning Commission.
- 5) Two (2) copies of the approved final site plan, including any required conditions, shall be maintained as part of the Village records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be assigned a case number, and stamped "APPROVED". If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variance duly signed shall also be filed with the Village records as a part of the site plan and delivered to the applicant for his information and direction.

Section 11.6 CRITERIA FOR REVIEW

In reviewing the application and site plan and approving, approving with conditions, or disapproving the same, the Planning Commission shall be governed by the following standards:

- 1) That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to insure the safety and convenience of pedestrian and vehicular movement.

With respect to vehicular and pedestrian circulation, including walkways, interior drives, and parking, the site shall be developed so that access points, general interior traffic circulation, pedestrian circulation, and parking areas are safe and convenient and, insofar as practicable, do not detract from the design of the proposed buildings and existing structures on neighboring properties.

- 2) All elements of the site plan shall be harmoniously and efficiently organized in relation to the topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings.

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.

- 3) That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which will result in maximum harmony with adjacent areas.
- 4) That any adverse effects of the proposed development and activities emanating therefrom which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback and location of buildings, structures and entryways.

All loading and unloading areas and outside storage areas, including areas for the storage of refuse, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.

- 5) That the layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.

Physical improvements including sidewalks, drives and parking areas shall be built to adequate standards to minimize premature deterioration.

Sites at which hazardous substances are stored, used or generated shall be designed to prevent spill or discharges to the air, surface of the ground, groundwater, streams, drains or wetlands. Secondary containment for above ground storage of hazardous material shall be provided.

- 6) That all provisions of all local ordinances, including the Village Zoning Ordinance, are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.

Section 11.7 CONDITIONS

- 1) The Planning Commission may condition approval of a site plan on conformance with the standards of another local, county or state agency, such as but not limited to the County Drain Commission, County Health Department and the Department of Environmental Quality. They may do so when such conditions:

- a) Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
 - b) Would protect the natural environment and conserve natural resources and energy.
 - c) Would ensure compatibility with adjacent uses of land, and
 - d) Would promote the use of land in a socially and economically desirable manner.
- 2) In determining appropriate conditions, the Planning Commission shall ensure that there is a reasonable connection between the condition imposed and the impact it is mitigating and that the scope and extent of the condition is roughly proportional to the impact it is intended on mitigating.

Section 11.8 APPEALS

An individual with a vested interest in a Planning Commission decision related to a site plan may appeal the Council decision to the Zoning Board of Appeals.

Section 11.9 CONFORMITY TO APPROVED SITE PLAN

- 1) Revocation of Site Plan Approval. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which have received the approval of the Planning Commission. If construction and development does not conform with such approved plan, the approval of the Site Plan shall be revoked by the zoning administrator of the Village by written notice of such revocation posted upon the premises involved and mailed to the owner at his last known address. Upon revocation of such approval, all construction activities shall cease upon the site until such time as the violation has been corrected or the Planning Commission has, upon proper application of the owner and after hearing, approved a modification in the site plan to coincide with the owner's construction or altered plans for construction as being in compliance with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the Village Zoning Ordinance.
- 2) Criteria for Commencing Construction. Approval of the site plan shall be valid for a period of one year. If a building permit has not been obtained and on-site development actually commenced within one year, the site plan approval shall become void and a new application for site plan approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.

Section 11.10 AMENDMENT TO SITE PLAN

Changes to an approved site plan must be approved by the Planning Commission following the process outlined above unless they meet the criteria for a minor site plan amendment outlined below. Minor site plan amendments may be approved by the Zoning Administrator under the procedures outlined for zoning permit review in Section 4.1.4 of this ordinance. A minor site plan amendment is a change to a site plan that meets the following:

- 1) The change does not increase the overall building size by over 100 square feet
- 2) The change does not require a variance

- 3) The change does not result in an increase in the number of required parking spaces
- 4) The change does not affect a condition of approval
- 5) If more than one change is proposed, the changes cumulatively cannot exceed these requirements

Section 11.11 TIME LIMITS

- 1) The applicant shall have 12 months from the date of approval of the site plan to begin physical construction of the project.
- 2) The applicant shall have 18 months from the date that physical construction has commenced to complete the project.
- 3) The applicant may apply to the Planning Commission for an extension of up to 18 months. The applicant must demonstrate that suitable progress has been made on the project. If an extension is granted, the project must be completed by the end of the extension period.

Section 11.12 PERFORMANCE BOND

The Planning Commission shall have the right and authority to require the developer to file with the Village Zoning Administrator at the time of application for a building permit a performance bond in such amounts as may be determined by the Planning Commission to insure the development of the site in accordance with the approved site plan, conditioned upon such property construction and development. Such bond, if required, shall continue for the duration of the construction and development of the site and shall be in a face amount which covers the estimated total cost of construction and site development.

- 1) Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
- 2) Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the Village Clerk prior to the issuance of a Zoning permit. The Village shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account.
- 3) An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- 4) In the event the performance guarantee deposited is a cash deposit or certified check, the Village shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposit funds when one hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator.

- 5) Upon the satisfactory completion of the Improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
- 6) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Village, the village shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the /village to complete the improvements for which it was posted, the applicant shall be required to pay the village the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the village use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the Village's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Village of Vernon to ensure completion of an improvement associated with the proposed project prior to the village's conditional approval, the applicant shall not be required to deposit with the Village a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the village and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the Village regarding the performance guarantee.

ARTICLE 12 SEVERABILITY/REPEAL/ADOPTION

Section 12.1 SEVERABILITY

This Ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 12.2 REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance adopted by the Village of Vernon on February 19, 2009, and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right occurring, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 12.3 VESTED RIGHT

Nothing in this ordinance should 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 they are hereby declared to be subject to subsequent amendment, change or modifications as may be necessary to the preservation or protection of public health, safety and welfare.

Section 12.4 CONFLICTING REGULATIONS

Whenever any provisions of this Ordinance impose more stringent requirements than are imposed by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

Section 12.5 SAVINGS CLAUSE

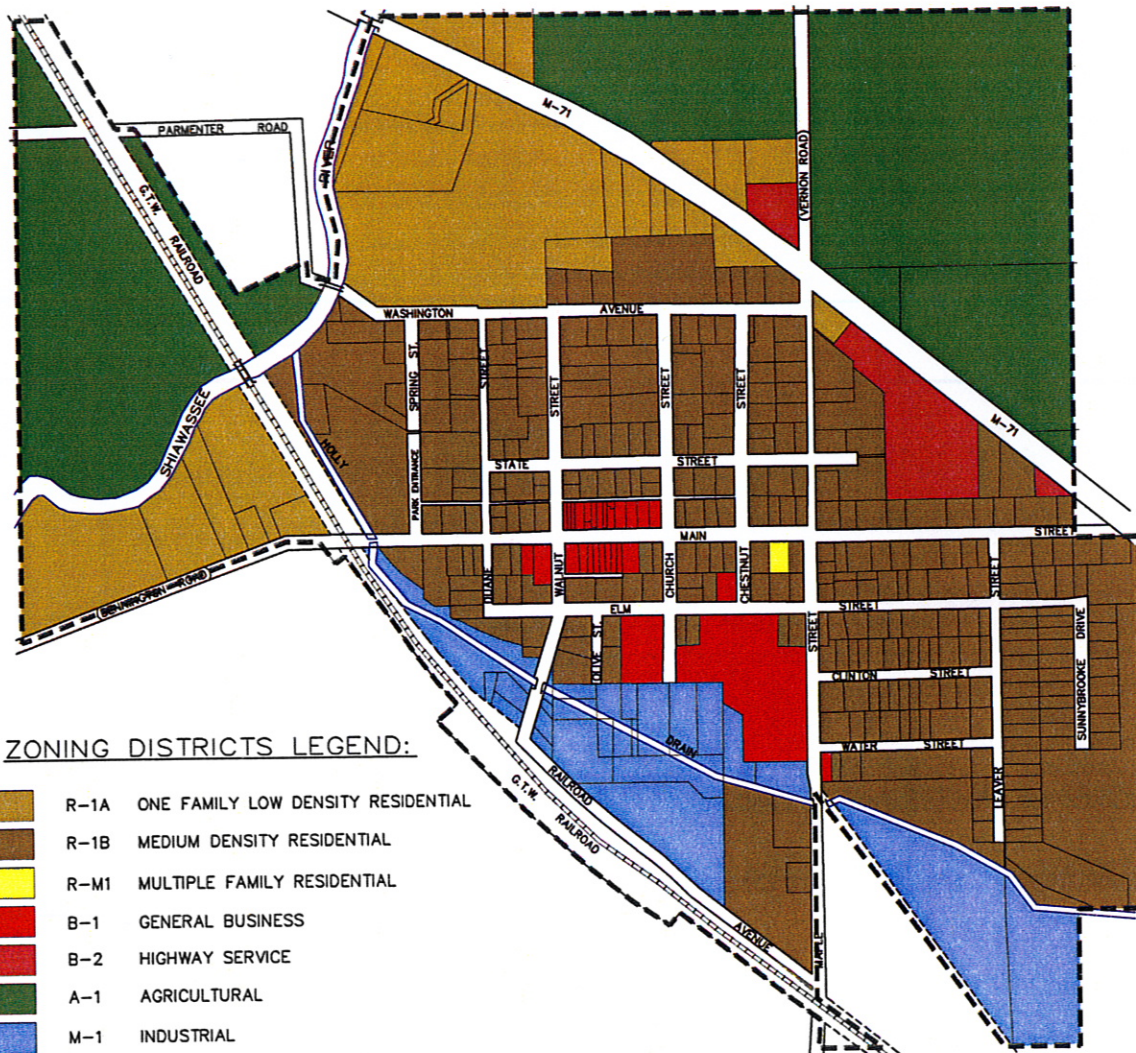
This Ordinance shall not impair or affect any act done, offense committed or right accruing, accrued, or acquired; or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this Ordinance had not been adopted. 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 and all prosecution, or other proceedings, instituted after 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 the provisions of the Ordinance in force at the time of such offense.

Section 12.6 ADOPTION AND EFFECTIVE DATE

This Ordinance is hereby declared to have been adopted by the Vernon Village Council; Shiawassee County, Michigan at a meeting thereof duly called and held on the 20th day of March, 2013, and is ordered to be given publication in the manner prescribed by law. This Ordinance shall become effective seven (7) days after final enactment and publication

VILLAGE OF VERNON

ZONING DISTRICTS MAP



AMENDMENTS TO THE ZONING MAP

THIS IS THE OFFICIAL ZONING MAP REFERRED TO IN ARTICLE 6, SECTION 6.1.2 OF VERNON ZONING ORDINANCE ADOPTED ON MARCH 20, 2013

VILLAGE PRESIDENT

VILLAGE CLERK



ROWE PROFESSIONAL SERVICES COMPANY
6211 TAYLOR DRIVE, FLINT, MI 48507



SCALE: 1"=800'

R:\GIS\PROJECTS\VERNON-MASTER.DWG SCALE: 1"=800' 08/28/08 11:54 A.M.