

Adopted  
March 9, 2011

# Village of Bancroft Zoning Ordinance

Prepared with assistance from:



ROWE PROFESSIONAL  
SERVICES COMPANY

PO Box 3748 | Flint, MI 48502 | 810.341.7500



## Table of Contents

PREAMBLE .....	1
ARTICLE 1 SHORT TITLE .....	1
ARTICLE 2 PURPOSES .....	1
ARTICLE 3 DEFINITIONS .....	3-1
Section 3.1    RULES APPLYING TO THE TEXT .....	3-1
Section 3.2    DEFINITIONS .....	3-1
ARTICLE 4 ADMINISTRATION AND ENFORCEMENT .....	4-1
Section 4.1    ADMINISTRATION .....	4-1
Section 4.1.1 Administration .....	4-1
Section 4.1.2 Zoning Administrator .....	4-1
Section 4.1.3 Duties of the Zoning Administrator.....	4-1
Section 4.1.4 Zoning Permits .....	4-2
Section 4.1.5 Certificate of Zoning Compliance.....	4-4
Section 4.1.6 Duties and Responsibilities of the Village Council .....	4-4
Section 4.1.7 Duties of the Village Planning Commission .....	4-4
Section 4.2    ENFORCEMENT .....	4-5
Section 4.2.1 Violations and Penalties .....	4-5
Section 4.3    ESTABLISHMENT OF ESCROW ACCOUNTS.....	4-6
Section 4.3.1 Escrow Accounts.....	4-6
ARTICLE 5 VILLAGE ZONING BOARD OF APPEALS.....	5-1
Section 5.1    CREATION AND MEMBERSHIP .....	5-1
Section 5.1.1 Establishment.....	5-1
Section 5.1.2 Training for Zoning Board of Appeals Members.....	5-1
Section 5.2    ORGANIZATION AND PROCEDURES .....	5-2
Section 5.2.1 Rules of Procedure.....	5-2
Section 5.2.2 Meeting .....	5-2
Section 5.2.3 Records.....	5-2
Section 5.2.4 Counsel.....	5-2
Section 5.2.5 Hearings.....	5-2
Section 5.2.6 Decisions.....	5-2
Section 5.2.7 Majority Vote .....	5-3
Section 5.2.8 Reports to Council.....	5-3
Section 5.2.9 Fees .....	5-3

Section 5.3	DUTIES AND POWERS .....	5-3
Section 5.3.1	Powers .....	5-3
Section 5.3.2	Appeals .....	5-3
Section 5.3.3	Interpretation .....	5-4
Section 5.3.4	Non Use Variances .....	5-4
Section 5.3.5	Change of a Nonconforming Use to Another Nonconforming Use .....	5-5
Section 5.4	COMPLIANCE .....	5-5
Section 5.4.1	Bond Authorized.....	5-5
Section 5.4.2	Conditions of Approval .....	5-5
ARTICLE 6	ZONING DISTRICTS, MAP AND SCHEDULE OF REGULATIONS .....	6-1
Section 6.1	GENERAL PROVISIONS.....	6-1
Section 6.1.1	Districts Established .....	6-1
Section 6.1.2	Zoning Districts Map.....	6-1
Section 6.1.3	Interpretation of District Boundaries.....	6-1
Section 6.1.4	Scope of Regulations .....	6-2
Section 6.1.5	Zoning of Vacated Areas .....	6-2
Section 6.1.6	Zoning of Annexed Areas .....	6-3
Section 6.1.7	District Requirements .....	6-3
Section 6.1.8	Categories Within Zone Districts .....	6-3
Section 6.1.9	Replacement of Official Zoning Map or Ordinance .....	6-3
Section 6.2	DISTRICTS USES .....	6-4
Section 6.3	USE DEFINITION, PARKING AND DESIGN.....	6-7
Section 6.4	DISTRICT REGULATIONS .....	6-22
Section 6.4.1	Below are the dimensional requirements by zoning district.....	6-22
Section 6.4.2	Footnotes to the Table of District Regulations .....	6-23
ARTICLE 7	SUPPLEMENTARY REGULATIONS .....	7-1
Section 7.1	MISCELLANEOUS REGULATIONS .....	7-1
Section 7.1.1	Prior Building Permits.....	7-1
Section 7.1.2	Access to a Street .....	7-1
Section 7.1.3	Rear Dwelling Prohibited .....	7-1
Section 7.1.4	Required Water Supply and Sanitary Sewer Facilities .....	7-1
Section 7.1.5	Sight Distance .....	7-1
Section 7.2	TEMPORARY DWELLING, USES OF STRUCTURES FOR.....	7-3
Section 7.3	TEMPORARY OUTDOOR USES.....	7-3
Section 7.4	EXCEPTION TO REQUIRED LOT AREA FOR RESIDENTIAL DISTRICTS .	7-3
Section 7.5	LOT AREA CAN BE ALLOCATED ONCE .....	7-3

Section 7.6	SUPPLEMENTARY YARD REGULATIONS .....	7-3
Section 7.6.1	Side Yard Reduction .....	7-3
Section 7.6.2	Rear Yard Reduction .....	7-4
Section 7.6.3	Permitted Yard Encroachments.....	7-4
Section 7.6.4	Permitted exceptions to front yard setbacks .....	7-5
Section 7.7	SUPPLEMENTARY HEIGHT REGULATIONS .....	7-5
Section 7.7.1	Permitted Exceptions, Structural Appurtenances.....	7-5
Section 7.7.2	Permitted Exceptions, Residential Districts.....	7-6
Section 7.7.3	Permitted Exceptions, Business and Industrial Districts.....	7-6
Section 7.8	EXTERIOR LIGHTING .....	7-6
Section 7.8.1	Illumination .....	7-6
Section 7.9	CONSTRUCTION OR CONTRACTS UNDER EXISTING PERMITS; BUILDING COMPLETION PERIOD .....	7-7
Section 7.10	INDUSTRIAL PERFORMANCE STANDARDS .....	7-8
Section 7.11	Non-Conforming Uses, Lots and Structures .....	7-8
Section 7.11.1	Purpose.....	7-8
Section 7.11.2	Non-conforming Lots of Record .....	7-9
Section 7.11.3	Non-conforming structures.....	7-9
Section 7.11.4	Non-conforming uses of land .....	7-10
Section 7.11.5	Non-conforming uses of structures .....	7-11
Section 7.11.6	Repairs and maintenance.....	7-11
Section 7.11.7	Change of Tenancy or Ownership .....	7-12
Section 7.11.8	Illegal Nonconforming Uses.....	7-12
Section 7.11.9	District Changes .....	7-12
Section 7.11.10	Elimination of Nonconforming Uses.....	7-12
Section 7.12	GENERAL EXCEPTIONS .....	7-12
Section 7.13	GENERAL CONSTRUCTION REQUIREMENTS.....	7-12
Section 7.13.1	Driveways.....	7-12
Section 7.13.2	Culverts .....	7-13
Section 7.13.3	Sidewalks .....	7-13
ARTICLE 8	OFF-STREET PARKING AND LOADING REGULATIONS .....	8-1
Section 8.1	OFF-STREET PARKING REQUIREMENTS .....	8-1
Section 8.1.1	Intent of Parking Provisions .....	8-1
Section 8.1.2	Definitions .....	8-1
Section 8.1.3	Fractional Spaces.....	8-1
Section 8.1.4	Requirements for a Use Not Mentioned.....	8-1

Section 8.1.5 Use of Parking Areas.....	8-1
Section 8.1.6 Building Additions or Other Increases in Floor Area .....	8-2
Section 8.1.7 Joint Use of Parking Areas .....	8-2
Section 8.1.8 Parking Space Requirements .....	8-2
Section 8.1.9 Location of Parking Areas .....	8-2
Section 8.1.10 Plot Plan Review .....	8-3
Section 8.1.11 Site Development Requirements .....	8-3
Section 8.1.12 Reduction, Modification, Waiver .....	8-5
Section 8.2   LOADING AND UNLOADING SPACE REQUIREMENTS .....	8-5
Section 8.2.1 Intent and Purpose .....	8-5
Section 8.2.2 Additional to Parking Space.....	8-6
Section 8.2.3 Space Requirements.....	8-6
Section 8.2.4 Access .....	8-7
Section 8.2.5 Site Requirements.....	8-7
ARTICLE 9 USES AUTHORIZED BY SPECIAL USE PERMIT .....	9-1
Section 9.1   GENERAL STANDARDS AND REQUIREMENTS .....	9-1
Section 9.1.1 Intent and Purpose .....	9-1
Section 9.2   INITIATION OF SPECIAL USE PERMIT APPLICATION.....	9-1
Section 9.3   PERMIT PROCEDURES .....	9-1
Section 9.3.1 Submission of Application .....	9-1
Section 9.3.2 Data Required .....	9-1
Section 9.3.3 Changes in the Site Plan .....	9-2
Section 9.3.4 Approval of the Site Plan by Compliance.....	9-2
Section 9.3.5 Planning Commission Review .....	9-2
Section 9.3.6 Review by Government Entities.....	9-3
Section 9.3.7 Village Planning Commission Decision.....	9-3
Section 9.3.8 Permit Expiration .....	9-3
Section 9.3.9 Compliance Review.....	9-3
Section 9.3.10 Permit Revocation .....	9-3
Section 9.3.11 Reapplication.....	9-4
Section 9.4   BASIS FOR DETERMINATIONS .....	9-4
Section 9.4.1 General Standards .....	9-4
Section 9.4.2 Conditions and Safeguards .....	9-4
Section 9.5   EXPLANATION TO APPLICANT OF VILLAGE PLANNING COMMISSION'S DECISION .....	9-5
Section 9.6   PERFORMANCE GUARANTEES.....	9-5

Section 9.7	SPECIFIC SPECIAL USE REQUIREMENTS.....	9-6
ARTICLE 10	AMENDMENTS.....	10-1
Section 10.1	THE VILLAGE COUNCIL MAY AMEND.....	10-1
Section 10.2	INITIATION OF AMENDMENTS BY OTHERS.....	10-1
Section 10.3	AMENDMENT PROCEDURE .....	10-1
Section 10.3.1	Petition to Village Council.....	10-1
Section 10.3.2	Who Can File a Petition for an Amendment and Information Required ...	10-1
Section 10.3.3	Public Hearing Procedure and Notice Thereof .....	10-1
Section 10.3.4	Standards For Approval of Zoning Amendment .....	10-2
Section 10.3.5	Action by the Village Council .....	10-3
Section 10.3.6	Letter of Protest to Proposed Amendment.....	10-3
Section 10.3.7	Resubmittal .....	10-4
Section 10.3.8	Publication of Notice of Ordinance Amendments .....	10-4
Section 10.4	CONDITIONAL REZONING.....	10-4
Section 10.4.1	Purpose.....	10-4
Section 10.4.2	Application and Offer of Conditions .....	10-4
Section 10.4.3	Planning Commission Review .....	10-5
Section 10.4.4	Village Council Review .....	10-5
Section 10.4.5	Approval .....	10-5
Section 10.4.6	Compliance with Conditions .....	10-6
Section 10.4.7	Time Period for Establishing Development or Use.....	10-6
Section 10.4.8	Reversion of Zoning .....	10-6
Section 10.4.9	Subsequent Rezoning of Land .....	10-7
Section 10.4.10	Amendment of Conditions .....	10-7
Section 10.4.11	Village Right to Rezone .....	10-7
Section 10.4.12	Failure to Offer Conditions.....	10-7
Section 10.5	COMPREHENSIVE REVIEW OF ZONING ORDINANCE .....	10-7
ARTICLE 11	SITE PLAN REVIEW.....	11-1
Section 11.1	PURPOSE .....	11-1
Section 11.2	SCOPE .....	11-1
Section 11.3	OPTIONAL SKETCH PLAN REVIEW .....	11-1
Section 11.4	APPLICATION PROCEDURE.....	11-2
Section 11.5	ACTION ON APPLICATION AND PLANS.....	11-4
Section 11.6	CRITERIA FOR REVIEW.....	11-5
Section 11.7	CONDITIONS .....	11-6
Section 11.8	APPEALS .....	11-6

Section 11.9 CONFORMITY TO APPROVED SITE PLAN .....	11-7
Section 11.10 SITE PLAN AMENDMENTS .....	11-7
Section 11.11 TIME LIMITS.....	11-7
Section 11.12 PERFORMANCE BOND.....	11-8
ARTICLE 12 SIGNS.....	12-1
Section 12.1 PURPOSE .....	12-1
Section 12.2 GENERAL PROVISIONS.....	12-1
Section 12.2.1 Definitions .....	12-1
Section 12.2.2 Zoning Permits .....	12-1
Section 12.2.3 Signs Not Requiring a Permit .....	12-1
Section 12.2.4 Signs Not Permitted.....	12-2
Section 12.2.5 Electronic Signs.....	12-3
Section 12.2.6 General Sign Provisions .....	12-3
Section 12.3 SIGN PERMITTED BY ZONING DISTRICT .....	12-3
Section 12.3.1 Signs Allowed in the R-1A, R-1B and R-M1 Residential Districts.....	12-3
Section 12.3.2 Signs Allowed in B-1 General Business District.....	12-4
Section 12.3.3 B-2 Highway Service Districts:.....	12-4
Section 12.3.4 M-1 Industrial Districts .....	12-4
ARTICLE 13 RESERVED .....	13-1
ARTICLE 14 , 15, 16.....	14-1
ARTICLE 14 SEVERABILITY.....	14-1
ARTICLE 15 REPEALS .....	14-1
ARTICLE 16 EFFECTIVE DATE .....	14-1



# **ZONING ORDINANCE OF THE VILLAGE OF BANCROFT**

## **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 Bancroft, 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 Bancroft.

## **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 Bancroft 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 Village of Bancroft Master Plan and to provide for the administration and enforcement of such standards.



## ARTICLE 3 DEFINITIONS

### Section 3.1 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 DEFINITIONS

---

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

Accessory Building: 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.

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

Certificate of Zoning Compliance: 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.

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.

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.

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 Special Flood Hazard Area showing the boundaries of the 100 year flood as determined by the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM)

**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.

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

**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.

**Figure 3-1**

**Lot, Corner:** A lot which has at least two contiguous sides abutting upon a street for their full length (see Figure 3-1).

**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.

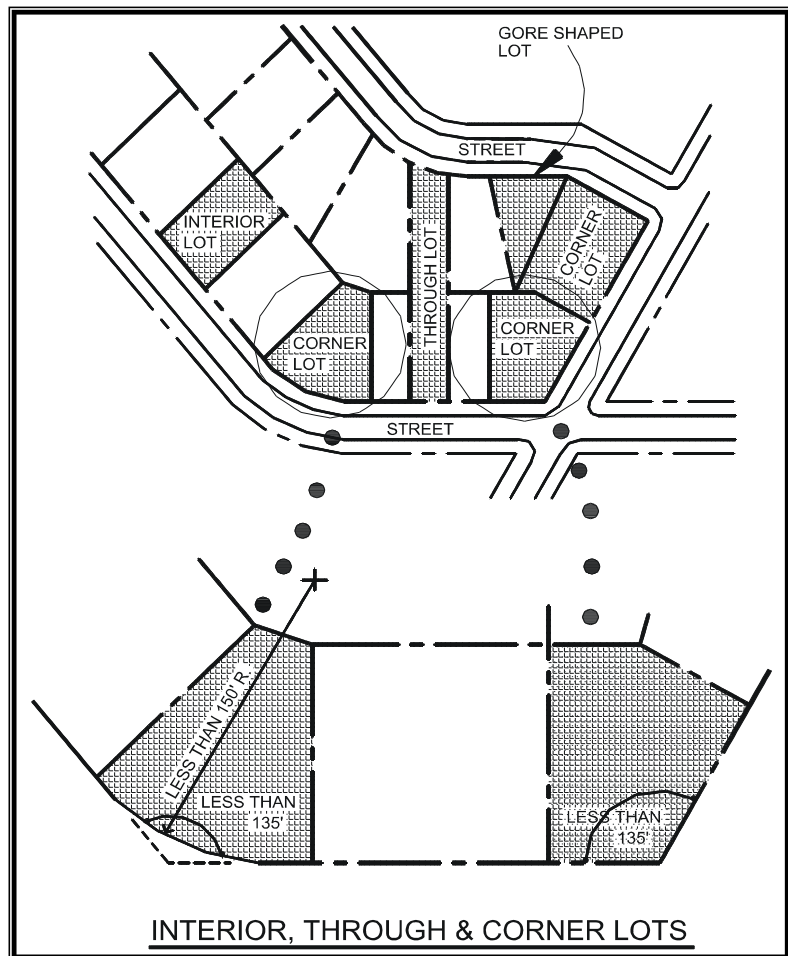
**Lot, gore shaped:** A triangular shaped lot (see Figure 3-1).

**Lot, Interior:** A lot other than a corner lot (see Figure 3-1).

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

**Lot Line, Front:** In the case of an interior lot, the line separating said lot from the street. In the case of a through lot, the line separating said lot from both streets. In the case of a through or corner lot, the narrowest line separating said lot from one of the two streets.

**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.

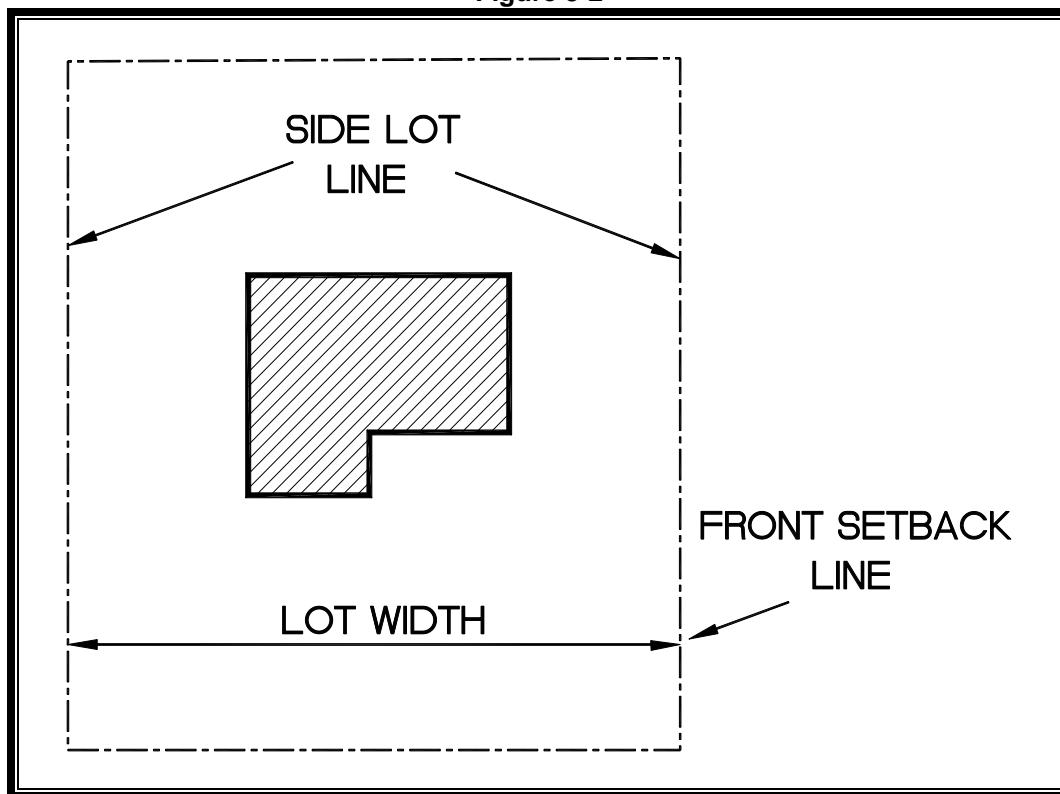
Lot Line, Side: Any lot line not a front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. A lot line separating a lot from a street is a side street lot line.

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 3-1).

Figure 3-2



Lot, Width of: The width measured along the front lot lines or street lines (see Figure 3-2).

Lot, Zoning: One or more contiguous lots of record under the same ownership, which, at the time of filing for a zoning permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located.

Major Street: 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 Bancroft.

Master Plan: A document prepared by the Village Planning Commission under the authority of the Michigan Planning Enabling Act , PA 33 of 2008, which serves as the policy basis for this zoning ordinance.

Minor or Local Street: A public way, the principal use or function of which is to give access to abutting properties and which has been classified as such upon the Future Land Use Plan of the Village of Bancroft.

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 Lot: 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.

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.

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

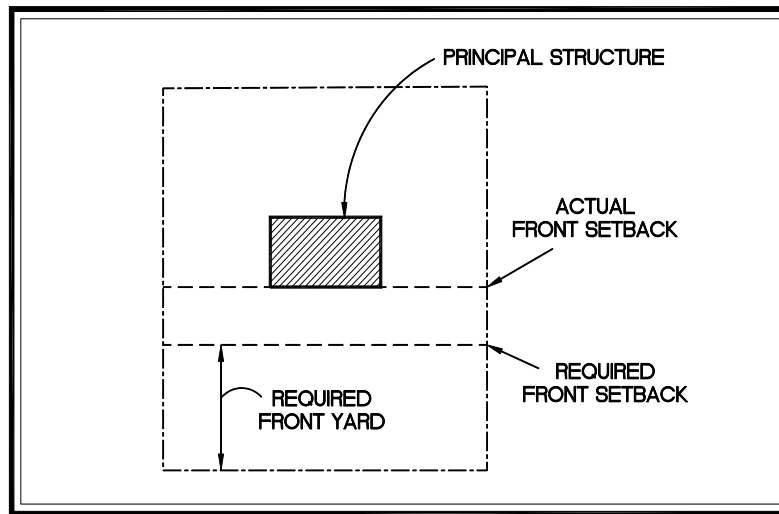
Right-of-Way: A street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles or the location of utilities.

Setback, Actual: The minimum horizontal distance between a structure, excluding steps and unenclosed porches and the front street or right-of-way line or lot line. (see Figure 3-3).

Setback, Average: The average setback is applied to those village blocks where there are various setbacks. 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 3-3).

Figure 3-3



**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 Area:** Sign area shall be measured as the square footage of the sign face and any frame or other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed. When a sign consists solely of lettering or other sign elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a parallelogram or rectangle. The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign provided that: 1) the outline and dimensions of both faces are identical, and 2) the faces are back to back so that only one face is visible at any given time

**Sign, Advertising Structure:** A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.

**Sign, Construction:** A temporary sign identifying the name(s) of project owners, contractors, developers, architects, designers, engineers, landscape architects, and financiers, which is located on a site being developed or improved.

**Sign, Directional:** A sign which gives directions, instructions, or facility information for the use on the lot or parcel on which the sign is located, such as parking or exit and entrance signs.

**Sign, Electronic:** Any sign that uses LED lighting or similar technology to form a message or messages.

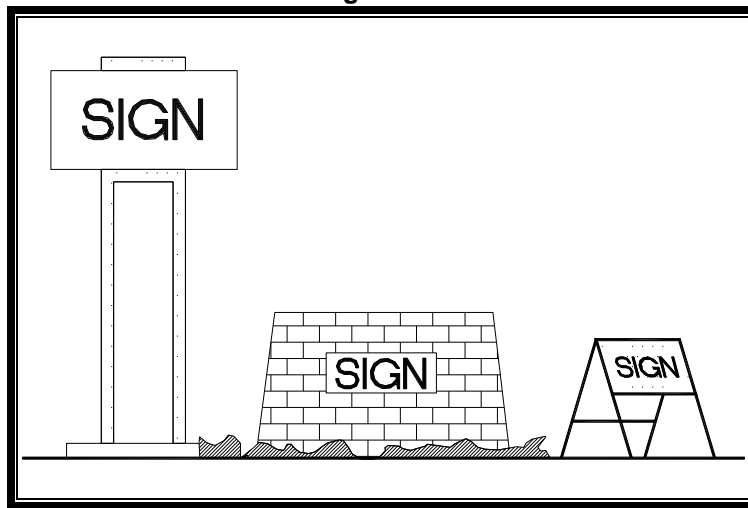
**Sign, Free-standing:** A display sign permanently supported by one or more uprights poles, columns or braces placed in or upon the ground surface and not attached to any building or structure (see Figure 3-4).



**Sign Height:** The permitted height of all signs supported by the ground shall be measured from the level of the ground, finished surface, adjacent to the sign. Sign height shall not be measured from an area of the ground that has been built-up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by these regulations (e.g. the height of signs erected on a berm shall be measured from the finished grade adjacent to the berm).

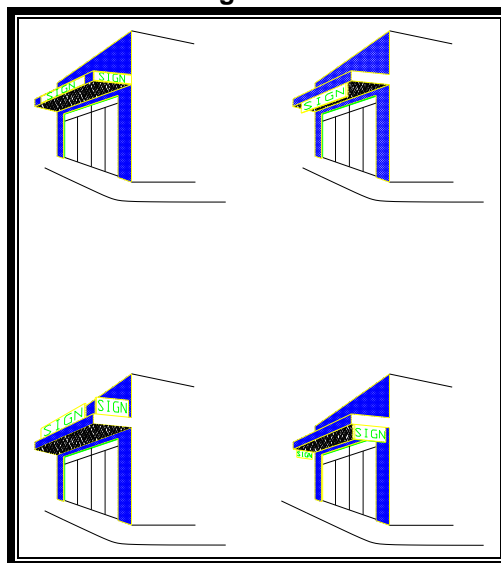
**Sign, Incidental:** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate restrooms, and signs providing information on business affiliations.

Figure 3-4



**Signs, Awning:** A display sign attached to or hung from an awning, 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 3-5).

Figure 3-5



Sign, Obsolete: A sign that advertises a product that is no longer made an event that has already occurred, or that advertises a business that has closed.

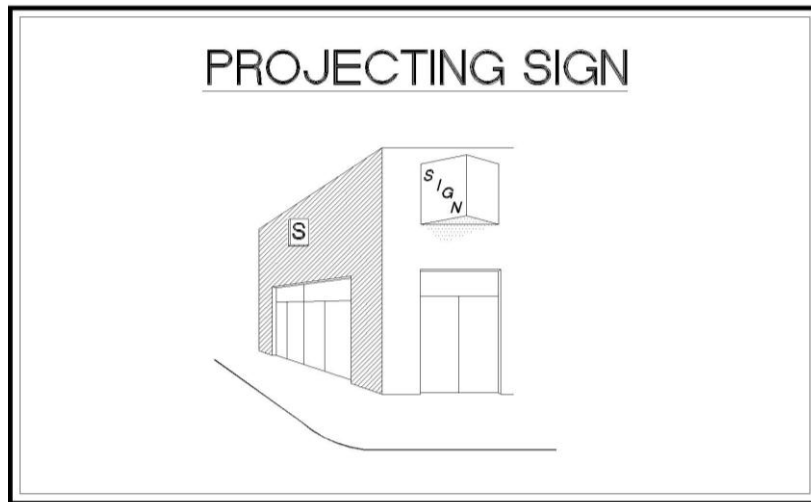
Signs, Off-premise: A sign that is not located on the premises to which the sign is intended to serve.

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.

Sign, Political: A temporary sign used in connection with local, state or national elections or referendums.

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).

**Figure 3-7**



Sign, Real Estate: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.

Sign, Sandwich Board: A temporary/portable sign that consists of two boards upon which a message is posted, which is hinged at the top and open at the bottom so that the boards can lean against each other when placed on the ground.

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: 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 Planning Commission 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.

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.

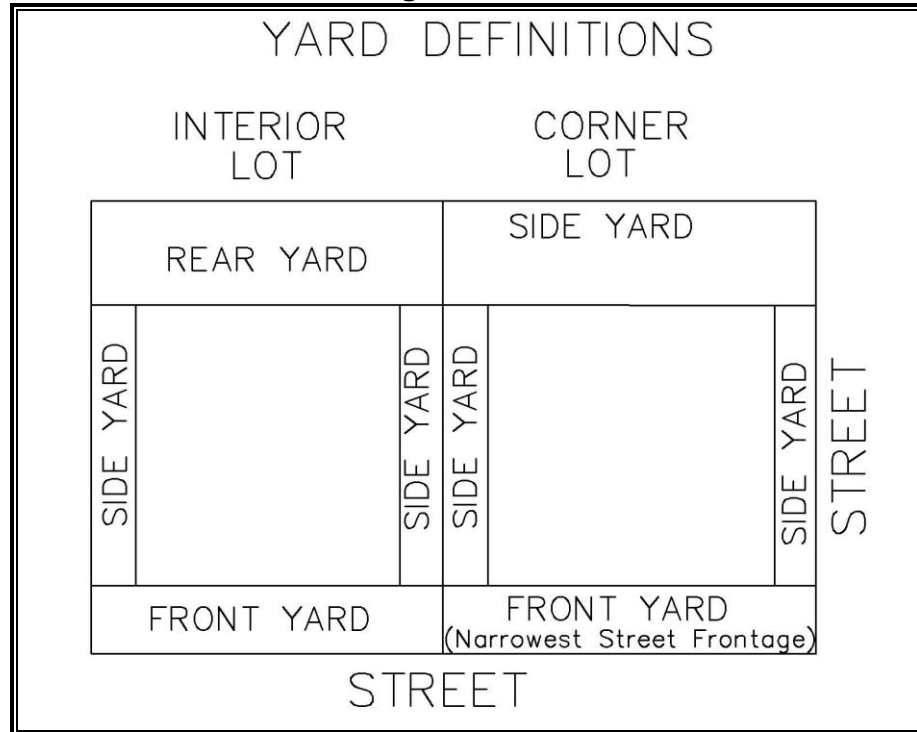
Village Council: Village Council of Bancroft.

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 3-6).

**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 110 of 2006. 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 Bancroft 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.

#### *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 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) 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.

3) 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.

4) 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 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.

5) Delegation of Day-to-Day Responsibilities

The Zoning Administrator may delegate some of the day-to-day responsibilities of his/her job to other village staff with the approval of the Village Council.

6) Advisor to the Zoning Board of Appeals

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

7) Approval of Minor Changes to Site Plans

Approval of minor changes to site plans as permitted in Section 11.10 of this ordinance.

*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) Flow and discharge of drainage
- g) Any easements on the property
- h) 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) Review Period

The zoning administrator shall review and make a determination on a zoning permit within 15 calendar days of receipt of a complete application. An applicant may submit an application for approval to the Zoning Board of Appeals for any permit that exceeds this period.

### 4) 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.

### 5) 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.

### 6) 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.

### 7) Zoning Permit Affect 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

Certificates of occupancy 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.
- 4) The Village Council shall establish by resolution the fees for any reviews or approvals required under this ordinance and may revise those fees by resolution from time to time as necessary.

*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) Provide recommendations to the Village Council on policy matter of enforcement and administration of the ordinance not covered by adopted rules or guidelines.
- 5) Make comprehensive review and recommend changes to the Zoning Ordinance every five (5) years.
- 6) Prepare a record of nonconforming uses and structures in the village within six (6) months of the adoption of this ordinance.

## **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 Bancroft 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 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 5 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 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.

### *Section 5.2.3 Records*

- 1) 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.
- 2) 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 Majority 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 Fees*

A fee, as established by the village council, shall be paid to the secretary of the Zoning Board of Appeals at the time the petitioner files an application with the Zoning Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Zoning Board of Appeals in connection with the appeal. No fee shall be charged if the village or any official body of the village is the moving party.

**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) Appeals to the Zoning Board of Appeals may be made by any person aggrieved by any officer, department, or board of the Village. Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be made to the Zoning Board of Appeals within thirty (30) 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 6 Table 6-2 or Article 8, Table 8-1.

### *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:

1. The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance.
  2. 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 COMPLIANCE**

---

#### *Section 5.4.1 Bond Authorized*

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 Bancroft 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.

#### *Section 5.4.2 Conditions of Approval*

In authorizing any variance or in granting any conditional, temporary or special approval permits, the Village Zoning Board of Appeals may impose conditions necessary to ensure that the use continues to meet the standards of this ordinance.





## 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
R-1A-O	Low Density Residential with B-2 Overlay
B-1	General Business
B-2	Highway Service
M-1	Industrial

#### *Section 6.1.2 Zoning Districts Map*

- 1) The boundaries of these districts are hereby defined and established as shown on a map entitled Zoning Map of the Village of Bancroft, Shiawassee County, Michigan, which accompanies this Ordinance, and which map, with all explanatory matter thereon, is hereby made a part of this Ordinance.
- 2) 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 Bancroft Zoning Ordinance adopted on March 9, 2011."
- 3) 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 to them and at such distance from them 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 Zoning 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 Bancroft, 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 "R-1A" Low Density Residential 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 other provisions of this ordinance.

*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 9.

*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 DISTRICTS USES**

<b>TABLE 6-1: DISTRICT USES</b>							
<b>P = Uses Permitted By Right, SUP = Uses Permitted by Special Use Permit</b>							
	<b>R-1A</b>	<b>R-1B</b>	<b>R-1M</b>	<b>R-1A w/overlay*</b>	<b>B-1</b>	<b>B-2</b>	<b>M-1</b>
<b>RESIDENTIAL USES</b>							
Adult Foster Care Family Home	P	P	P	P			
Adult Day Care (1-6)	P	P	P	P			
Adult Day Care (7-12)	P		P	P			
Adult Day Care (13+)			P				
Adult Foster Care Large Group Homes (7-12)	P	P	P	P			
Adult Foster Care Large Group Homes (13-20)	P		P	P			
Adult Foster Care Small Group Home	P	P	P	P			
Bed and Breakfast	SUP	SUP	SUP	SUP			
Conversion of One-Family Dwellings	SUP		SUP	SUP			
Family Day Care Home	P	P	P	P			
Foster Family Home	p	P	P	P			
Group Day Care Home	P	P	P	P			
Home Occupations, high intensity	SUP	SUP	SUP	SUP			
Home Occupations, low intensity	P	P	P	P			
Mobile Home Park			SUP				
Multiple-family Dwellings			P				
One-Family Dwelling	P	P	P	P			
Temporary Residence	P	P	P	P	P	P	
Two-family dwellings	P		P	P			
<b>INSTITUTIONAL USES</b>							
Business schools or private schools operated for profit	SUP	SUP	SUP	SUP/P*	P	P	
Cemeteries	SUP			SUP			
Educational	SUP	SUP	SUP	SUP	SUP	SUP	
Institutions for Human Care	SUP	SUP	SUP	SUP	SUP	SUP	
Private noncommercial recreation areas	SUP		SUP	SUP			
Public Assembly Buildings	SUP			SUP/P*	P	P	
Public Buildings	SUP	SUP	SUP	SUP/P*	P		
Public Service Installations	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Trade or industrial schools							P
Public Recreation	P	P	P	P			
Religious Institutions	SUP	SUP	SUP	SUP/P*	P	P	
<b>COMMERCIAL AND OFFICE USES</b>							
Automatic and Self Service Car Wash				SUP*		SUP	
Banks and other financial institutions				P*	P	P	
Building supply and equipment stores				P*	P	P	
Business Service Establishment				P*	P	P	
Bus passenger terminals and stations				P*	P	P	
Contractor's establishment engaging in retail activities on the site				P*	P	P	
Day nursery	SUP		SUP	SUP/P*	P	P	
Drive thru Business				SUP*		SUP	
Funeral Homes and Mortuaries			SUP	SUP*	SUP	SUP	
Gasoline service stations				SUP*	SUP	SUP	

<b>TABLE 6-1: DISTRICT USES</b>							
<b>P = Uses Permitted By Right, SUP = Uses Permitted by Special Use Permit</b>							
	<b>R-1A</b>	<b>R-1B</b>	<b>R-1M</b>	<b>R-1A w/overlay*</b>	<b>B-1</b>	<b>B-2</b>	<b>M-1</b>
Golf Course and Country Club	SUP			SUP			
Medical Clinics	SUP			SUP/P*	P	P	
Miniature golf, trampoline, or similar public amusement				SUP*		SUP	
Motel						SUP	
Offices, Administrative or Professional					P	P	
Open air business				SUP*	SUP	SUP	
Open industrial or storage uses							P
Personal Service Establishments				P*	P	P	
Planned shopping centers				SUP*		SUP	
Printing, publishing, photographic reproductions, blueprinting and related trades and art				P*	P	P	
Restaurants				P*	P	P	
Retail Establishments, regional				P*		P	
Retail Establishments, local				P*	P	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				P*	SUP	P	
Sexually Oriented Businesses						SUP	
Taverns				P*	P	P	
Vehicle repair shop				SUP*	SUP	SUP	P
Veterinary clinics				SUP*	SUP	SUP	
Veterinary hospitals							P
<b>INDUSTRIAL USES</b>							
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 Yard							SUP
Light Manufacturing and processing							P
Small manufacturing and processing establishments selling their entire output at retail on the premises					SUP		
Storage and repair of large trucking equipment							P
Storage facilities for building materials, and, gravel, stone, lumber and contractor's equipment							P
Truck or rail freight terminal							SUP
<b>OTHER USES</b>							
Accessory structures	P	P	P	P	P	P	P
Accessory uses	P	P	P	P	P	P	P
Commercial freestanding towers							SUP
Communication Antennae							
Essential Services	P	P	P	P	P	P	P
Field crop, fruit farming and tree nurseries	P						

<b>TABLE 6-1: DISTRICT USES</b>							
<b>P = Uses Permitted By Right, SUP = Uses Permitted by Special Use Permit</b>							
	<b>R-1A</b>	<b>R-1B</b>	<b>R-1M</b>	<b>R-1A w/overlay*</b>	<b>B-1</b>	<b>B-2</b>	<b>M-1</b>
Other uses of a similar and no more objectionable character	P/ SUP	P/ SUP	P/ SUP	P/SUP	P/ SUP	P/ SUP	P
Planned Unit Development	SUP			SUP		SUP	SUP
Railroad right-of-way, including all necessary trackage, switches, operating devices, storage, marshaling yards, and freight yards or sidings							P
Temporary Buildings	P	P	P	P	P	P	P

Section 6.3 USE DEFINITION, PARKING AND DESIGN

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
RESIDENTIAL USES			
Adult Foster Care Family Home	A private residence that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity of not more than six (6) to be provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence	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 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	1) 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)	1) Proof of state license required.
Adult Foster Care Large Group Homes (7-12)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least seven (7) but not more than twelve (12) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.	Three (3) spaces	1) Proof of state license required.
Adult Foster Care Large Group Homes (13-20)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.	Five (5) spaces	1) Proof of state license required.
Adult Foster Care Small Group Home	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive not more than six (6) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.	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 house or portion of a house where short-term lodging rooms and meals are provided. A bed and breakfast is distinguished from a motel or hotel in that it shall have only one (1) set of kitchen facilities, employ only those living in the house or up to one (1) additional employee, and have a facade consistent with the surrounding homes.	Two (2) spaces plus one for each bedroom used for the bed and breakfast	
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	1) 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 child care facility that provides licensed day care in private homes for six (6) or fewer unrelated minor children under the age of eighteen (18). Children receive care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian for more than four (4) weeks during a calendar year.	Two (2) spaces	1) Proof of state license required.
Foster Family Home	A private home in which one (1), but not more than four (4), minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian	Two (2) spaces	1) Proof of state license required.
Group Day Care Home	A child care facility that provides licensed day care in private homes for not less than seven (7) or no more than twelve (12) unrelated minor children under the age of eighteen (18). Children receive care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian for more than four (4) weeks during a calendar year. Facilities that provide licensed day care to thirteen (13) or more minor children constitute a commercial day care center	Two (2) spaces plus one (1) space per two children of licensed capacity	1) Proof of state license required. 2) Is located not closer than 1,500 feet to any of the following: 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	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 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 there is no obvious visual or operational characteristics that indicate the use is being conducted other than a permitted sign.	Three (3) spaces	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 a sign as permitted under this ordinance 6) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood
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.	As required by the Michigan Mobile Home Commission	1) Comply with the rules of the Michigan Mobile Home Commission.
Multiple-family Dwellings	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 Including those types of residential housing customarily known as garden apartments, terrace apartments, townhouses, row housing units and other housing structures of similar character	Two (2) spaces for each family dwelling unit	1) Two (2) or more residential buildings of similar or different character may be built upon one (1) lot or parcel of land 2) The minimum site area is two (2) acres provided, however, that for group housing the average lot area per family or dwelling unit shall not be less than four thousand (4,000) square feet. 3) The minimum site width is one hundred fifty (150) feet. 4) The maximum lot coverage shall be thirty-five percent (35%) 5) 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. 6) 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. 7) For buildings up to thirty-five (35) feet in height, no building shall be closer than forty (40) feet to any street, fifty (50) feet to any rear property line, and twenty (20) feet to an interior side property line.

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
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	<div>1) It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.</div> <div>2) It has a minimum width across any front, side or rear elevation of 20 feet and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code, then and in that event such Federal or State standard or regulations shall apply.</div> <div>3) It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.</div> <div>4) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanisms, undercarriage, or chassis.</div> <div>5) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the county health department.</div> <div>6) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.</div> <div>7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively, with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the township zoning administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the zoning board of appeals within a period of 15 days from the receipt of notice of said zoning inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the village. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.</div> <div>8) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.</div> <div>9) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.</div> <div>10) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by State or Federal law or otherwise specifically required in the ordinance of the township pertaining to such parks.</div> <div>11) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code as promulgated by the Michigan State Construction Commission under the provisions of the 1972 PA 230 as amended</div>

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Temporary Residence	A dwelling unit permitted to be located on a lot during the reconstruction of a residence damaged or destroyed	Two (2) spaces for each family dwelling unit	1) A permit may be issued to the owner at the time of destruction by the Zoning Administrator for not more than six (6) months for the use of a mobile home as temporary housing. The Zoning Board of Appeals may grant an extension for a period of not more than one (1) additional year. The ZBA may require the posting of a bond to ensure removal of the mobile home at the end of the extension period The extension may be granted when the following standards are met: a) A good faith effort has been shown to rebuild the destroyed structure b) The time extension is reasonably necessary considering the practical difficulties associated with actual construction. c) Occupancy of the structure being rebuilt is reasonably possible within the time extension. d) Granting of the time extension to the applicant and other similarly-situated parties will not prohibit enforcement of any provisions of this Ordinance, unduly overburden administration and enforcement resources, or adversely affect general health, welfare and safety of adjacent properties or the general community.
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	
INSTITUTIONAL USES			
Business schools or private schools operated for profit	An establishment for post secondary education involving training in a trade or vocational skill, not including private or public colleges or universities.	One (1) space per student of design capacity	1) Outdoor training involving heavy equipment or vehicles such as earth moving equipment or semi-trailers is prohibited (See Trade or Industrial Schools)
Cemeteries	Land used or intended to be used for the burial of the deceased, and dedicated for cemetery purposes, including columbarium, crematories, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.	One space per two hundred (200) square feet of office area, plus two spaces for resident caretaker	
Educational Institutions	Public or private elementary and secondary schools, institutions for higher education, auditoriums	Exempt from zoning requirements	1) Elementary and secondary educational facilities under the jurisdiction of the State Superintendant of Schools are exempt from local zoning.
Institutions for Human Care	Facilities for the care of people, including accommodations for short term or long term stays onsite. Examples include hospitals, sanitariums, nursing or convalescent homes, homes for the aged, philanthropic and charitable institutions medium and large group homes and congregate care facilities	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	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 (for guests, employees, and staff) shall be directly from the major street or county primary road. 2) All two (2) story structures shall be at least one hundred (100) feet from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty (50) feet to any property or street line. For buildings above two (2) stories, the building shall be set back from the initial one hundred (100) foot setback an additional one (1) foot for each foot of additional height above two (2) stories. 3) No more than twenty-five percent (25%) of the gross site area shall be covered by buildings. 4) Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.
Private noncommercial recreation areas	Recreation facilities operated by nonprofit, noncommercial organizations, recreation facilities constructed, maintained and operated by an incorporated, nonprofit club or organization with a specified limitation of members and operated for the exclusive use of organization members and their guests. Examples include private, nonprofit swimming pool clubs, community recreation centers, tennis courts or other noncommercial recreation activities	Determined by Planning Commission at time of SUP approval	1) 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 street or county primary road and all ingress and egress for the site shall be provided directly from the major street or county primary road. 2) Front, side and rear yards shall be determined by the Planning Commission and shall be dependent on the nature of the proposed use, the adjacent land use and any proposed screening or buffering provided.
Public Assembly Buildings	A building or structure for groups of people to gather for an event or regularly scheduled program. Examples include theatres, auditoriums, clubs, lodges, lecture halls, banquet facilities, and similar facilities.	One (1) space for every eight (8) persons of legal capacity	

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Public Buildings	Buildings that house public services and uses usually in offices; but not including “utility and public service installations” or “educational and social institutions” Examples include post offices, libraries and governmental administrative offices	Determined by Planning Commission at time of SUP or site plan approval	
Public Service Installations	A building or structure used or intended to be used by any public utility, including but not limited to 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 or other communications plant, earth station, or other receiving or transmission facility; any storage yard for public utility equipment or vehicles; and any parking lot for parking vehicles or automobiles to serve a public utility.	Determined by Planning Commission at time of SUP approval	1) Front, side and rear yards shall be determined by the Planning Commission and shall be dependent on the nature of the proposed use, the adjacent land use and any proposed screening or buffering provided.
Trade or industrial schools	An establishment for post secondary education involving training in a trade or vocational skill including outdoor training involving heavy equipment or vehicles such as earth moving equipment or semi-trailer, not including private or public colleges or universities.	One (1) space for every employee, including administrators and teachers, plus one (1) space for each five (5) students	1) 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
Public Recreation	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 site plan approval	
Religious Institutions	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. 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.	One (1) space for each four (4) seats, plus one (1) space for every two (2) employees	1) The proposed site shall be so located as to have at least one (1) property line on a major street or county primary road and all ingress and egress for the site shall be provided directly from the major street or county primary road. 2) 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 required setback an additional one (1) foot for each foot of additional height above the district height limitation.
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		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. 4) Adequate stacking spaces shall be provided in accordance with the requirements of Article 8 Off-Street Parking and Loading Requirements. Such spaces shall not be permitted in the public right-of-way.

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Banks and other financial institutions	An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies, Examples include banks, savings and loans, and credit unions.	One (1) space for every two hundred (200) square feet of net 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	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) Locations for any such establishment shall be confined to a major street or county primary road and shall have the entrance to the business and the parking area on the a major street or county primary road
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	
Bus passenger terminals and stations	Facilities that function as a pick-up and drop-off station for bus riding passengers and include repair facilities and bus storage areas	Determined by Planning Commission at time of site plan approval	
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	1) Proof of state license required. 2) For each child, a minimum of fifty (50) square feet of indoor activity space shall be provided. Indoor activity space shall exclude hallways, bathrooms, reception and office areas, kitchens, storage areas and cloakrooms, areas used exclusively for resting, sleeping or eating. 3) A minimum of one thousand two hundred (1,200) square feet of safe outdoor play area shall be provided in the rear yard. 4) All outdoor play areas shall be enclosed with a fence of no less than four (4) feet and no more than six (6) feet in height capable of containing the children within the play area. 5) A minimum of one parking space per employee plus one for every ten (10) children permitted at maximum occupancy shall be provided.
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	Stacking space for five (5) cars between the sidewalk area and the service window, per window	1) A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street shall be maintained. 2) Ingress and egress points shall be located at least fifty (50) feet from the intersection of any two (2) streets. 3) Drive-through windows and stacking lanes shall not be located closer than one hundred (100) feet to any property zoned for residential purposes. 4) Adequate stacking spaces shall be provided to assure that waiting vehicles do not extend into a public right-of-way. Each stacking space shall be a minimum of ten (10) feet wide by twenty (20) feet deep. 5) The space at the drive-through window or transaction point shall be counted as one of the required stacking spaces. 6) A bypass lane with a minimum width of twelve (12) feet shall be provided around the stacking spaces. 7) Audio transmission devices shall not be clearly heard beyond the boundaries of the site.
Funeral Homes and Mortuaries	An establishment where the dead are prepared for burial or cremation and where wakes or funeral s 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.	1) The conduct of all aspects of activities related to such uses shall take place within the principal building and not in an accessory building. 2) A caretaker's residence may be provided within the principal building. 3) The proposed site shall front upon a major street or county primary road. All ingress and egress points to the site shall be directly from the major street or county primary road.

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
Gasoline service stations	A building or structure designed or used for the retail sale of fuel lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and convenience commercial goods and fast food for the customers. It also includes facilities for the storage, minor repair, or servicing of vehicles , but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust-proofing, where the primary use of the premises is such, or high speed washing thereof. The term covers such uses as quick oil change facilities and muffler/brake replacement facilities provided no major repairs as described above are undertaken	Three (3) spaces for each repair and service stall, plus one (1) space for each worker on each shift plus one (1) space for every one hundred fifty (150) square feet of net floor area	<div>1) The site shall be a minimum of one (1) acre in area.</div> <div>2) The site must abut on a minimum of one (1) side property that is zoned or planned for commercial use.</div> <div>3) Curb cuts for ingress and egress to a service station shall not be permitted at such locations what will tend to create traffic hazards in the streets immediately adjacent thereto. Entrance shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.</div> <div>4) The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.</div> <div>5) Overhead canopies shall be setback at least twenty (20) feet from the right-of-way with materials consistent with the principal building. The proposed clearance of the canopy shall be noted on the site plan. Lighting within the canopy shall be fully recessed</div>
Golf Course 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 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. plus one (1) space for every three (3) seats of dining area plus one (1) space for each tennis court	<div>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 thoroughfare.</div> <div>2) A site plan of the proposed development shall be reviewed and approved by the Planning Commission. Such site plan shall indicate the location of service roads, entrances, driveways and parking areas, and shall be so designed in relationship to the major thoroughfare that pedestrian and vehicular traffic safety is encouraged.</div> <div>3) Development features shall be shown on said site plans including the principal and accessory buildings, structures, and parking areas, and shall be so located as to minimize any possible adverse effects upon adjacent property; all principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.</div> <div>4) The minimum number of off-street parking spaces shall be provided as required in Article 8, Section 8.1 including additional spaces which may be required for each accessory use such as a restaurant or bar.</div> <div>5) 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.</div> <div>6) All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site</div>
Medical Clinics	A facility operated by one or more physicians, dentists, chiropractors or other licensed medical professional for the examination and treatment of persons solely on an outpatient basis.	Four (4) spaces for each waiting room, plus one (1) space for each employee	
Miniature golf, trampoline, or similar public amusement	A recreational center for outdoor commercial entertainment		
Motel	One or a group of attached or detached or semidetached buildings containing guest rooms or units for rent or hire, which are designed and used primarily for the accommodation of transient automobile travelers.	One (1) space for each sleeping unit, plus two (2) spaces for operating personnel.	<div>1) No kitchen or cooking facilities are to shall not be provided, with the exception of units for the use of the manager or caretaker</div> <div>2) Each unit shall contain not less than two hundred and fifty (250) square feet of floor area.</div>
Offices, Administrative or Professional	A room, suite of rooms, or building in which a person transacts the affairs of a business, profession, service, industry, or government. Examples include offices for accountants, insurance agents, architects and engineers.	One (1) space for every two hundred (200) square feet of net floor area	

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
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	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.
Open industrial or storage uses	Commercial storage facilities with both enclosed and outdoor storage	Two (2) spaces for staff parking	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 that the subject use or storage. 2) For mini or self-serve storage facilities the following shall apply: 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
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	Two (2) spaces for each beauty and/or barber shop chair where applicable, otherwise one (1) per one hundred (100) square feet of sales floor area	
Planned shopping centers	A group of commercial establishments planned and developed as a unit with off-street parking provided on the property	One (1) space for every two hundred (200) square feet of gross floor area	1) Uses permitted in the shopping center will be based on the zoning district the center is located in 2) All permitted activities and uses shall be conducted entirely within a permanent building, except for such outside activities which by the nature of the specified use are required and associated to the indoor activities of the permitted uses 3) Pedestrian travel from an establishment in the center to any other establishment shall be possible without crossing a vehicular way. 4) Access to the shopping center shall be provided by at least one (1) direct access from a major thoroughfare. 5) No structure (with the exception of permitted signs, fences, walls, water towers, and light standards) shall be located closer to any property line of the center the distance equal to twice its height. 6) When adjacent to a residential district, or when adjacent to a school, hospital or other public institution the shopping center shall include as in integral part of the site development a strip of land fifty (50) feet in width along the rear and side lot lines. No part of such land may be used for any shopping center function, but shall be occupied by plant material, shrubs, or structural fences and walls used separately or in combination.
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	
Restaurants	An establishment serving prepared food or beverages for consumption on the premises and which may or may not include accessory “take-out” services. Examples include lunch counters, coffee shops and other similar establishments but does not include drive-thru facilities	One (1) space for every three (3) seats, including outdoor seating	

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
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	
Retail establishments, local	<p>An establishment that is primarily engaged in the purchase and resale of goods or merchandise to the public for personal, household, or business use or consumption and rendering services incidental to the sale of such goods. There may be some processing of products incidental or subordinate to the selling activities. These retail businesses contain up to a total maximum of twenty five thousand (25,000) square feet</p> <p>Examples include shops for the sale of baked goods, beverages, including liquor outlets, antique shops, books, bicycle shops, clothing and accessory stores, carpeting and rug sales, shoes, confection, grocery stores, food markets, supermarkets, wallpaper, butcher shops, drugs, flowers, food stuffs including meats, gifts, novelty shops, small household accessories, hardware, hobby equipment, jewelry, notions, optical goods, pawnshops, paint, photographic supplies, periodicals, sports cards and other like collectibles, sundry small household articles, sporting goods, musical instruments (sales and services), tobacco and meat markets and other retail and business service establishments similar to and compatible with the above use whose principal activity is the sale of merchandise.</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
Sexually Oriented Business	<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> <p>a) Human genitals in a state of sexual stimulation or arousal;</p> <p>b) Acts of human masturbation, sexual intercourse or sodomy;</p> <p>c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.</p> <p>Specified Anatomical Areas — As used in the above definitions, the phrase "specified anatomical areas" shall mean and include:</p> <p>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;</p> <p>b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.</p>	Determined by Planning Commission at time of SUP approval	<p>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.</p> <p>2) The prohibition against the establishment of more than one adult regulated use, 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</p> <p>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.</p> <p>4) Any adult regulated use/building shall be at least 1,000 feet from any of the following, except as otherwise provided by item (9) below.</p> <p>a) Another existing sexually oriented business</p> <p>b) Any residential district</p> <p>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;</p> <p>6) All access to adult orientated material be restricted to person 18 years of age or older;</p> <p>7) Signage be posted regarding the restrictions to this type of material</p> <p>8) The location of the counter or room is limited to an area away from the main entry.</p> <p>9) Building size shall not exceed 5,000 square feet of gross floor area.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>13) The hours of operation shall be approved by the Village Council.</p> <p>14) Access shall be from a major street or county primary road.</p> <p>15) Any adult regulated 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.</p> <p>16) A license is required.</p> <p>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.</p> <p>18) An adult regulated 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 city.</p>
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 three (3) seats, including outdoor seating	

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
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	One (1) per one hundred (100) square feet of sales floor area	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) No driveway or curb cut for a driveway shall be located within ten feet of an adjoining property line as extended to the curb or pavement, or within twenty feet of any exterior lot line as extended. 3) The entire service area shall be paved with a permanent surface of concrete or asphalt. 4) 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. 5) 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 6) All vehicles, upon which work is performed, shall be located entirely within a building. 7) There shall be no above-ground tanks for the storage of gasoline, liquefied petroleum gas, oil, or other inflammable liquids or gas
Veterinary clinics	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 hospitals	A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock. A veterinary hospital may include overnight boarding incidental to treatment	One (1) per three hundred (300) square feet of gross floor area	
INDUSTRIAL USES			
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	
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	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 per employee of the total of the two largest shifts	
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 per employee of the total of the two largest shifts Plus one (1) per one hundred (100) square feet of sales floor area	
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	One per employee of the total of the two largest shifts	
Storage facilities for building materials, and, gravel, stone, lumber and contractor's equipment		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
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	
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	<div>1) Accessory Buildings and Yard Restrictions:<div>a) In a Front Yard: No accessory building shall project into any front yard.</div>b) In a Rear Yard: No accessory building, including detached garages, shall be closer than three (3) feet to any rear lot line.</div> c) 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.

a) 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.

TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS			
USES	DEFINITION	PARKING REQUIREMENTS	DESIGN STANDARDS
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	
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.
Field crop, fruit farming and tree nurseries		N/A	
Other uses of a similar and no more objectionable character	Uses determined by the Planning Commission to be similar to a use specifically permitted in a particular district	Determined by Planning Commission at time of site plan approval	1) The Planning Commission has the authority to permit a use not specifically permitted in the ordinance in a given district if they determine that the use is similar and no more objectionable character to a use permitted by right or by SUP in that district. In making that determination that Planning Commission shall consider the proposed uses' traffic generation, offsite noise and odor generation, hours of operation and other factors they determine relevant
Planned Unit Development	A land area which has both individual building sites and common property such as park and which is designed and developed under one (1) owner or organized group as a separate neighborhood or community unit.	Determined by Planning Commission at time of site plan approval	1) The range of uses allowed for any given project is based on the concept plan as approved by the Planning Commission. Uses may be permitted as follows a) In the R-1A and R-1B Districts uses in the R-1A , R-1B, R-M and the B-1 districts may be permitted b) In the R-M District uses in the R-1A , R-1B, R-M and B-1ndistricts may be permitted c) In the B-1 District the uses in the R-1A, R-1B, R-M, B-1 and B-2 districts may be permitted d) In the B-2 and M-1 District the uses allowed in all districts 2) The dimensional requirements including minimum lot size and setbacks shall be based on the zoning district the proposed use is located in, but may be reduced or increased based on the requirements of the use. For example. In a PUD in a commercial district the Planning Commission may require that a single family residence comply with the minimum lot area and setback requirements in the R-1A or R-1B districts. 3) A reduction in lot area and/or setback may be permitted provided that there is not net increase in density as a result and the savings in square footage is provided in open space. 4) Approval of a PUD is a two step process: a) A concept plan showing the general arrangement of the proposed development, the phasing of development, uses, density; street, parking and pedestrian facility layout and the provision of utilities shall be submitted as part of the SUP approval process. b) Following approval of the SUP, site plans may be submitted for the phases of the development, which will follow the normal site plan review and approval process. A site plan that varies materially from the concept plan shall not be approved without first amending the PUD's SUP 5) Conditions for approval of a PUD may include the order of development and the infrastructure required for each phase.
Railroad right-of-way, including all necessary trackage, switches, operating devices, storage, marshaling yards, and freight yards or sidings		N/A	
Temporary Building	Structures located on site during construction or renovation of a building	Two (2) spaces if the building is used for occupancy, such as an office, otherwise none are required	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 6.4 DISTRICT REGULATIONS

Section 6.4.1 Below are the dimensional requirements by zoning district

TABLE: 6-3: TABLE OF DISTRICT REGULATIONS									
	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
Zoning District	Area in Sq. Ft./ Acres	Width in Feet	In Stories	In Feet.	Front	Each Side	Rear	In Sq.. Feet	By All Structures
R-1A Low Density Residential	13,000	88' (b)	2 ½	35'	35' (g)	15' (c)	40'	1,000	15%
R-1B Medium Density Residential	8,500(a)	66' (b)	2 ½	35'	25' (g)	10' (c)	30'	1,000	20%
R-M1 Multiple Family Residential <u>Unit Type</u>									
Single Family	8500(a)	66' (b)	2 ½	35'	25' (g)	10' (c)	30'	800'	35%
Duplex	8,000(a)	66' (b)	2 ½	35'	25' (g)	10' (c)	30'	750	35%
Multi-Family	3,500 (a)	66' (b)	2 ½	35'	40' (g)	10' (c)	50'	(d)	35%
B-1 General Business	5,000	40'	2 ½	35'	--	--	--	--	--
B-2 Highway Service	10,000	100'	2 ½	35'	50'	20' (c)	40'	--	--
M-1 Industrial	NONE	NONE	3	40' (e)	50'	(f)	(f)	--	--

*Section 6.4.2 Footnotes to the Table of District Regulations*

- a) Development permitted only on existing lots of record or on lots served by public sewer or approved community sewer system.
- b) 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) 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.
- d) 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.
- e) Except that any building within one hundred (100) feet of a residential district shall not exceed fifteen (15) feet in height.
- f) 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.
- g) Front yard setbacks may be modified per section 7.12.4.





## **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, Table 6.2 under "Multiple-family Dwellings". 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 Ordinance are satisfied.

#### *Section 7.1.4 Required Water Supply and Sanitary Sewer Facilities*

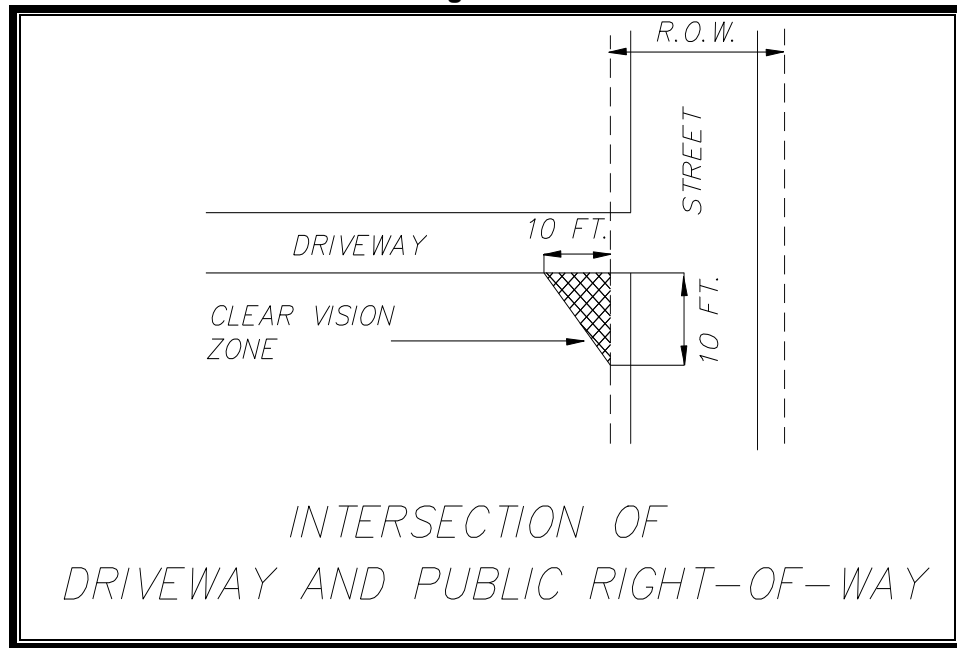
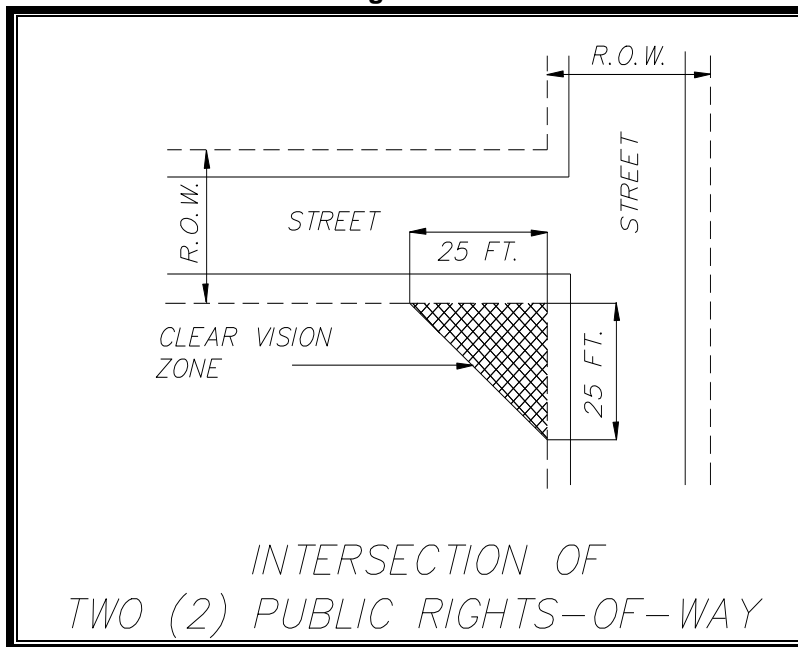
After the effective date of this Ordinance, no structure shall be erected, altered or moved upon a lot or premise and used in whole or in part for dwelling, business, industrial or recreational purposes unless it shall be provided with a safe, sanitary and potable water supply or be connected to the Village water system, and be provided 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 7.1.5 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 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 7.3 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 7.4 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 7.5 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 7.6 SUPPLEMENTARY YARD REGULATIONS**

---

*Section 7.6.1 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 7.6.2 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.

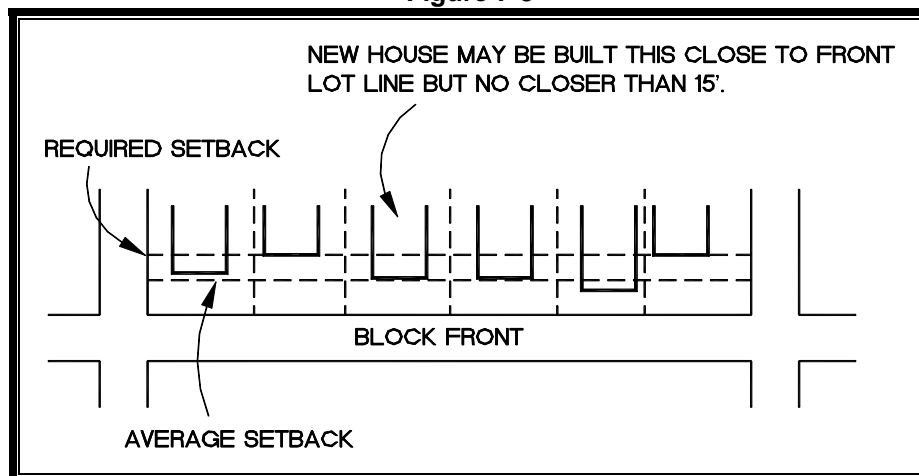
#### *Section 7.6.3 Permitted Yard Encroachments*

- 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 7.6.4 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 7-3).

**Figure 7-3**



## Section 7.7 SUPPLEMENTARY HEIGHT REGULATIONS

### Section 7.7.1 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 Table 6.2.

- 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 7.7.2 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 7.7.3 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 7.8 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 7.8.1 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 7.9 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 7.10 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 7.11 Non-Conforming Uses, Lots and Structures**

---

#### *Section 7.11.1 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.

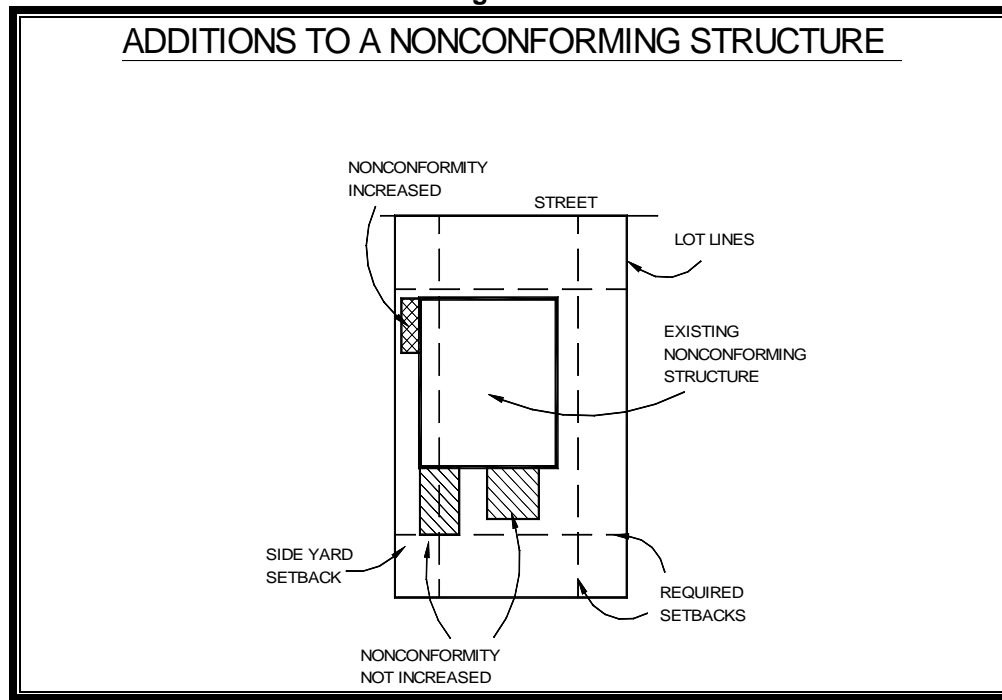
#### *Section 7.11.2 Non-conforming Lots of Record*

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 7.11.3 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 nor decreases the non-conformity unless granted a variance by the Zoning Board of Appeals. (See Figure 7-4).
- 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 7-4**

- 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.

#### *Section 7.11.4 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.

*Section 7.11.5 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 7.11.6 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 7.11.7 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 7.11.8 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 7.11.9 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 7.11.10 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 7.12 GENERAL EXCEPTIONS**

---

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

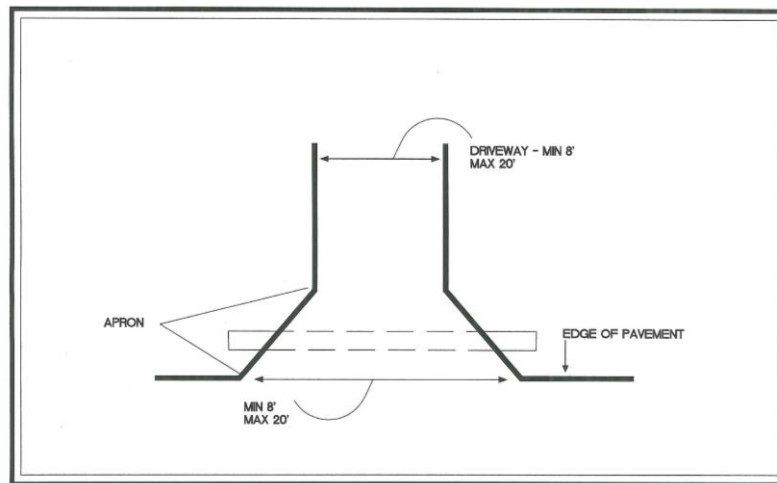
- 1) Voting Places
- 2) Essential Services

### **Section 7.13 GENERAL CONSTRUCTION REQUIREMENTS**

---

#### *Section 7.13.1 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 7-5), a minimum thickness of six (6) inches and poured with 3500 mix shall be provided.

**Figure 7-5****Section 7.13.2 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 7.13.3 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 Article 6, 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.

#### *Section 8.1.10 Plot Plan Review*

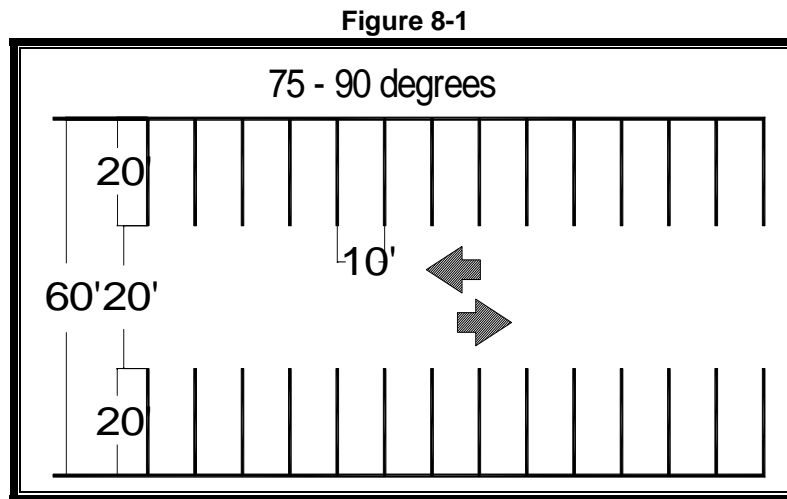
Whenever four (4) or more vehicles are required for a given use under the requirements of this Section, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Administrator before a building permit can be issued. Such plans and specifications 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 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*

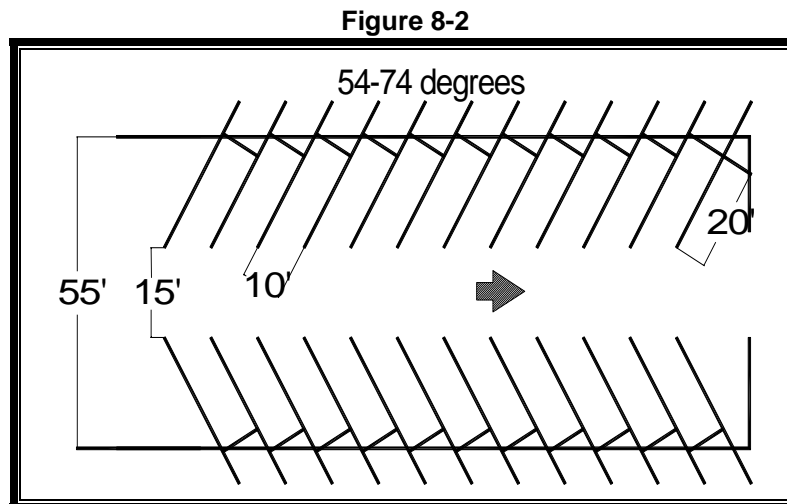
All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements:

- 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)

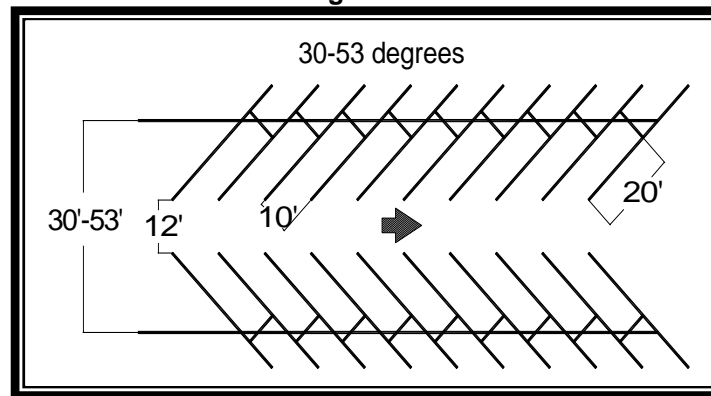


- b) For parking patterns fifty-four (54) to seventy-four (74) degrees, the maneuvering lane width shall be fifteen (15) feet. This dimensional layout provides for one-way traffic movement. (see Figure 8-2)



- 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 8-3



- 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. Gravel surfaces shall be treated to prevent dust.
- 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 5, Section 5.3.4.

### **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 8.1, 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 can not 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.

TABLE 8-1 Loading/Unloading Space Requirements		
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 there of 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 Bancroft, 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 the application and copies of the site plan to the Zoning Administrator. The Zoning Administrator shall distribute copies of the application and site plan to each member of the Planning Commission and may distribute copies to the Shiawassee County Environmental Health Department, Village Police Department, Village Department of Public Works, and the Village Engineer as they determined to be appropriate.

#### *Section 9.3.7 Village Planning Commission Decision*

Following the public hearing the Village Planning Commission shall consider the special use permit application. 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 Zoning Administrator.

#### *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 of said permit. The Village Planning Commission shall review every special use permit and the associated land use one year after its approval to verify compliance with the conditions of approval. If the use is found to be in violation, the Planning Commission shall provide an opportunity to bring the use into compliance. If the permit holder fails to come into compliance the Planning Commission shall hold a hearing to revoke the permit per Section 9.3.10.

#### *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 for consideration of revocation per Section 9.3.10.

#### *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 may only occur following a public hearing meeting the same notice requirements as outline 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 Village of Bancroft Master Plan.
- 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 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.
- 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) Be related to the standards established in the Ordinance for the land use or activity under consideration; and be necessary to insure compliance with these standards.
- 6) 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 SPECIFIC SPECIAL USE REQUIREMENTS**

---

Specific use requirements are identified in Article 6 of this ordinance.

## **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 Map of the Village of Bancroft 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 BY OTHERS**

---

Proposals for amendments, supplements or changes may be initiated by the Village Planning Commission by resolution, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

### **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 Bancroft 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 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 Shiawassee 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 Resubmittal*

No application for a rezoning, which has been denied by the Village Council, shall be resubmitted for a period of one (1) year from the date of the last denial except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the Village Council to be valid.

*Section 10.3.8 Publication of Notice of Ordinance Amendments*

Following adoption to subsequent amendments to this Ordinance by the Village of Bancroft, 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.

**Section 10.4 CONDITIONAL REZONING**

---

*Section 10.4.1 Purpose*

It is recognized that there are certain instances where it would be in the best interests of the Village, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (PA 100 of 2006) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

*Section 10.4.2 Application and Offer of Conditions*

- 1) An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
- 2) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
- 3) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
- 4) Approval of a conditional rezoning does not guarantee approval of any special use permit which may be required as part of the conditional rezoning project, and review of



the special use permit must follow the procedures outlined in Article 9 before development can begin.

- 5) Approval of a conditional rezoning does not guarantee approval of any variance which may be required as part of the conditional rezoning project, and review of the variance must follow the procedures outlined in Article 5 before development can begin.
- 6) Approval of a conditional rezoning does not guarantee approval of any site plan which may be required as part of the conditional rezoning project, and review of the site plan must follow the procedures outlined in Article 11 before development can begin.
- 7) The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Village Council provided that, if such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing and a new recommendation, with notice as required by this article.

#### *Section 10.4.3 Planning Commission Review*

After public hearing public hearing and consideration of the factors for rezoning set forth in Section 10.03 of this Ordinance, the Planning Commission may:

- 1) Recommend approval of the conditional rezoning
- 2) Recommend approval of the conditional rezoning with changes
- 3) Recommend denial of the conditional rezoning
- 4) Provided, however, that any recommended changes to the offer of conditions are acceptable to and offered by the owner.

#### *Section 10.4.4 Village Council Review*

After receiving the Planning Commission's recommendation, the Village Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Village Council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 10.03 of this Ordinance. Should the Village Council propose amendments to the proposed conditional rezoning and amendments are acceptable to and offered by the owner, then the rezoning application shall be referred to the Planning Commission for a new public hearing and a new recommendation, with notice as required by this article.

#### *Section 10.4.5 Approval*

- 1) If the Village Council finds the owner's rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions provided said conditions conform with this section. The Statement of Conditions shall be incorporated into the ordinance adopted by the Village Council.
- 2) The Statement of Conditions shall:
  - a. Be prepared as a notarized Affidavit prepared and signed by the owner.
  - b. Contain a legal description of the land to which it pertains.

- c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land unless otherwise specified by this section.
  - d. Include any diagram, plans or other documents submitted that are necessary to illustrate the implementation of the Statement of Conditions.
  - e. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- 3) Upon the rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The zoning map shall also include a listing of all lands rezoned with a Statement of Conditions.

#### *Section 10.4.6 Compliance with Conditions*

- 1) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall be deemed a nuisance per se and shall constitute a violation of this Zoning Ordinance and be punishable accordingly.
- 2) No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

#### *Section 10.4.7 Time Period for Establishing Development or Use*

Unless another time period is specified in the Ordinance rezoning the subject land, the site plan for approved development shall be submitted within two (2) years after the rezoning took effect. In cases where a site plan is not required, the approved use of land or buildings must have commenced within one year unless another time period is specified in the ordinance rezoning the subject land. These time limitations may upon written request be extended by the Village Council if:

- 1) It is demonstrated to the Village Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and
- 2) The Village Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- 3) All applicable project completion deadlines in this ordinance related to site plans, special use permits and variances shall apply.

#### *Section 10.4.8 Reversion of Zoning*

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection 10.4.7 above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and

making this reversionary rezoning shall be the same as applies to all other rezoning requests.

#### *Section 10.4.9 Subsequent Rezoning of Land*

When land that is rezoned with a Statement of Conditions is rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection 10.4.8 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. If a Statement of Conditions has been recorded, upon the owner's written request, the Village Clerk shall record with the Shiawassee County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

#### *Section 10.4.10 Amendment of Conditions*

- 1) During the time period for commencement of an approved development or use specified pursuant to Subsection 10.4.7 or during any extension granted by the Village Council, the Village shall not add to or alter the conditions in the Statement of Conditions.
- 2) The Statement of Conditions may be amended in the same manner as was prescribed for the original rezoning and Statement of Conditions.

#### *Section 10.4.11 Village Right to Rezone*

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act

#### *Section 10.4.12 Failure to Offer Conditions*

The Village shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this

### **Section 10.5 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 Planning Commission 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) One (1) copy 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) Eleven (11) 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 water system).
  - 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. The Zoning Administrator may distribute copies to the Shiawassee County Environmental Health Department, Village Police Department, Village Department of Public Works, and the Village Engineer as they determined to be appropriate.
- 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 11.6.
- 4) The Planning Commission shall consider the submitted site plan at a Planning Commission meeting.



- 5) 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 agreed to by the Planning Commission and the applicant.
- 6) 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 scale of the conditions are roughly proportional to the impact they are 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 SITE PLAN AMENDMENTS**

---

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 3.7 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 Bancroft 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 SIGNS**

### **Section 12.1 PURPOSE**

---

The purpose of this article is to promote traffic safety, public safety, and the conservation of property values through the application of reasonable controls over the use, size, placement, and general appearance of signs.

### **Section 12.2 GENERAL PROVISIONS**

---

#### *Section 12.2.1 Definitions*

Signs, as used in this Section, are defined as signs in Article 3, Definitions

#### *Section 12.2.2 Zoning Permits*

Before any sign is erected, replaced or modified a zoning permit shall be applied for and granted by the zoning administrator per Section 4.1.4 of this ordinance unless exempt from this ordinance under Section 12.2.2

#### *Section 12.2.3 Signs Not Requiring a Permit*

The following signs do not required a permit under Section 12.2.1 above. All signs must be entirely on the subject parcel, outside any right-of-way and at least five (5) feet off side or rear yard lot lines.

- 1) Real estate signs on premise for property to be sold or leased provided there is not more than one (1) freestanding sign per lot over six (6) square feet in area
- 2) Building construction signs provided there is not more than one (1) freestanding sign per lot over six (6) square feet in area.
- 3) Political signs provided they are removed within 10 days after the election they are related to.
- 4) Directional signs, not exceeding six (6) square feet in display area on each side.
- 5) Historic markers, signs identifying the name of a building or date of erection of a structure and official notices of any court or public agency not exceeding six (6) square feet in display area on each side.
- 6) Incidental signs not exceeding two (2) square feet in area.
- 7) Traffic control, directional, warning, or informational signs when authorized by a public agency having appropriate jurisdiction that conforms to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
- 8) Flags, pennants, or banners bearing the official insignia of a nation, state, county, municipality, or educational institution not to exceed fifty (50) square feet in display area on each side and not used for the purposes of advertisement.
- 9) Address numbers
- 10) Nameplates identifying the occupants of the building, not to exceed 2 square feet.

- 11) Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business on the premises where the vehicle is parked.
- 12) Holiday or special events decorations.
- 13) Permanent signs on vending machines, gas pumps, or ice containers indicating only the contents of such devices.
- 14) Real estate "open house" signs that advertise the rental, sale or lease of the property on which they are located, with an area no greater than three (3) square feet.
- 15) "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be four (4) square feet.
- 16) "No Trespassing," "No Hunting," and "No Dumping" signs.
- 17) Temporary banners hung over public rights-of-way that have been approved by the Village Council.
- 18) Temporary banners and pennants on-site provided they are not erected more often than two (2) times per calendar year, each time for a period of not more than thirty (30) days.

#### *Section 12.2.4 Signs Not Permitted*

The following signs shall not be allowed in any district.

- 1) Signs which are obsolete.
- 2) Signs which are illegal under state laws or regulation and applicable local ordinance or regulations.
- 3) Signs that are not clean and in good repair.
- 4) Signs not securely affixed to a substantial structure.
- 5) 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.
- 6) Signs which are erected or maintained upon trees, painted or drawn upon rock or other natural features.
- 7) Signs which project above the cornice or roofline except as noted in a particular zoning district.
- 8) Signs which are not consistent with the standards in this Ordinance.
- 9) Signs located in the right-of-way for public streets or highways other than those governmental signs authorized to be located there.
- 10) Flashing signs, including electronic signs that do not comply with the requirements of Section 12.2.4
- 11) Signs erected or maintained so as to prevent free ingress or egress from any door, window or fire escape or attached to a stand pipe or fire escape.
- 12) Off-premise signs excepts as otherwise expressly permitted by this ordinance



### *Section 12.2.5 Electronic Signs*

Electronic signs may be permitted in the all zoning districts, provided they comply with the following.

- 1) The sign complies with all other requirements of this ordinance
- 2) The electronic display area may comprise no more than 50% of the total sign area.
- 3) The signs message shall no change more frequently than once every thirty (30) seconds, and shall not use any flashing characters.
- 4) The brightness of the sign shall be calibrated so that it dims as dusk approaches.

### *Section 12.2.6 General Sign Provisions*

- 1) Signs may be illuminated, but all bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the National Electrical Code. Any signs shall be of a wattage of not to exceed 60 watts per bulb. No lights shall be permitted in excess of 60 watts per bulb and in no instance shall such light be located as to be hazardous to traffic
- 2) Signs shall not project above the cornice or roofline.
- 3) 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.
- 4) Wind Pressure and Dead Load Requirements. Ground, projecting, wall and marquee signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of surface area and shall be constructed to receive dead loads as required elsewhere in the Village Building Code.

## **Section 12.3 SIGN PERMITTED BY ZONING DISTRICT**

---

### *Section 12.3.1 Signs Allowed in the R-1A, R-1B and R-M1 Residential Districts*

- 1) One (1) ground sign per major entrance of a subdivision, condominium or similar use or per church or similar non-residential use provided it is no greater than thirty-six (36) square feet in area, no greater than eight (8) feet high and at least ½ the front side setback and at least fifteen (15) feet from a side or rear lot line, with the exception of subdivision or condominium entrance signs, which may be located on the property line provided it complies with the clear vision requirements of this ordinance.
- 2) One (1) wall sign per church or similar non-residential use covering not more than five (5) percent of a wall face.
- 3) One (1) non-illuminated sign announcing a home occupation or professional service not to exceed two (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 (½) the minimum front yard depth.

- 4) Parcels located in areas zoned R-1A with B-2 overlay shall comply with these provisions except for uses allowed in the B-2 overlay, which shall comply with the requirements of Section 12.3.3.

#### *Section 12.3.2 Signs Allowed in B-1 General Business District*

- 1) Wall 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.
- 2) Signs may be incorporated into awnings or canopies. Such signs as well as window signs shall be included in calculating the total wall sign area allowed.
- 3) Wall 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.
- 4) 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.
- 5) One projecting sign not greater than 24 square feet in area provided the bottom of such sign is at least ten (10) feet above a public sidewalk
- 6) Sandwich board signs on either private property or, with approval of the Village Council, the public sidewalk provided not more than one per business is allowed and they must be placed so as to permit a five (5) foot wide clear path on the sidewalk. and shall be stored indoors when the business is not open to the public

#### *Section 12.3.3 B-2 Highway Service Districts:*

- 1) All signs permitted in the B-1 General Business Districts and subject to the same limitations required for those districts.
- 2) Signs not exceeding two (2) square feet, purely for traffic regulations and directions within the development, may be utilized as required.
- 3) 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.
- 4) Each face of the sign shall be no larger than .75 square feet per 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.

#### *Section 12.3.4 M-1 Industrial Districts*

- 1) 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.

## **ARTICLE 13 RESERVED**



## **ARTICLE 14, 15, 16**

### **ARTICLE 14 SEVERABILITY**

This Ordinance and the various parts, sections, subsections and clauses and articles thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, clause or article is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, clause or article is adjudged unconstitutional or invalid as applied to a particular property, building or other structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any conditional use permit, variance grading permit, zoning compliance permit, certificate of occupancy, site plan approval, or designation, of non-conformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision hereof and to protect the public health, safety and welfare and that the officer or Board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

### **ARTICLE 15 REPEALS**

The Zoning Ordinance originally enacted by the Village of Bancroft on, and all amendments and extensions thereof are hereby repealed. Parts of other ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

### **ARTICLE 16 EFFECTIVE DATE**

This Ordinance shall become effective April 8, 2011.