

VILLAGE OF MARION

OSCEOLA COUNTY, MICHIGAN

ZONING ORDINANCE

VILLAGE OF MARION ZONING ORDINANCE

TABLE OF CONTENTS

<u>ELEMENT</u>	<u>PAGE</u>
CHAPTER 1 PREAMBLE	
SECTION	
1.1 TITLE	1
1.2 PURPOSE	1
1.3 SCOPE	2
1.4 AUTHORITY	3
1.5 VALIDITY AND SEVERABILITY	3
1.6 EFFECTIVE DATE	3
CHAPTER 2 RULES AND DEFINITIONS	
SECTION	
2.1 RULES APPLYING TO THE TEXT	4
2.2 DEFINITIONS	4
CHAPTER 3 NONCONFORMITIES	
SECTION	
3.1 INTENT AND PURPOSE	11
3.2 NONCONFORMING LOTS	11
3.3 NONCONFORMING USES OF LAND	11
3.4 NONCONFORMING STRUCTURES	12
3.5 REPAIR AND REPLACEMENT OF STRUCTURES HOUSING NONCONFORMING USES	12
3.6 CHANGE OF TENANCY OR OWNERSHIP	12
3.7 ABANDONMENT OF NONCONFORMING USES AND STRUCTURES	12
CHAPTER 4 DISTRICT REGULATIONS	
SECTION	
4.1 DIVISION OF THE TOWNSHIP	14
4.2 OFFICIAL ZONING MAP	14
4.3 INTERPRETATION OF BOUNDARIES	14
4.4 CLASSIFICATION OF USES NOT LISTED	14
4.5 LIMITED RESIDENTIAL "LR" DISTRICT	16
4.5A USES PERMITTED BY RIGHT	16
4.5B USES PERMITTED BY SPECIAL USE PERMIT	16
4.5C DIMENSIONAL REQUIREMENTS	16
4.6 GENERAL RESIDENTIAL "GR" DISTRICT	17
4.6A USES PERMITTED BY RIGHT	17
4.6B USES PERMITTED BY SPECIAL USE PERMIT	17

VILLAGE OF MARION ZONING ORDINANCE

TABLE OF CONTENTS

<u>ELEMENT</u>	<u>PAGE</u>
4.6C DIMENSIONAL REQUIREMENTS	17
4.7 MIXED RESIDENTIAL "MR" DISTRICT	18
4.7A USES PERMITTED BY RIGHT	18
4.7B USES PERMITTED BY SPECIAL USE PERMIT	18
4.7C DIMENSIONAL REQUIREMENTS	18
4.8 COMMERCIAL "C" DISTRICT	19
4.8A USES PERMITTED BY RIGHT	19
4.8B USES PERMITTED BY SPECIAL USE PERMIT	19
4.8C DIMENSIONAL REQUIREMENTS	19
4.9 CENTRAL BUSINESS "CBD" DISTRICT	20
4.9A USES PERMITTED BY RIGHT	20
4.9B USES PERMITTED BY SPECIAL USE PERMIT	20
4.9C DIMENSIONAL REQUIREMENTS	20
4.10 INDUSTRIAL "I" DISTRICT	21
4.10A USES PERMITTED BY RIGHT	21
4.10B USES PERMITTED BY SPECIAL USE PERMIT	21
4.10C DIMENSIONAL REQUIREMENTS	21
4.11 PUBLIC "P" DISTRICT	22
4.11A USES PERMITTED BY RIGHT	22
4.11B USES PERMITTED BY SPECIAL USE PERMIT	22
4.11C DIMENSIONAL REQUIREMENTS	22
4.12 TABLE OF DIMENSIONAL REQUIREMENTS	23
 CHAPTER 5 GENERAL PROVISIONS	
SECTION	
5.1 INTENT AND PURPOSE	24
5.2 ACCESSORY BUILDINGS	24
5.3 LOT ALLOCATIONS	24
5.4 CORNER CLEARANCE	24
5.5 FENCES, WALLS OR SCREENS	24
5.6 PORCHES, DECKS AND SWIMMING POOLS	25
5.7 NUMBER OF DWELLING UNITS PER LOT	25
5.8 ESSENTIAL SERVICES	25
5.9 SATELLITE DISH ANTENNAS, ANTENNAS AND SIMILAR STRUCTURES	25
5.10 ACCESS AND DRIVEWAY REQUIREMENTS	26
5.11 TEMPORARY OUTDOOR USES	26
5.12 BUILDING PERMITS	26
5.13 REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES	26
5.14 STANDARDS APPLICABLE TO SINGLE-FAMILY DWELLINGS	27
5.15 SUBSTANDARD LOTS	27
5.16 CORNER LOTS	28
5.17 LOTS WITH FRONTAGE ON ALLEYS	28
5.18 KEEPING AND RAISING OF ANIMALS	28

VILLAGE OF MARION ZONING ORDINANCE

TABLE OF CONTENTS

<u>ELEMENT</u>	<u>PAGE</u>
CHAPTER 6 PARKING	
SECTION	
6.1 INTENT AND PURPOSE	29
6.2 EXEMPTIONS	29
6.3 TABLE OF OFF STREET PARKING REQUIREMENTS	29
6.4 USES NOT LISTED	31
6.5 BUILDING, STRUCTURE, OR USE EXPANSIONS OR ADDITIONS	31
6.6 JOINT PARKING	31
6.7 PARKING AREA CONSTRUCTION REQUIREMENTS	31
CHAPTER 7 SPECIAL USES	
SECTION	
7.1 PURPOSE AND INTENT	33
7.2 AUTHORITY TO GRANT SPECIAL USES	33
7.3 APPLICATION AND FEE	33
7.4 REQUIRED INFORMATION	33
7.5 SPECIAL USE PERMIT PROCEDURE	34
7.6 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS	35
7.7 CONDITIONS AND SAFEGUARDS	35
7.8 APPEAL OF SPECIAL USE PERMIT DECISIONS	35
7.9 SPECIAL USES REQUIRING ADDITIONAL STANDARDS	36
7.10 SITE PLAN APPROVAL REQUIRED	38
7.11 ENFORCEMENT	38
CHAPTER 8 SITE PLAN REVIEW	
SECTION	
8.1 INTENT	39
8.2 USES, BUILDINGS, AND STRUCTURES SUBJECT TO SITE PLAN REVIEW	39
8.3 APPLICATION AND FEE	39
8.4 REQUIRED INFORMATION	39
8.5 SITE PLAN REVIEW PROCEDURE	40
8.6 STANDARDS AND REQUIREMENTS FOR SITE PLAN APPROVAL	40
8.7 CONDITIONS AND SAFEGUARDS	41
8.8 APPEAL OF SITE PLAN REVIEW DECISIONS	41
8.9 SPECIAL USES AND CONCURRENT APPROVALS	42
8.10 AMENDMENTS TO APPROVED SITE PLANS	42

VILLAGE OF MARION ZONING ORDINANCE

TABLE OF CONTENTS

<u>ELEMENT</u>	<u>PAGE</u>
CHAPTER 9 SIGNS	
SECTION	
9.1 INTENT AND PURPOSE	43
9.2 SIGNS	43
9.2A ZONING PERMIT REQUIRED	43
9.2B SIGNS AND ACTIVITIES EXEMPT FROM PERMIT	43
9.2C PROHIBITED SIGNS	44
9.2D GENERAL SIGN STANDARDS	44
9.2E PERMITTED SIGNS BY DISTRICT	45
9.3 TABLE OF SIGN SIZE REGULATIONS	45
9.4 NONCONFORMING SIGNS	46
CHAPTER 10 ADMINISTRATION AND ENFORCEMENT	
SECTION	
10.1 ZONING ADMINISTRATOR	47
10.2 ZONING PERMIT REQUIRED	47
10.3 APPLICATION FOR ZONING PERMIT	47
10.4 ISSUANCE OF ZONING PERMIT	47
10.5 DENIAL OF ZONING PERMIT	48
10.6 REVOCATIONS OF ZONING PERMIT	48
10.7 APPEALS OF THE DECISION OF THE ZONING ADMINISTRATOR	48
10.8 ENFORCEMENT	48
CHAPTER 11 ZONING BOARD OF APPEALS	
SECTION	
11.1 AUTHORIZATION	50
11.2 MEMBERSHIP AND RESPONSIBILITIES	50
11.3 HEARINGS AND NOTICES	51
11.4 VARIANCES	51
11.5 ADMINISTRATIVE REVIEW	52
11.6 INTERPRETATIONS	53
CHAPTER 12 AMENDMENTS	
SECTION	
12.1 AUTHORIZATION	54
12.2 INITIATION OF AMENDMENTS	54
12.3 PROCEDURE	54

VILLAGE OF MARION ZONING ORDINANCE

TABLE OF CONTENTS

<u>ELEMENT</u>	<u>PAGE</u>
CHAPTER 13 PLANNING COMMISSION	
SECTION	
13.1 AUTHORITY AND CREATION	57
13.2 MEMBERS AND QUALIFICATIONS	57
13.3 TERMS OF OFFICE	57
13.4 MEETINGS, MEETING ATTENDANCE, AND CONDUCT	57
13.5 DUTIES	58
LIST OF MAPS AND FIGURES	
FIGURE 1 - ZONING MAP	15
FIGURE 2 - LOT LINES AND MINIMUM REQUIRED YARDS	59
FIGURE 3 - CORNER LOTS	60
FIGURE 4 - NONCONFORMING STRUCTURES	61

VILLAGE OF MARION ZONING ORDINANCE

An Ordinance to establish zoning districts and enact provisions governing the Village of Marion, Osceola County, Michigan. Authorization for the division of the Village into districts, administration, establishment of a Zoning Board of Appeals, treatment of nonconformities, and all other provisions of this Ordinance is derived from Act 207 of 1921, The City or Village Zoning Act, as amended.

CHAPTER 1 PREAMBLE

SECTION 1.1 TITLE

This Ordinance shall be known as the "Village of Marion Zoning Ordinance" and may be referred to as "this Ordinance."

SECTION 1.2 PURPOSE

This Ordinance is based on the Village of Marion Master Plan and is intended and designed to regulate the use of land and structures, and to accomplish all of the following objectives:

- A. To promote the public health, safety, and welfare.
- B. To ensure that the uses of land shall be situated in appropriate locations and relationships.
- C. To limit the inappropriate overcrowding of land and congestion of population, transportation, and other public facilities.
- D. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs.
- E. To encourage the use of lands and natural resources in accordance with their character and adaptability.
- F. To limit the improper use of land.
- G. To accomplish the objectives of the Village's Master Plan.
- H. To reduce potential hazards to life and property.

In order to effectively meet these objectives, the Village of Marion is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district and the Village as a whole, and to promote quality of life and business vitality. The regulations of this Ordinance accomplish the purpose and objectives as outlined above by controlling land uses within each district; acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; promoting quality development by limiting the location, height, bulk, occupancy and uses of buildings and other structures, specifying the percentage of a site available for a building, providing for basic site design standards to ensure that land is developed in a functional and aesthetically attractive manner, and requiring building and parking setbacks from property lines and public street rights-of-way.

SECTION 1.3 SCOPE

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance, or by the provision of any ordinance or regulation adopted under any other law, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.
- B. This Ordinance shall not abrogate or annul any easement, covenant, or other private agreement. Where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.
- C. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.
- D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- E. Unless otherwise provided for by this Ordinance, any conditions attached to a lot as a result of public action taken pursuant to the application of this Ordinance shall remain in effect even though said lot may be subject to a change in ownership.
- F. The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety, and welfare.

SECTION 1.4 AUTHORITY

This Ordinance is enacted in accordance with Act 207 of the Public Acts of 1921, as amended.

SECTION 1.5 VALIDITY AND SEVERABILITY

This Ordinance and the various parts, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular lot, use building, or structure, such ruling shall not affect the application of said provision to any other lot, use, building, or structure not specifically included in said ruling.

SECTION 1.6 EFFECTIVE DATE

This Ordinance was adopted by the Marion Village Council on _____, and is ordered to take effect on _____.

CHAPTER 2 RULES AND DEFINITIONS

SECTION 2.1 RULES APPLYING TO THE TEXT.

The following rules shall apply to the text of the Ordinance:

- A. The illustrations contained within this Ordinance are intended to illustrate hypothetical applications of the provisions which refer to them, and shall not have the effect of enlarging or restricting the terms and provisions which refer to them. In the event of any conflict between the provisions of the written text of this Ordinance and the illustrations, the text shall govern.
- B. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. A "building" or "structure" includes any part thereof.
- E. The word "person" shall include a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them as well as a natural person.
- F. The words "used" and "occupied", as applied to any land, building or structure, shall be construed to include the phrases "intended to be", "arranged to be" or "designed to be" used or occupied.
- G. The words "erected" or "erection" as applied to any building or structure, shall be construed to include the words "built", "constructed", "reconstructed", "moved upon", or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
- H. The particular shall control the general.
- I. Terms not herein defined shall have the meanings customarily accepted.

SECTION 2.2 DEFINITIONS

For the purpose of their application in this Ordinance, the following terms and words are defined as follows:

Accessory building, structure, or use is a building, structure, or use which is clearly incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot as the principal use.

Adult Entertainment Establishment is any one or any combination of the following: adult bookstore, adult tavern or bar, adult cabaret, adult live entertainment, adult theater, adult novelty, adult video sales or rental, or related adult amusement. Any business that devotes more than 30 percent of its total sales, stock, or trade to adult uses shall be considered an adult entertainment establishment.

Bed and Breakfast Establishment is a use which is subordinate to the principal use of a dwelling as a single-family dwelling unit and in which transient guests are provided a sleeping room and board in return for payment.

Building is any structure which is erected having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses.

Building height is the vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip or gambrel roof.

Clinic is an establishment housing facilities for medical, dental or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing and injured persons who are not kept overnight on the premises.

Drive through business is a business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

Dwelling, multiple family is a building containing three (3) or more dwelling units designed for exclusive use and occupancy by three (3) or more families.

Dwelling, single family is a building designed for exclusive use and occupancy as a dwelling unit by one (1) family.

Dwelling, two family is a building containing two (2) separate dwelling units designed for residential use and connected by either a common wall or an attached garage area.

Dwelling unit is a building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family.

Family is an individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient, distinct domestic character and who are cooking and living as a single, non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable period.

Floor area, residential shall be considered for the purpose of computing the floor area of a residential dwelling unit, the sum of the horizontal areas of each story of a dwelling unit, measured from the interior faces of the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, carports, breezeways and enclosed or unenclosed porches.

Frontage is the continuous length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

Health Care Institution is a state licensed medical establishment whose facilities provide in-patient accommodation, a wide range of medical and surgical care, and other in-patient health services for sick, ailing or injured persons; and including such related facilities as laboratories, outpatient departments, training facilities, central services and staff offices and residences which are integral with and accessory to the principal use of the establishment.

Home business is an occupation, profession, or activity carried on in a residence (dwelling unit) or residential accessory building. Up to two (2) non-occupants may be employed at a home business.

Home Care Facilities are residences in which day care, foster care or similar care is provided to those in need. These facilities may be State licensed residential facilities providing care to seven (7) or more individuals. The number of individuals occupying and receiving care shall not exceed 12.

Home occupation is an occupation or profession carried on within a residence by an occupant of the dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

Hotel or Motel is any establishment in which individual cabins, courts, rooms, suites or similar structures or units are rented to transients for temporary periods of time. A "hotel" shall include tourist cabins and homes and motels, but shall not include bed and breakfast establishments.

Inoperable vehicle is a vehicle or part of a vehicle which is unregistered, unlicensed, or non-functioning for any reason.

Junk is any scrap, waste, debris, or reclaimable material which is not housed in a building.

Junkyard is any area, lot, building, or structure which is devoted to the storage, purchase, sale, or disposal of junk.

Kenel is any land, building or structure where four (4) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, bred or sold.

Lot is a parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium development; having frontage upon a public or private street and having sufficient size to comply with the requirements of the Ordinance.

Lot area is the total horizontal area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall not include that part which is in the public right-of-way or governed by easement.

Lot coverage is a part or percent of a lot occupied by buildings or structures.

Lot depth is the arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line (See Figure 2).

Lot line is a line of record bounding a lot or parcel from another lot or parcel, from a public or private road, or from any other public space.

Lot line, front. The lot line separating a lot or parcel from a road right-of-way or road easement (See Figure 2).

Lot line, rear. That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least 10 feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line (See Figure 2).

Lot line, side. Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line (See Figure 2).

Manufactured home is a mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long term residential use and is wholly or substantially constructed at an off-site location, transported to a site and erected.

Mobile home is a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. Mobile home does not include a recreational vehicle or motor home.

Mobile home park is a parcel or tract of land under the control of a person upon which three 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 charge 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 and which is not intended for use as a temporary trailer park.

Motor Vehicle Sales and/or Repair is any establishment engaged in the sale, rental, or leasing of new or used automobiles, vans, pickup trucks, recreational vehicles, or travel trailers; or a business performing repairs on such vehicles, including work which requires the engine to be removed, replacement or modification of the frame, body, transmission, or suspension systems, glass or upholstery replacement, or the painting or undercoating of vehicles.

Motor Vehicle Service Facility is any establishment engaged in the direct retail sale of gasoline or other engine fuels, motor oil or lubricants, performing interior or exterior cleaning, sale of tires, parts, or accessories, inspection, lubrication, engine tuning, or minor repair for automobiles, vans, pickup trucks, or other motor vehicles.

Nonconforming use is the use of a building or of land lawfully existing at the time this Ordinance or amendments became effective but which does not conform with the use regulations of the district in which it is located.

Nonconforming structure is a structure, or portion thereof, lawfully existing at the time this Ordinance or amendments became effective and which fails to meet the minimum requirements of the zoning district in which it is located.

Parking space is a designated space for parking of motor vehicles.

Principal use is the main use to which the premises are devoted and the principal purpose for which the premises exist.

Private road is any road, street or thoroughfare for vehicular traffic, with a minimum width of 20 feet, which is privately owned and maintained and which provides the principal means of access to abutting properties.

Public road is a road, highway, street, easement, or thoroughfare dedicated to the public, with a minimum width of 20 feet, which affords the principal means of access to abutting property.

Recreational vehicle is a vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, boats, snowmobiles, off-road and all terrain vehicles, and similar vehicles or trailers. The term "recreational vehicle" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

Retail store is any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

Right-of-way is a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

Salvage yard is any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes automobile wrecking yards, junkyards and the like.

Satellite dish antenna is a device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extra terrestrially-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

Screen is a structure such as a fence or wall, providing enclosure and a visual barrier between the area enclosed and the adjacent property.

Setback is the required minimum horizontal distance between a front, rear, or side lot line and a building line.

Single family residence refer to dwelling, single family.

State licensed residential facilities are those facilities which provide resident services for six (6) or less persons under 24 hour supervision or care. Such facilities are licensed pursuant to Act No. 287 of 1972 and Act 116 of 1973.

Street refer to public road or private road.

Structure is anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground. The word "structure" shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground.

Two family residence refer to dwelling, two family.

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

Vehicle is any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

Yard A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.

Yard, front. A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or structure. In the case of a waterfront lot, the yard on the street side shall be the front yard (See Figure 2).

Yard, rear. A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building (See Figure 2).

Yard, side. A yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard (See Figure 2).

CHAPTER 3 NONCONFORMITIES

SECTION 3.1 INTENT AND PURPOSE

It is recognized that within the districts created by this Ordinance, and amendments thereto, there exists buildings, structures, premises, and uses of land which would be prohibited, restricted, or regulated under the terms of this or amendments to this Ordinance. These buildings, structures, premises, and uses of land are hereby referred to as nonconformities.

It is the intent of the Ordinance to allow nonconformities to continue, provided, that the use of the building, structure, premise or land was existing and lawful at the time of effective date of this Ordinance, or of amendments to this Ordinance. In no instance shall uses that were not lawful on the effective date of this Ordinance, or of subsequent amendments be entitled to the provisions of this Chapter.

Such lawful nonconforming buildings, structures, premises, and uses of land are declared by this Ordinance to be incompatible with the uses, buildings and structures permitted in the zoning district. It is further the intent of the Ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as justification for other uses prohibited elsewhere in the same zoning district.

SECTION 3.2 NONCONFORMING LOTS

Refer to Section 5.13

SECTION 3.3 NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, or amendment of this Ordinance, a lawful use of land exists that becomes nonconforming under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming 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.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

SECTION 3.4 NONCONFORMING STRUCTURES

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

- A. No such structure may be enlarged or altered in a way which increases its nonconformity. (See Figure 4).
- B. Should such structure be destroyed by any means to an extent of more than its State Equalized Value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. In the case of fire damage or natural disaster, setback requirements in the residential districts will be reduced to accommodate the rebuilding of a conforming structure. The home will also be required to meet current Osceola County Building Codes. All business and commercial uses will be reviewed on a case to case basis, with minimum standards set by the Board of Appeals.
- D. Should such structure be moved for any reason or for any distance, it shall thereafter conform to the regulations for the area in which it is located after it is moved.

SECTION 3.5 REPAIR AND REPLACEMENT OF STRUCTURES HOUSING NONCONFORMING USES

On any building devoted in whole or in part to any nonconforming use, necessary maintenance may be completed. Replacement of walls, fixtures, wiring, or plumbing shall not exceed an aggregate cost of 50 percent of the assessed value of the building in any 36 month period. 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 any official charged with protecting the public safety, upon order of such official.

SECTION 3.6 CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of any existing nonconforming use of land, structure, or premises provided there is no change in the nature or character of such nonconforming uses.

SECTION 3.7 ABANDONMENT OF NONCONFORMING USES AND STRUCTURES

- A. If for any reason a nonconforming use is abandoned or discontinued for a period greater than 365 consecutive days, the use shall not be allowed to re-establish, and any subsequent use shall conform to all requirements and provisions of the Ordinance. In cases where unusual circumstances exist, a petition may be made to the Zoning Board of Appeals to extend the timeframe or re-establish the nonconforming use.

- B. If for any reason the use of a nonconforming structure ceases to exist or is discontinued for a period of more than 365 consecutive days, no use shall be allowed to occupy the structure, unless authorized by the Zoning Board of Appeals.

CHAPTER 4 DISTRICT REGULATIONS

SECTION 4.1 DIVISION OF THE VILLAGE

For the purposes of this Ordinance, all land within the Village of Marion, excepting streets and alleys, is divided into the following zoning districts:

LR	Limited Residential
GR	General Residential
MR	Mixed Residential
C	Commercial
CBD	Central Business District
I	Industrial
P	Public

SECTION 4.2 OFFICIAL ZONING MAP

The boundaries of zoning districts are defined and established as shown on a map entitled the "Village of Marion Zoning Map" which accompanies this Ordinance. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning Map shall be kept and maintained in the Village Offices.

SECTION 4.3 INTERPRETATION OF BOUNDARIES

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

- A. Boundaries indicated as approximately following streets or highways shall be presumed to follow the centerline of these roadways.
- B. Boundaries indicated as approximately following Village boundary lines or property lines shall be presumed to follow these lines.
- C. Boundaries indicated as approximately parallel to the center lines of streets or alleys shall be interpreted as being parallel thereto and at such a distance therefrom as indicated by given distance or scaled dimension.

SECTION 4.4 CLASSIFICATION OF USES NOT LISTED

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance, as described in Section 11.6B of this Ordinance. Said use shall be treated in a like manner with comparable uses permitted or prohibited by the District Regulations for each Zoning District.

SECTION 4.5 LIMITED RESIDENTIAL "LR" DISTRICT

This district is made up of those areas of the Village which are devoted to, and which should continue to be devoted to single family residences and customarily accepted accessory uses. The regulations set forth in this Section are intended to be the most stringent and restrictive of all the residential zoning districts. The regulations are intended to preserve and protect the existing homes and neighborhoods with respect to aesthetics, property values and compatibility or land uses.

SECTION 4.5A USES PERMITTED BY RIGHT

1. Single family residences.
2. State-licensed residential facilities providing care to six (6) or less individuals.
3. Home occupations.
4. Customarily accessory uses and structures which are ancillary to the principal uses listed above.

SECTION 4.5B USES PERMITTED BY SPECIAL USE PERMIT

1. Home businesses (refer to Section 7.9D).
2. Kennels.
3. Bed and breakfast establishments.
4. Home care facilities.

SECTION 4.5C DIMENSIONAL REQUIREMENTS

Refer to Section 4.12.

SECTION 4.6 GENERAL RESIDENTIAL "GR" DISTRICT

This district is comprised of those areas on the Village which are or which ought to be residential in character. The regulations set forth in this district are intended to preserve, protect, and over time enhance the quality of development located in this district.

SECTION 4.6A USES PERMITTED BY RIGHT

1. Single family residences.
2. Two family residences.
3. State-licensed residential facilities providing care to six (6) or less individuals.
4. Home occupations.
5. Customarily accessory uses and structures which are ancillary to the principal uses listed above.

SECTION 4.6B USES PERMITTED BY SPECIAL USE PERMIT

1. Home businesses (refer to Section 7.9D).
2. Kennels.
3. Bed and breakfast establishments.
4. Home care facilities.
5. Churches.
6. Nursing homes, hospitals, or clinics.
7. Raising and keeping of small domestic animals such as rabbits, poultry, fowl and the like.

SECTION 4.6C DIMENSIONAL REQUIREMENTS

Refer to Section 4.12.

SECTION 4.7 MIXED RESIDENTIAL "MR" DISTRICT

This district is intended to provide for locations within the Village for multiple family, two family, single family or any combination thereof to exist.

SECTION 4.7A USES PERMITTED BY RIGHT

1. Single family residences.
2. Two family residences.
3. State licensed residential facilities providing care to six (6) or less individuals.
4. Home occupations.
5. Customarily accessory uses and structures which are ancillary to the principal uses listed above.
6. Public schools or public school facilities.
7. Public parks and public recreation areas.

SECTION 4.7B USES PERMITTED BY SPECIAL USE PERMIT

1. Multiple family dwellings, not exceeding 10 units per acre.
2. Home businesses (refer to Section 7.9D).
3. Kennels.
4. Bed and breakfast establishments.
5. Home care facilities.
6. Churches.
7. Nursing homes, hospitals, or clinics.
8. Raising and keeping of small domestic animals such as rabbits, poultry, fowl and the like.
9. Mobile home parks (refer to Section 7.9B).
10. Commercial radio, television, telephone, and similar communication towers and antennas (refer to Section 7.9C).
11. Other uses which are not specifically listed in other district regulations, which are similar in nature to the uses listed above.

SECTION 4.7C DIMENSIONAL REQUIREMENTS

Refer to Section 4.12.

SECTION 4.8 COMMERCIAL "C" DISTRICT

The purpose and intent of this district is to provide locations for commercial establishments outside of the Central Business District which can be adequately served by the Village's infrastructure. This district is also intended to allow for uses which are related or dependant upon automobiles.

SECTION 4.8A USES PERMITTED BY RIGHT

1. Retail stores.
2. Offices.
3. Restaurants and taverns.
4. Laundries
5. Car washes.
6. Motor vehicle service facilities including gas stations.
7. Motor vehicle sales establishments.
8. Service businesses.
9. Banks and similar financial businesses.
10. Temporary outdoor storage and sales.
11. Pet stores, animal clinics, or pet shelters.
12. Funeral homes.

SECTION 4.8B USES PERMITTED BY SPECIAL USE PERMIT

1. Building supply companies or yards.
2. Hotels and motels.
3. Commercial recreation facilities such as bowling alleys, skating rinks, arcades, and similar items.
4. Outdoor storage and sales.
5. Self service storage facilities or mini-warehouses.
6. Child Care Centers.
7. Adult Entertainment Establishments.
8. Commercial radio, television, telephone, and similar communication towers and antennas (refer to Section 7.9C).
9. Junkyards, storage of inoperative vehicles, and salvage yards (refer to Section 7.9A).
10. Other uses which are similar in nature to the uses listed above.

SECTION 4.8C DIMENSIONAL REQUIREMENTS

Refer to Section 4.12.

SECTION 4.9 CENTRAL BUSINESS "CBD" DISTRICT

The purpose and intent of this district is to provide regulations that will preserve, protect, and over time enhance the downtown Marion area. This district is intended to recognize the uniqueness of the downtown while providing minimum design and performance standards.

SECTION 4.9A USES PERMITTED BY RIGHT

1. Retail stores.
2. Offices.
3. Restaurants and taverns.
4. Medical offices and clinics.
5. Service businesses.
6. Banks and other financial businesses.
7. Hotels and motels.
8. Funeral homes
9. Churches.
10. Pet stores, animal clinics, or pet shelters, provided that the use is contained entirely within an enclosed building.

SECTION 4.9B USES PERMITTED BY SPECIAL USE PERMIT

1. Gas stations.
2. Car washes.
3. Laundries
4. Residential living quarters provided that the residential use is clearly incidental to a use listed above.
5. Child care centers.

SECTION 4.9C DIMENSIONAL REQUIREMENTS

Refer to Section 4.12.

SECTION 4.10 INDUSTRIAL "I" DISTRICT

The purpose and intent of this district is to allow for light manufacturing, processing, storage, and related activities that are not permitted in other districts.

SECTION 4.10A USES PERMITTED BY RIGHT

1. Processing, production, cleaning, testing, storage, repair and distribution of goods, products and foods.
2. Contractors establishments or contractors yards.
3. Warehousing and mini-warehousing (self service storage).
4. Motor vehicle repair shop, bump and paint shop.
5. Accessory uses which promote or advance the principal use.

SECTION 4.10B USES PERMITTED BY SPECIAL USE PERMIT

1. Junkyards, storage of inoperative vehicles, and salvage yards (refer to Section 7.9A).
2. Outdoor processing or manufacturing of goods, products, or foods.
3. Livestock yards and auction facilities.
4. Freight terminals.
5. Commercial radio, television, telephone, and similar communication towers and antennas (refer to Section 7.9C).
6. Other industrial uses which are similar in nature to the uses listed above.

SECTION 4.10C DIMENSIONAL REQUIREMENTS

Refer to Section 4.12.

SECTION 4.11 PUBLIC "P" DISTRICT

The purpose and intent of this district is to designate existing public facilities and provide for additional areas or facilities.

SECTION 4.11A USES PERMITTED BY RIGHT

1. Public schools and grounds.
2. Public parks and facilities.
3. Public recreation areas and campgrounds.
4. Public building and facilities.
5. Public fairground and facilities.
6. Water and sewer facilities and buildings.
7. Cemeteries.
8. Temporary uses and activities approved by the Zoning Administrator which are 10 or less days in duration.

SECTION 4.11B USES PERMITTED BY SPECIAL USE PERMIT

1. Essential service buildings, enclosures, substations, storage yards and related activities or structures.
2. Public outdoor storage yards.
3. Outdoor or seasonal sales and uses of a duration beyond 10 days.

SECTION 4.11C DIMENSIONAL REQUIREMENTS

Refer to Section 4.12.

Section 4.12
Table of Dimensional Requirements

ZONING DISTRICT	MINIMUM LOT AREA (SQ.FT.)	MINIMUM DWELLING UNIT WIDTH REQUIRE. (FEET)	MINIMUM FRONTAGE REQUIRE. (FEET)	MINIMUM FRONT SETBACK (FEET)	MINIMUM SIDE SETBACK (FEET)	MINIMUM REAR SETBACK (FEET)	MAXIMUM LOT COVERAGE (%)	MAXIMUM STRUCTURE HEIGHT (FEET)	MAXIMUM ACCESSORY STRUCTURE HEIGHT (FEET) (1)
LR	12,500	24	100	25 (5)	15	35	30	35	25
GR	11,000	20	90	25 (5)	15	35	30	35	25
MR	8,000 (2)	14	65	25 (5)	10	35	35	35	25
C	23,000	NA	100	30	20	30	35	35	35
CBD	4,000	NA	35	(3)	0	0	NA	35	35
I	43,560	NA	150	40	40	40	50	35	35
P	NA	NA	(4)	40	15	40	30	30	30

- (1) THIS REGULATION SHALL NOT APPLY TO CHURCH SPIRES, FLAG POLES, ANTENNAS AND ANTENNA SUPPORT STRUCTURES, AND SIMILAR STRUCTURES
- (2) TWO FAMILY DWELLINGS (DUPLEX) REQUIRE A MINIMUM OF 18,500 SQ.FT. LOT AREA.
- (3) SETBACK IN CBD SHALL BE ESTABLISHED BY ZONING ADMINISTRATOR. IN MOST CASES THE SETBACK SHALL BE DETERMINED USING THE EXISTING BUILDING LINE OF ADJACENT BUILDINGS.
- (4) 25 FEET OF FRONTAGE OR AN EASEMENT DEDICATED FOR PUBLIC USE.
- (5) IN THE CASE OF PREVIOUSLY ESTABLISHED RESIDENTIAL AREAS, THE MINIMUM FRONT SETBACK CAN BE EQUAL TO THE ADJACENT HOUSE LINES.

CHAPTER 5 GENERAL PROVISIONS

SECTION 5.1 INTENT AND PURPOSE

In addition to the minimum requirements set forth in Chapter 4, other standards and requirements are necessary to ensure that the development of land occurs in an efficient, orderly, and controlled manner. It is the intent of this Chapter to set forth provisions that will regulate the uses allowed in all districts.

SECTION 5.2 ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in the Ordinance, shall be subject to the following regulations:

- A. Where an accessory building is structurally attached to or abuts a main building, it shall be subject to and must conform to, all regulations applicable to the main building.
- B. Accessory Buildings shall be subject to the front yard setback requirement for principal structures.
- C. The minimum setback requirement for accessory buildings from any side or rear yard is five (5) feet. For accessory buildings exceeding 10 feet in height, there shall be a one (1) foot increase of the minimum setback requirement for each one (1) foot increase of accessory building height above 10 feet up to the setback requirement for principal structures.
- D. Maximum accessory heights are set forth in Section 4.12.

SECTION 5.3 LOT ALLOCATION

No portion of any lot or parcel used once in complying with the provisions of this Ordinance for yards, lot area, or any other requirement herein, shall be used a second time to satisfy said requirements for any other structure or building.

SECTION 5.4 CORNER CLEARANCE

No solid visual obstruction above 30 inches shall be permitted within a triangular area formed by the intersection of any road right-of-way lines at a distance along each such line of 20 feet from their point of intersection.

SECTION 5.5 FENCES, WALLS OR SCREENS

Solid fences, walls, or screens of not more than six (6) feet in height are permitted in side yards and rear yards. Fences, walls, or screens made up of living plant material shall not be subject to this provision.

SECTION 5.6 PORCHES, DECKS AND SWIMMING POOLS

- A. Open, unenclosed and uncovered porches, decks, or paved terraces may project into a required rear or side yard provided that the porch, deck, or terrace is located no closer than eight (8) feet from any rear or side lot line.
- B. No portion of a swimming pool or item accessory to a swimming pool shall be located closer than eight (8) feet from any rear or side lot line. Swimming pools shall satisfy front yard setback requirements.

SECTION 5.7 NUMBER OF DWELLING UNITS PER LOT

Unless otherwise permitted by this Ordinance, only one (1) dwelling unit shall be constructed or placed on one (1) lot meeting the minimum lot area requirements set forth in Section 4.12. In the case of condominium developments unit area and limited common areas may be used to satisfy lot area requirements. General common areas shall not be applied toward satisfying minimum lot area requirements.

SECTION 5.8 ESSENTIAL SERVICES

Essential service transmission lines such as electric, telephone, gas, sewer and water, or other similar utilities, are permitted in all districts, provided that the services are authorized, regulated, and in compliance with all other applicable laws, ordinances and regulations. Buildings accessory to such services, however, are subject to the requirements set forth in this Ordinance.

SECTION 5.9 SATELLITE DISH ANTENNAS, ANTENNAS AND SIMILAR STRUCTURES

Satellite dish antennas, television antennas, amateur radio antennas, and other structures similar in size, shape and function are permitted in all zoning districts subject to the following:

- A. One satellite dish antenna shall be allowed per lot or parcel.
- B. All satellite dish antenna, amateur radio antennas and other similar structures shall satisfy the minimum yard setback requirements.
- C. Satellite dish antenna are subject to accessory building height limitations.
- D. One additional dish is permitted provided it is under three (3) feet diameter.

SECTION 5.10 ACCESS AND DRIVEWAY REQUIREMENTS

- A. All lots shall have access to a public street under the jurisdiction of the Village of Marion. Such access may be provided by way of driveway, approved private road, or approved easement. In the case of private streets and easements the width of the road or easement shall not be less than 20 feet in width and shall be approved by the Marion Village Council. All lots located on private streets or easements shall satisfy the frontage requirements set forth in Section 4.12.
- B. All buildings, structures, and uses of land utilizing lots created after the effective date of this Ordinance shall be accessed by means of a driveway. Said driveway shall be contained entirely within the lot for which the building, use, or structure is proposed and access to a public road shall be in compliance with Section 5.10A above.

SECTION 5.11 TEMPORARY OUTDOOR USES

A Zoning Permit identifying the location, sponsoring group or individual, and the beginning and ending dates of the use must be obtained from the Zoning Administrator by the event sponsor. The Zoning Administrator shall determine the off street parking requirements for the event. Temporary outdoor uses may be permitted in any zoning district, provided, that the temporary use is similar in nature to those uses that are allowed by right in the district. A Zoning Permit authorizing a temporary outdoor use shall be valid for up to six (6) months.

SECTION 5.12 BUILDING PERMITS

- A. No construction activity requiring a building or grading permit shall commence until a Zoning Permit and Building or Grading Permit has been issued.
- B. 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 90 days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date issuance.

SECTION 5.13 REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES

No structure shall be erected, altered, or moved upon any parcel for use as a dwelling, office, business, industry or public facility unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic commercial, and industrial waste. All such installations and facilities shall conform with the requirements of the Village of Marion, County Health Department and applicable State agencies.

SECTION 5.14 STANDARDS APPLICABLE TO SINGLE-FAMILY DWELLINGS

All single-family dwellings shall comply with the following standards:

- A. The minimum dwelling size shall be 960 square feet of habitable floor area that is fully enclosed and heated.
- B. If the dwelling is a mobile home, the mobile home must either be a) new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or b) used and certified by the County Building Official to be safe and fit for residential occupancy.
- C. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, mechanical, energy, and other similar codes which are or may be adopted by the Village; provided, however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards are different than those imposed by Village or County codes, then the federal or state regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the County Building Official.
- D. The dwelling unit shall comply with all requirements of this Ordinance.
- E. If the dwelling unit is a mobile home, the mobile home shall be installed with the wheels removed, and skirting shall fully enclose the chassis, undercarriage, and towing mechanism.
- F. The dwelling unit shall be attached to a permanent foundation constructed on the building site. The foundation shall be constructed of such materials and type as required by the County Building Code for on-site constructed single-family dwellings.
- G. If the dwelling unit is a mobile home, it shall be installed on the foundation referenced in accordance with F above, pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, as adopted or amended, or any similar or successor agency having regulatory responsibility for mobile homes.

SECTION 5.15 SUBSTANDARD LOTS

Any residential lot or parcel created and recorded prior to the effective date of this Ordinance may be used for residential purposes even though the lot does not comply with the area and frontage requirements of this Ordinance, provided:

- A. That the lot or parcel is at least 65 feet of public road frontage width and complies with all provisions of this Chapter.

- B. That the proposed building, structure, or use satisfies the yard requirements set forth in Chapter 4 of this Ordinance.
- C. That the approvals set forth in Section 5.13 of this Chapter are delivered to the Zoning Administrator.

SECTION 5.16 CORNER LOTS

Lots or parcels which have continuous frontage on two (2) or more streets shall be subject to the following: (See Figure 3)

- A. All yards having frontage on a street shall be considered front yards for the purposes of satisfying dimensional requirements.
- B. The lot or parcel owner shall designate which yard shall be considered the front yard for the purposes of establishing the rear and side yards.

SECTION 5.17 LOTS WITH FRONTAGE ON ALLEYS

Lots or parcels that have frontage on alleys shall be subject to the following:

- A. The minimum setback for principal structures and accessory structures shall be eight (8) feet from the alley right-of-way or easement.
- B. Alleys shall not be used to satisfy minimum frontage requirements as set forth in Section 4.12 in the LR, GR or MR zoning districts unless authorized by the Zoning Board of Appeals.
- C. Dwelling units shall not front on an alley.

SECTION 5.18 KEEPING AND RAISING OF ANIMALS

- A. Unless authorized elsewhere in this Ordinance, the keeping and raising of livestock, fowl, poultry, rabbits and similar domestic animals is prohibited.
- B. This provision shall not apply to the raising and keeping of three (3) or less cats or dogs. Other household pets shall be raised and primarily kept within the dwelling unit or principal building on the premises.

CHAPTER 6 PARKING

SECTION 6.1 INTENT AND PURPOSE

It is the purpose of these regulations to ensure that adequate parking facilities are provided for, and that they are adequately maintained. Off street parking as required by this Ordinance shall be in accordance with the following provisions.

SECTION 6.2 EXEMPTIONS

- A. Uses located in the Central Business District (CBD) shall not be subject to the requirements of this Chapter, however, to the greatest extent possible, uses in the CBD shall provide or acquire off street parking.
- B. Single family dwelling units in the LR, GR and MR zoning districts shall not be subject to the requirements of this Chapter, provided, that adequate parking space is provided off street for vehicles.

SECTION 6.3 TABLE OF OFF STREET PARKING REQUIREMENTS

- A. Off street parking shall be provided in accordance with the following. In addition to the uses listed below, one (1) additional space shall be provided for each employee working at the peak hour.
- B. The following uses may have gravel surfaced parking.

<u>LAND USE</u>	<u># SPACES</u>	<u>PER ACTIVITY UNIT</u>
- 1 & 2 Family Homes	2	Dwelling Unit
- Campground/RV Park	1	Campsite
- Roadside Produce Stand	5	Stand
- Grain Elevator	4	Business
- Cemetery	2	Acre
- Fishing Site	1	20 Ft. Dock or Waterfront
- Boat Launch	10	Ramp
- Picnic Area	1	Picnic Table
- Tennis	2	Court
- Team Sports	12	Court or Field
- Park, Golf Course	1	2 Acres
- Driving Range	1	Tee

TABLE OF OFF STREET PARKING REQUIREMENTS (CONTINUED)

C. The following uses shall have bituminous, concrete or similar hard surfaced parking.

<u>LAND USE</u>	<u># SPACES</u>	<u>PER ACTIVITY UNIT</u>
- Mobile Home Park, Apartments	2	Dwelling Unit
- Senior Citizen Housing	1	Dwelling Unit
- Doctor, Dentist, Veterinarian	2	Exam or Treatment Room
- Retail, Office, Service, Financial	1	150 sq. ft. of Public Area
- Vehicle Sales	1	500 sq. ft. of Public Area
- Vehicle Service/Wash, Gas Station	3	Wash, Stall, or Fuel Pump
- Truck Stop	5*	Fuel Pump
- Barber Shop or Beauty Salon	2	Chair
- Bar or Restaurant (Not Drive-In)	1	2 Seats
- Drive-In Restaurant	1	20 sq. ft. Gross Floor Area
- Hotel or Motel	1	Guest Room
- Meeting or Bingo Hall, Skating Rink, Community Center, Gymnasium	1	4 persons allowed in bldg. based on Fire Code rules
- Bowling Alley	4	Lane
- Wholesale, Industrial	1	900 sq. ft. Gross Floor Area
- Church, Theater, Arena, Stadium Auditorium	1	3 Seats or 6 feet of Bench or Pew Seating
- Grade School	1	10 Students
- High School	1	5 Students
- College, Technical School	1	3 Students
- Hospital, Visitor Parking	1	3 Beds
- Hospital, Doctors Parking	1	2 Medical Staff Members
- Nursing Home	1	6 Beds
- Library, Museum, Gallery, Post Office	1	600 sq. ft. Gross Floor Area
- Private Club	1	2 Member Families

* Spaces must be sized to accommodate large vehicles or vehicles and trailers in combination.

SECTION 6.4 USES NOT LISTED

The Zoning Administrator shall determine the amount of parking spaces required for uses not listed in the table above. The Zoning Administrator's determination shall be based on a comparison of the proposed use and a similar use that is listed in Section 6.3 of this Chapter. In the event that there is a dispute over the number of spaces required, the matter shall be referred to the Zoning Board of Appeals for review and decision.

SECTION 6.5 BUILDING, STRUCTURE, OR USE EXPANSIONS OR ADDITIONS

Additional parking shall be provided in accordance with the table above for any increase in floor area, change in use, addition, or expansion of a building or site.

SECTION 6.6 JOINT PARKING

The use of joint parking is to be encouraged when it can be demonstrated that the parking areas will be used at different times by different uses.

SECTION 6.7 PARKING AREA CONSTRUCTION REQUIREMENTS

The following shall apply where five (5) or more parking spaces are required by this Ordinance.

- A. The parking area shall be surfaced with a material that provides a durable and smooth surface which shall be graded to drain and dispose of stormwater.
- B. Each parking space shall be constructed to satisfy the requirements of this Chapter and shall be a minimum of 180 square feet in size.
- C. Storm water collection, drainage and retention structures meeting all requirements of the Village of Marion and the Osceola County Drain Commissioner shall be installed for all off street parking areas.
- D. Driveways and aisles for any off street parking area shall be clearly defined, meeting the following requirements:
 - 1. Width. Each driveway shall be a minimum of 10 feet and a maximum of 20 feet in width per direction.
 - 2. Angle. The driveways shall intersect the abutting street at a 90 degree angle.
 - 3. Aisles. Aisles shall be at least 15 feet wide.
- E. To the greatest extent possible, driveways shall be located as far away from neighboring properties as practical and at least 50 feet from any street intersection.

CHAPTER 7 SPECIAL USES

SECTION 7.1 PURPOSE AND INTENT

The formulation and enactment of this Ordinance is based upon the division of Village of Marion into districts. Each district allows for uses that have been deemed compatible, and those uses are permitted by right, provided that they satisfy all applicable dimensional requirements. Other uses, however, may also be compatible in these districts based on their particular location and their impact on the surrounding area. The special use shall only be authorized after it has been found that it is in compliance with the standards and requirements set forth in this Chapter.

SECTION 7.2 AUTHORITY TO GRANT SPECIAL USES

The Planning Commission shall have the authority to grant special uses. The granting of a special use shall be known as a special use permit. The Planning Commission shall attach any conditions it deems necessary to the special use permit to ensure that the spirit and intent of this Chapter is complied with.

SECTION 7.3 APPLICATION AND FEE

An application for a special use permit shall be made by filing the application form, required information, and the required fee with the Zoning Administrator. Once deemed complete, the Zoning Administrator shall forward the application and fee to the Village Clerk.

The application fee shall be set by resolution of the Marion Village Council. Once accepted by the Clerk no portion of the fee shall be returned to the applicant, unless authorized by the Village Council.

SECTION 7.4 REQUIRED INFORMATION

- A. Application. The application for a special use permit shall at a minimum include the following:
1. The applicant's name address, and telephone number.
 2. The names and addresses of all owners of record and proof of property ownership or interest.
 3. The signed authorization of the property owner if the applicant is someone other than the owner.
 4. Legal description, address, and tax parcel number of the property.
 5. A scaled and accurate survey drawing showing all existing buildings, drives, and other improvements.
 6. A detailed description of the proposed use.
- B. Site Plan. Nine (9) copies of a site plan meeting the requirements Chapter 8 shall be submitted.

SECTION 7.5 SPECIAL USE PERMIT PROCEDURE

- A. Once forwarded to the Village Clerk by the Zoning Administrator, the Clerk shall forward the application and any supporting materials to the Planning Commission.
- B. The Planning Commission shall review the application and materials for completeness. Once deemed complete, the Commission shall schedule a public hearing.
- C. The Planning Commission shall, or shall cause, a notice of the special use permit hearing. The notice shall be given by one (1) publication in a newspaper of general circulation in the Village of Marion. Said notice shall be made within fifteen but not less than five (5) days from the date of the hearing. Additional notice shall be given to all persons to 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.
- D. The Planning Commission may request/require written statements assessing the potential impacts of the proposed use and structures from the local school district, county road commission, MDOT, local police and fire agencies, public works department, or any other agency or department that may have jurisdiction or an interest in the project.
- E. The Planning Commission shall hold a public hearing on the special use permit request.
- F. The Planning Commission shall review the request and determine whether the standards and requirements of this Chapter are satisfied.
- G. Following its review of the request, the Planning Commission shall take one of the following actions:
 - 1. Issue the special use permit if it is found to completely satisfy the requirements of this Chapter.
 - 2. Place conditions on the special use permit to ensure that it complies with the requirements of this Chapter or that the conditions advance the spirit and intent of this Ordinance.
 - 3. Deny the special use permit if it is found that the proposal fails to satisfy the requirements of this Chapter. In the event of denial, the applicant shall be informed of the decision in writing, with the reasons for denial contained in the letter.

The Planning Commission shall generally render its decision within 30 days from the date the application was received by the Village Clerk. The 30 day time period may be extended by the mutual consent of the applicant and the Planning Commission.

SECTION 7.6 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

Every request for a special use permit shall be reviewed against the following:

- A. The proposed use will be harmonious with and in accordance with the general and specific objectives of the Village of Marion Master Plan and any amendments thereto.
- B. The proposed use, including any buildings constructed in association with, will be designed, constructed, operated, and maintained to be harmonious with the existing or intended character of the general vicinity for which it has been proposed.
- C. The proposed use will not change the essential character of the area for which it is proposed to be located.
- D. The proposed use will not be disturbing or hazardous to current or future neighboring uses or residents.
- E. The proposed use and any future expansions of the use, can be adequately served by essential public services or facilities.
- F. The proposed use will not create excessive public costs and will not jeopardize the economic welfare of the Village.
- G. The proposed use will be consistent with the intent and purposes of this Ordinance.

SECTION 7.7 CONDITIONS AND SAFEGUARDS

To ensure the protection of public health, safety, and welfare and to protect adjacent property owners rights, it may be necessary in some instances to impose conditions and safeguards as part of the authorization for the special use. Said conditions and safeguards may also be necessary for the use to conform to the requirements and standards of this Chapter.

SECTION 7.8 APPEAL OF SPECIAL USE PERMIT DECISIONS

Any person aggrieved by the decision of the Planning Commission in the granting or denial of a special use permit may appeal said decision to the Zoning Board of Appeals (ZBA). The appeal fee shall be set by a resolution of the Village Council. The appellant shall file a letter with the Village Clerk, within 10 days of the decision of the Planning Commission. The appellant's letter shall specify the grounds for the appeal, and the appeal shall be limited to the issues raised in the letter.

- A. In its review of the decision, the ZBA shall consider the following:
 - 1. The appellant's letter and validity of grounds for appeal.
 - 2. The minutes of the public hearing held on the special use permit request by the Planning Commission.

3. Any other documentation presented to the Planning Commission prior to its decision on the special use permit.
4. Any verbal or written information submitted to the ZBA in response to a request for said information by the ZBA.

B. In its determination of the appeal, the ZBA may take any one of the following actions:

1. Affirm the decision of the Planning Commission with or without modification.
2. Refer the matter back to the Planning Commission for further consideration, study, or hearings. The ZBA shall inform the Planning Commission of the issues that it believes are in need of further consideration, study, or hearings. Once the Planning Commission has examined the issues it shall reaffirm its original decision, modify its original decision, or reverse its original decision.
3. Reverse the decision of the Planning Commission if the decision is not in accordance with the intent and purposes of this Ordinance or was a special use not permitted in the zoning district.

C. The ZBA shall generally render a decision on the appeal within 60 days from the date the Village Clerk received the appeal. The 60 day time period may be extended by the mutual consent of the appellant and the ZBA.

SECTION 7.9 SPECIAL USES REQUIRING ADDITIONAL STANDARDS

The following uses have been listed in certain district regulations as requiring a special use permit. Due to the nature and intensity of these uses, they shall meet the following minimum requirements:

A. Junkyards, storage of inoperative vehicles, and salvage yards..

1. There shall be only one (1) entranceway of any kind from a public street or right-of-way
2. A solid screen, wall, or fence of not less than six (6) feet shall be erected around the entire perimeter of the site. If in combination with an earth berm, the total height shall of the berm and screen, fence, or wall shall not be less than six (6) feet, nor greater than eight (8) feet unless permitted by the Planning Commission.
3. All storage or placement of materials whether operative or inoperative shall be in accordance with the setback requirements of the applicable zoning district for which the use is located.
4. All stored or placed materials whether operative or inoperative shall not exceed the height of the solid screen, fence, or wall as required by 2 above.

B. Mobile home parks.

1. All mobile home parks shall be developed and licensed in accordance with Act 96 of the Public Acts of 1987, as amended, the Mobile Home Commission Rules of current adoption, and published current standards set forth by the Michigan Department of Public Health.

2. The entire perimeter (including along public right-of-ways) of the mobile home park shall be screened. The screening may be of acceptable landscape materials or of other materials that will form an effective screen. The screen shall be a minimum of five (5) feet in height at the time of construction. The Planning Commission may waive this requirement if it is determined that the screening is not necessary or that existing vegetation forms an effective screen.
3. Each mobile home site (lot) is at least 5,500 square feet in size.
4. No mobile home pads shall be located within any 100 year floodplain boundary.
5. Each mobile home shall be skirted in accordance with the requirements set forth for skirting in the Mobile Home Commission Rules of current adoption.
6. Each mobile home shall be anchored in accordance with the requirements set forth for anchoring in the Mobile Home Commission Rules of current adoption.
7. All structures located within a mobile home park shall be located no closer than 10 feet from any mobile home park property line.
8. All structures located within a mobile home park shall be located no closer than 50 feet from any abutting right-of-way.
9. All private and public utilities shall be placed underground.

C. Commercial radio, television, telephone, and similar communication towers and antennas.

1. The parcel size must meet the minimum requirements for the district in which it is to be located and the parcel shall be at least twice the length and width of the height of the tower, including any antennas.
2. The tower shall be anchored properly according to applicable codes.
3. The tower and any accessory buildings shall be maintained to ensure that they do not become unsightly or unsafe.
4. That the tower is located on a portion of the parcel that minimizes both aesthetic and potential safety impacts.
5. No strobe lighting or intense flashing lights are permitted.
6. Accessory buildings shall satisfy setbacks for principal buildings for the district in which they are to be located.

D. Home Business.

1. Maximum of two (2) non-occupants may be employed at a home business.
2. The maximum area used for the home business shall be 25% of the homes habitable floor area.
3. No goods, materials, or supplies of any kind can be delivered either to or from the premises in connection with the home business, except in a passenger automobile owned by the resident or employee of the home business.

SECTION 7.10 SITE PLAN APPROVAL REQUIRED

- A. All uses and construction authorized by special use permit shall be incorporated into a site plan for review by the Planning Commission or designee thereof. The special use permit shall not become effective until such time that a site plan meeting the requirements of Chapter 8 has been reviewed and approved by the Planning Commission.
- B. Nothing in this Ordinance shall be construed to discourage the concurrent review of the special use permit and the site plan.

SECTION 7.11 ENFORCEMENT

Conditions and requirements stated as part of the special use permit authorization shall be the responsibility of the special use permit holders. In the event that it is found that the special use permit is not being complied with the Zoning Administrator shall issue an order to correct. The special use permit holder shall have 30 days to comply with the order to correct or otherwise comply with the conditions of the special use permit. In the event of continued noncompliance the special use permit shall be considered canceled and all activities authorized by said permit shall cease.

CHAPTER 8 SITE PLAN REVIEW

SECTION 8.1 INTENT

In order to reduce the significant impacts of development on natural resources and adjacent land uses, and to ensure that public services and infrastructure are utilized in an effective and efficient manner, it is the intent of this Chapter to require approval of a site plan for certain uses that can be expected to impact natural resources and surrounding land uses.

SECTION 8.2 USES, BUILDINGS, AND STRUCTURES SUBJECT TO SITE PLAN REVIEW

- A. Uses, buildings, and structures permitted by right in the C, CBD, and I zoning districts.
- B. Uses, buildings, and structures permitted by special use permit in all districts.
- C. Residential subdivisions and condominium developments in the LR, GR, and MR zoning districts.
- D. Buildings and structures in the P zoning district.

SECTION 8.3 APPLICATION AND FEE

An application for site plan review shall be made by filing the application form, required information, and the required fee with the Zoning Administrator. Once deemed complete, the Zoning Administrator shall forward the application and fee to the Village Clerk.

The application fee shall be set by resolution of the Marion Village Council. Once accepted by the Clerk, no portion of the fee shall be returned to the applicant, unless authorized by an action of the Village Council.

SECTION 8.4 REQUIRED INFORMATION

The submission for site plan review shall at a minimum contain the following:

- A. The applicant's name, address, and telephone number.
- B. Legal description, address, and tax parcel number of the property.
- C. Nine (9) copies of a site plan at a scale of not less than one (1) inch equals 100 feet. The site plan shall illustrate the following:
 - 1. All property dimensions
 - 2. Topographic elevations at two (2) foot intervals when deemed necessary by the Zoning Administrator or the Planning Commission
 - 3. Existing vegetation
 - 4. Water courses and waterways, including man made improvements

5. Existing public and private rights of way, pavements, and easements
6. Existing and proposed buildings, structures, grading, and uses and their relationship to required setbacks
7. Zoning classifications of adjacent properties
8. The name and address of the person or firm that prepared the plan, and the date it was completed

SECTION 8.5 SITE PLAN REVIEW PROCEDURE

- A. Once forwarded to the Village Clerk by the Zoning Administrator, the Clerk shall forward the application and supporting materials to the Planning Commission.
- B. The Planning Commission shall review the application and site plan for completeness. In the event that the application is not considered complete, the applicant shall be informed why it is incomplete. Once deemed complete the Planning Commission shall begin its review of the site plan.
- C. The Planning Commission shall review the site plan for conformance to the standards and requirements set forth in this Chapter.
- D. The Planning Commission may request/require written statements assessing the potential impacts of the proposed use and structures from the local school district, county road commission, MDOT, local police and fire agencies, public works department, or any other agency or department that may have jurisdiction or an interest in the project.
- E. Following its review of the proposed site plan, the Planning Commission shall take one of the following actions:
 1. Approve the site plan if it is found satisfy the requirements of this Chapter.
 2. Place conditions on the site plan approval to ensure that it satisfies the requirements of this Chapter and this Ordinance.
 3. Deny the site plan if it is found that the proposed site plan fails to satisfy the requirements of this Chapter and this Ordinance. In the event of denial, the applicant shall be informed of the decision in writing, with the reasons for denial contained in the letter.

The Planning Commission shall generally render its decision within 30 days from the date the application was received by the Village Clerk. The 30 day time period may be extended by the mutual consent of the applicant and the Planning Commission.

SECTION 8.6 STANDARDS AND REQUIREMENTS FOR SITE PLAN APPROVAL

Every submission for site plan review shall be reviewed against the following:

- A. All uses, structures, and buildings satisfy all the minimum dimensional requirements for the district for which the uses, structures, or buildings are located.
- B. To the greatest extent possible, the existing topography and vegetation shall be preserved. The site shall be developed in a manner which limits the destruction of natural features.

- C. The site plan shall provide for visual screening between uses that are located in different districts. Fences and landscape materials shall be used as screening materials.
- D. Appropriate measures shall be taken to ensure that storm water runoff is contained on the site. Runoff shall not affect adjacent properties or buildings. Parking areas shall be designed so storm water drains from the parking area.
- E. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not cause dangerous conditions along public roads or streets.
- F. All buildings and groups of buildings or structures are arranged to allow emergency access to and from all sides.
- G. Natural resources including lakes, ponds, streams, woodlands, farmlands, and unique wildlife habitat are not destroyed or adversely impacted by the proposed uses, structures, or buildings.
- H. That the uses, structures, and buildings are appropriately designed and scaled for the site for which they are proposed.
- I. That all necessary permits or authorizations from other regulatory agencies have been obtained or are in the process of being obtained.
- J. That the proposed uses, structures, and buildings are not in conflict with other provisions of this Ordinance, other Village Ordinances, or County, State and Federal statutes and regulations.

SECTION 8.7 CONDITIONS AND SAFEGUARDS

To ensure the protection of public health, safety, and welfare, and to protect adjacent property owners rights, it may be necessary to impose conditions and safeguards as part of the authorization for site plan approval. Said conditions and safeguards may also be necessary for the uses, structures, and buildings to conform to the requirements and standards of this Chapter.

SECTION 8.8 APPEAL OF SITE PLAN REVIEW DECISIONS

Any person aggrieved by the decision of the Planning Commission in the approval or denial of a site plan review may appeal said decision to the Zoning Board of Appeals (ZBA). The appeal fee shall be set by a resolution of the Village Council. The fee shall entitle the appellant to a decision. The appellant shall file a letter with the Village Clerk within 10 days of the decision of the Planning Commission on the site plan. The appellant's letter shall specify the grounds for the appeal, **and the appeal shall be limited to the issues raised in the letter.**

A. In its review of the decision, the ZBA shall consider the following:

1. The appellant's letter and validity of grounds for appeal
2. The minutes taken during the Planning Commissions review of the site plan
3. Any other documentation presented to the Planning Commission prior to its decision on the site plan.
4. Any verbal or written information submitted to the ZBA in response to a request for the information by the ZBA.

B. In its determination of the appeal, the ZBA may take any of the following actions:

1. Affirm the decision of the Planning Commission with or without modification.
2. Refer the matter back to the Planning Commission for further consideration, study, or additional documentation. The ZBA shall inform the Planning Commission of the issues that it believes are in need of further consideration, study, or documentation. Once the Planning Commission has examined the issues it shall refer the matter with a report back to the ZBA for a decision.
3. Reverse the decision of the Planning Commission if the decision is not in accordance with the intent and purposes of this Ordinance or failed to satisfy dimensional requirements for the district for which it is located.

C. The ZBA shall generally render a decision on the appeal within 60 days from the date the Village Clerk received the appeal. The time period may be extended upon the mutual consent of the appellant and the ZBA.

SECTION 8.9 SPECIAL USES AND CONCURRENT APPROVALS

The Planning Commission may choose to review special use permit and site plan review submittals concurrently. In the event of concurrent review, the Planning Commission shall make sure that both the site plan and special use submittals satisfy all requirements of this Ordinance.

SECTION 8.10 AMENDMENTS TO APPROVED SITE PLANS

Any proposed addition, modification, or alteration to any uses, structures, or buildings, to a site plan which has previously been approved, shall be reviewed by the Zoning Administrator. The Zoning Administrator shall make a determination whether the proposed addition, alteration, or modification is a minor or major amendment. Minor amendments may be approved by the Zoning Administrator, provided that a revised dated site plan is submitted and made part of project file.

Major amendments shall be reviewed by the Planning Commission in accordance with the standards set forth in this Chapter.

CHAPTER 9 SIGNS

SECTION 9.1 INTENT AND PURPOSE

The intent of this section is to regulate the type, number, physical dimensions, erection and placement of signs in the Village of Marion. The purpose of these regulations is to:

- A. Promote the public health, safety, and welfare of residents and visitors.
- B. Reduce hazardous distractions to motorists, pedestrians, and other forms of transportation.
- C. Protect commercial districts from visual clutter.
- D. Protect property values.
- E. Protect the small town character of Marion.

SECTION 9.2 SIGNS

Unless otherwise permitted by this Ordinance, only one (1) free standing and two (2) wall signs are allowed per lot, premises, building or site. The following regulations shall apply to on premises signs.

SECTION 9.2A ZONING PERMIT REQUIRED

Unless a sign is exempt from permit requirements as specified in Section 9.2B, a Zoning Permit must be obtained from the Village Zoning Administrator prior to the construction or placement of any sign.

SECTION 9.2B SIGNS AND ACTIVITIES EXEMPT FROM PERMIT

As subject to the standards as setforth in this Chapter and other applicable ordinance requirements, the following signs are permitted and are exempt from the permit requirements of this Ordinance.

1. Temporary Construction Signs. One (1) construction sign for each street frontage at a construction project, not to exceed 32 square feet in sign area per sign. Such signs may be erected no more than 30 days prior to commencement of construction and must be removed no longer than 30 days after completion of construction.
2. Directional Signs. On-premise directional signs, not to exceed five (5) square feet per sign, shall be permitted as a means of directing traffic to parking, loading, customer service, and related areas. No more than two (2) directional signs shall be permitted per premises or site.

3. Political Signs. Political signs shall not exceed 20 square feet in area per sign. Such signs shall be placed only on private property and only with permission of the property owner. Signs must be removed within 14 days following the election or referendum.
4. Public Signs or Notices. Public signs or notices of the Village of Marion, Osceola County, the State of Michigan, or the United States Government may be erected as deemed necessary and appropriate by the unit of government.
5. Real Estate Signs. One (1) real estate sign not exceeding 32 square feet of display area per side, per premises or site.
6. Name Plates. One (1) nameplate sign per premises or site not to exceed four (4) square feet in sign area.
7. Special Sale Signs. Sale signs including, but not limited to, garage, yard, rummage, and estate shall be removed within 24 hours after the sale.

SECTION 9.2C PROHIBITED SIGNS

Any sign not specifically permitted is prohibited. The Zoning Board of Appeals shall have the authority to classify signs not specifically permitted.

SECTION 9.2D GENERAL SIGN STANDARDS

1. Illumination, if permitted, shall be by a non-flashing reflective light. Said source of illumination shall be shielded from direct view of adjacent properties.
2. All signs shall be subject to the Building and Safety Codes of Osceola County.
3. Free standing signs shall be setback a minimum of 10 feet from all lot lines, except where otherwise allowed by this Ordinance.
4. No sign shall exceed the height limitations of the district in which it is located or as otherwise regulated by this Ordinance, provided however, ground mounted monument type signs shall not exceed five (5) feet in height.
5. Freestanding signs shall have a minimum clearance of five (5) feet between the ground surface and lowest point of the sign.
6. No signs shall be placed in required clear vision areas.
7. Wall signs must be attached flat against the building to which they are attached, except in the CBD zoning district. In the CBD zoning district wall signs may project out from a wall, provided that the sign is located at least eight (8) feet from the ground and does not project across any property easement, or right-of-way lines.

8. No person shall erect or relocate or cause to be erected, any sign without first obtaining a sign erection permit.
9. No person shall repair or alter, or cause to be repaired or altered, any sign or billboard without obtaining a Zoning Permit if one-half (1/2) of the replacement value of the sign or billboard will be exceeded.

SECTION 9.2E PERMITTED SIGNS BY DISTRICT

All signs shall be erected and in conformance with the Table of Sign Size Regulations.

SECTION 9.3 TABLE OF SIGN SIZE REGULATIONS

DISTRICT	FREESTANDING	WALL
LR	NP (1)	8 SQ.FT.
GR	SUP/16	8 SQ.FT.
MR	25 SQ.FT.	16 SQ.FT.
C	32 SQ.FT.	10% (2)
CBD	25 SQ.FT.	15% (2)
I	40 SQ.FT.	30% (2)
P	32 SQ.FT.	16 SQ.FT.

1. NP - Not Permitted
2. Percentage of allowable display area for wall signs. The size of a wall sign shall be determined by the square footage of the wall to which it is attached, multiplied by the percentage of allowable signage. The result is the amount of wall signage permitted by this Ordinance, in square feet.

SECTION 9.4 NONCONFORMING SIGNS

A nonconforming sign or sign structure existing and in place as of the date of the enactment of this Chapter may continue to have the copy or message on the sign changed and may also have normal maintenance performed. However, a nonconforming sign existing on the day of enactment of this Chapter **SHALL NOT** unless authorized by the Zoning Board of Appeals:

- A. Be changed to another nonconforming sign.
- B. Be structurally altered so as to prolong the life of the sign or change the shape, size, location, type, or design of the sign.
- C. Be re-established after the activity, business, or use to which it relates has been discontinued for 30 days or longer.
- D. Be re-established after damage by any means if the damage is in excess of the State Equalized Value (SEV) of the sign, as determined from its most recent assessed valuation.

CHAPTER 10 ADMINISTRATION AND ENFORCEMENT

SECTION 10.1 ZONING ADMINISTRATOR

Unless designated under a specific provision of this Ordinance otherwise, the Zoning Administrator shall be responsible for the administration of this Ordinance. The Zoning Administrator shall be a qualified individual appointed to the position by the Village Council. The terms, conditions, and rate of compensation shall be determined by the Council. All authority granted to the Zoning Administrator has been delegated by the Village Council. In the event that the Village Council appoints a Deputy Zoning Administrator, the Deputy Zoning Administrator shall assume the role of Zoning Administrator when the Zoning Administrator has delegated parts or all of the authority.

SECTION 10.2 ZONING PERMIT REQUIRED

Except as otherwise provided, no buildings or structures, including signs shall be erected or any use authorized until a permit has been issued by the Zoning Administrator. Accessory buildings less than 100 square feet in size shall be exempt from this provision. All additional accessory buildings shall require a Zoning Permit. Once it has been determined by the Zoning Administrator that the proposed building, structure, or use is in conformance with all the provisions of this Ordinance, a Zoning Permit may be issued. The Zoning Permit shall be nontransferable and shall remain valid for one (1) year from the date of issuance. A Zoning Permit shall be obtained prior to the application for a building permit. The Zoning Administrator shall not issue a Zoning Permit if it is found that the proposed building, structure, or use is not in conformance with the requirements and standards of this Ordinance.

SECTION 10.3 APPLICATION FOR ZONING PERMIT

All applications for Zoning Permits shall be made to the Zoning Administrator with the accompanying fee. The fee shall be set by the Village Council. The application shall be made up of the following:

- A. A sketch plan drawn to scale showing the location and size of the proposed building, structure, or use as it relates to roads and right of ways, lot lines, other buildings on the site, existing or proposed sewage disposal facilities, existing or proposed water wells, and lakes, streams, or wetlands.
- B. A statement by the applicant outlining the intended use and purpose for the proposed building, structure, or land in question.

SECTION 10.4 ISSUANCE OF ZONING PERMIT

Within 10 days of the receipt of the application for Zoning Permit, the Zoning Administrator shall issue a Zoning Permit if it is found that the application is complete and that the proposed building, structure, or use is in conformance with the requirements of this Ordinance. The Zoning Administrator shall keep a record of all permits issued.

SECTION 10.5 DENIAL OF ZONING PERMIT

Within 10 days of the receipt of the application for Zoning Permit, the Zoning Administrator shall deny a Zoning Permit if it is found that the application is not complete or that the proposed building, structure, or use cannot be located in conformance with the requirements of this Ordinance. The Zoning Administrator shall inform the applicant in writing citing the reasons for the denial of the permit. The Zoning Administrator shall keep a record of all permits denied.

SECTION 10.6 REVOCATION OF ZONING PERMIT

The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provision of this Ordinance or any false statement or misrepresentation made in the application. The revocation or cancellation of the Zoning Permit shall be made in writing.

SECTION 10.7 APPEALS OF THE DECISION OF THE ZONING ADMINISTRATOR

Any decision of the Zoning Administrator concerning the enforcement or interpretation of this Ordinance may be appealed to the Zoning Board of Appeals. The appeal shall be filed with the Village Clerk within 10 days of the decision of the Zoning Administrator. The Zoning Board of Appeals shall review the available evidence and make a decision to uphold or reverse the decision of the Zoning Administrator.

SECTION 10.8 ENFORCEMENT

- A. Violations. Any building or structure moved, erected, razed, converted, or used and any use of land or premises which is carried on in violation of this Ordinance is declared to be a nuisance per se. All building, structures, and land uses considered to be in violation of this Ordinance shall be reported to the Zoning Administrator.
- B. Inspection of violation. The Zoning Administrator shall inspect all alleged violations of this Ordinance. In the event that a violation is found, the Zoning Administrator shall issue within seven (7) days from the date of inspection, a written order to correct the violation and to otherwise comply with the provisions of this Ordinance.
- C. Correction period. After the order to correct has been issued, the offender shall have five (5) days to correct the violation. If the violation cannot be corrected within five (5) days, the Zoning Administrator may with just cause, extend the correction period for an appropriate amount of time up to six (6) months. In the event that a longer correction period is required, the Zoning Board of Appeals, upon petition, may grant up to one (1) year to correct if conditions warrant such an extended period of time. Any violation not corrected shall be reported to the Village Council. The Village Council may with the advice of legal counsel initiate prosecution procedures.

- D. Penalties. Any person, firm, or organization who violates, disobeys, omits, or refuses to comply with any provision of this Ordinance or lawful order of the Zoning Administrator, Zoning Board of Appeals, or Village Council issued in pursuance of this Ordinance shall be guilty of a misdemeanor. Upon conviction thereof, they shall be punishable of a fine not to exceed 500 dollars or by imprisonment for not more than 90 days, or both. Each day during which a violation continues, may be deemed a separate offense.
- E. Remedies. The Zoning Administrator, the Village Council, and the Zoning Board of Appeals, or any interested party may institute an injunction, mandamus, abatement or any other appropriate method to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

CHAPTER 11 ZONING BOARD OF APPEALS

SECTION 11.1 AUTHORIZATION

There is hereby established a Zoning Board of Appeals, which shall derive its authority from Act 207 of P.A. of 1921, as amended. The Board of Appeals shall ensure that the spirit and intent of this Ordinance is upheld, that the public health, safety, and welfare is advanced and that substantial justice is done.

SECTION 11.2 MEMBERSHIP AND RESPONSIBILITIES

- A. Regular members. The Village of Marion Zoning Board of Appeals shall consist of at least five (5) members. The Village Council may act as the Board of Appeals, or the Council may appoint the members from among the residents of the Village. Members of the Board of Appeals shall be removable by the Village Council for nonperformance of duty or misconduct in office upon written charges and after public hearing.
- B. Alternate members. The Village Council may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend a meeting of the Board of Appeals. An alternate member 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 conflict of interest. The alternate member 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.
- C. Terms of office. Terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Village Council, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. All vacancies for unexpired terms shall be filled for the remainder of the term.
- D. Rules of procedure. The Board of Appeals may adopt its own rules of procedure as it deems necessary to conduct its meetings and carry out its function.
- E. Officers. Once a year the Board shall choose a chairperson, a vice chairperson, and appoint a secretary.
- F. Meetings. Meetings shall be held on a regular basis and at such other times as the Board in its rules of procedure may specify. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public.

- G. Records. Minutes shall be recorded of all proceedings which shall contain evidence and dates 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 are public records.
- H. Majority vote required. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the board is required to pass, or to grant any variance of the terms or conditions of this Ordinance.
- I. Decisions. The Zoning Board of Appeals shall return a decision upon each case within a reasonable amount of time. All decisions of the Board of Appeals are final, and appeals must be filed with a court of competent jurisdiction.
- J. Conflict of interest. A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- K. Duties. The Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section.

SECTION 11.3 HEARINGS AND NOTICES

- A. Upon application, the Zoning Board of Appeals shall schedule a hearing on any matter authorized by this Ordinance, within a reasonable amount of time.
- B. The Zoning Board of Appeals shall, or shall cause a notice of public hearing to be made. The notice shall be given to the applicant, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of any structures within 300 feet of the property in question. The notice shall be made by delivery or by mail not less than five (5) days from the date of the hearing.

SECTION 11.4 VARIANCES

The Zoning Board of Appeals is authorized to grant upon application, variances to requirement of this Ordinance. Variances relating to the uses of land (not dimensional in nature) shall require a 2/3 vote of the Board to pass. The Board may attach any conditions it deems necessary to a variance to ensure that the spirit and intent of this Ordinance is carried out.

- A. Basis of determination. The Board of Appeals shall ensure that all variances comply with the following:
 - 1. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
 - 2. Will not cause an adverse effect upon property values in the immediate vicinity or Village as a whole.

3. Will relate only to the property for which the application has been submitted.
4. Is not a request that occurs regularly, that could be addressed through an amendment to this Ordinance.

B. Conditions. The Board of Appeals shall not grant a variance unless at least one of the following is demonstrated:

1. Where there are exceptional or extra-ordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that generally do not apply to other properties or uses in the same district. Such circumstances or conditions shall not be considered grounds for a variance if they were caused by the applicant or previous owner after the effective date of this Ordinance.
2. Where there are practical difficulties which prevent the carrying out of the strict letter of this Ordinance. Generally, economic difficulty on its face is not a qualifying difficulty. Difficulties should be evaluated in terms of the use of the parcel or property.
3. Where the lot or parcel was lawfully recorded prior to the effective date of this Ordinance or any amendment thereto, and the dimensional provisions of this Ordinance prohibit the use of the lot or parcel in accordance with the district regulations.
4. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same district.

C. Re-submission. Any variance that is denied wholly or in part shall not be resubmitted for a period of one (1) year from the date of that the Board last took action on the request.

SECTION 11.5 ADMINISTRATIVE REVIEW

The Zoning Board of Appeals is authorized to review all administrative decisions made in the administration of this Ordinance. The Board may uphold, reverse, or modify any order, decision or determination made by the Zoning Administrator, Planning Commission, or any other entity. The appeal or request for administrative review shall be submitted to the Village Clerk with the appropriate fee.

The filing of an appeal or request for administrative review shall stay all proceedings in furtherance of the action being reviewed. If Zoning Administrator certifies in writing to the Zoning Board of Appeals that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

SECTION 11.6 INTERPRETATION

Upon application or petition and the filing of the appropriate fees, the Zoning Board of Appeals shall be authorized to interpret any uncertainty that may occur in the administration of this Ordinance. The Board shall:

- A. Determine the precise location of the boundary lines between zoning districts when there is a question about the exact location.
- B. Classify any activity which is not specifically mentioned in the District regulations as a Use Permitted by Right or Permitted by Special Use. The basis for such classification shall be that the activity is consistent and similar to the uses already listed in the district, and that the activity is not listed in another district.
- C. The Board may determine the off street parking and loading space requirements for any use or activity which cannot be determined under the provisions of this Ordinance.
- D. The Board may interpret any provision of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or purpose.

The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.

CHAPTER 12 AMENDMENTS

SECTION 12.1 AUTHORIZATION

Amendments to this Ordinance may be made as is deemed necessary, and shall be in accordance with Act 207 of P.A. of 1921 as amended.

SECTION 12.2 INITIATION OF AMENDMENTS

Proposals for amendments or supplements may be initiated by the Village Council, Planning Commission, any person having an interest in the case of map amendments, or by any person in the case of text amendments.

SECTION 12.3 PROCEDURE

- A. Each petition to amend the text or map of this Ordinance shall be submitted upon an application of standard form to the Zoning Administrator. A fee as established by the Village Council shall be paid at the time of application. Once deemed complete, the Zoning Administrator shall forward the application to the Village Clerk. The Village Clerk shall then transmit the application and other information to the Planning Commission for its recommendation.
- B. Recommendation. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the amendment petition. Following the notice and hearing requirements of this Section, the Planning Commission shall forward a recommendation on the proposed amendment along with a copy of the public hearing minutes to the Village Council.
- C. Public hearing. Before making a recommendation on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given by the Village as specified by Sections 12.3 (D) and (E). Said notice shall contain the time, place, date, and purpose of the hearing.
- D. Published notice. Notice shall be given by one (1) publication in a newspaper of general circulation in the community, to be printed not less than 15 days before the date of the hearing.
- E. Mailed or delivered notice. Mailed or delivered notice shall be made in accordance with the following:
 - 1. To each railroad, electric, gas, pipeline, and telephone company that chooses to register its name and mailing address with the Village for the purpose of receiving such notice. Said notice shall be made at least 15 days in advance of the hearing.

2. In the case of map amendments, to each owner of property as listed on the most recent tax roll of all real property located within 300 feet of the boundary of the property proposed for amendment. An affidavit of the delivery shall be filed with the Planning Commission. Said notice shall be made at least 15 days in advance of the hearing.
 3. In the case of map amendments, to each occupant(s) of all structures within 300 feet of the boundary of the property proposed for an amendment. An affidavit of the delivery shall be filed with the Planning Commission. Said notice shall be made at least 15 days in advance of the notice.
 4. To the applicant and/or owner of the property in question.
- F. Village Council action. Upon receipt of the Planning Commission's recommendation, the Village Council shall review the Planning Commission's recommendation(s). The Village Council shall adopt or reject the proposed amendment with or without modification, unless one or more of the following occurs:
1. Request for additional hearing. The Village Council shall grant a hearing on the proposed amendment to any party who has filed a written request for such a hearing with the Village Clerk. Said request shall be filed in a timely manner. The Planning Commission may be requested to attend the hearing. Notice of the hearing shall be published in a newspaper of general circulation within the Village. The notice shall be published not less than 10 days prior to the hearing.
 2. Changes or additions proposed by the Village Council. If the Village Council deems advisable any changes or additions to the amendment recommended by the Planning Commission, it may refer the changes or additions back to the Planning Commission for a report thereon within 30 days. After receiving the report, the Village Council shall grant a hearing on the proposed amendment to any property owner who requests a hearing. The request for hearing shall be addressed to the Village Clerk and delivered by certified mail. The Village Council may request the Planning Commission to attend the hearing.
 3. Following a hearing or a review of the Planning Commission's report as outlined in 1 and 2 above, the Village Council may by majority vote, adopt or reject the proposed amendment with or without changes.
- G. Adoption. Following the adoption by the Village Council, one (1) notice of adoption shall be published in a newspaper of general circulation in the Village, within 15 days of adoption. The notice shall contain the following:
1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text amendment.
 2. The effective date of the Ordinance or amendment.
 3. The place and time where a copy of the Ordinance or amendment may be purchased or inspected.

- H. **Protest Petition.** In the event that a protest petition satisfying the requirements below is presented prior to final Council action on the amendment, a 2/3 vote of the Council shall be required to adopt the amendment. In order to qualify as a recognized protest petition, it must be signed by either of the following:
1. The owners of at least 20% of the land which is proposed for change by the amendment.
 2. The owners of at least 20% of the land within 100 feet of the boundary of the property proposed for change by the amendment.
- I. **Amendment to conform with court decree.** An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Village Council and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this Ordinance.

CHAPTER 13 PLANNING COMMISSION

SECTION 13.1 AUTHORITY AND CREATION

The Village Council is responsible for the establishment of, and appointments to the Planning Commission. Authority for the establishment of and appointments to the Commission is derived from the Municipal Planning Act 285 of 1931.

SECTION 13.2 MEMBERS AND QUALIFICATIONS

The Planning Commission shall consist of not less than five (5) nor more than nine (9) members. These members shall be representative of the major interests existing in the Village of Marion. One member of the Planning Commission shall be a member of the Village Council. Each of these members shall be required to either reside in the Village or own property in the Village.

SECTION 13.3 TERMS OF OFFICE

As the Planning Commission has already been lawfully established, the appointment of the members shall be for a term of three (3) years, however, terms shall remain staggered.

SECTION 13.4 MEETINGS, MEETING ATTENDANCE, AND CONDUCT

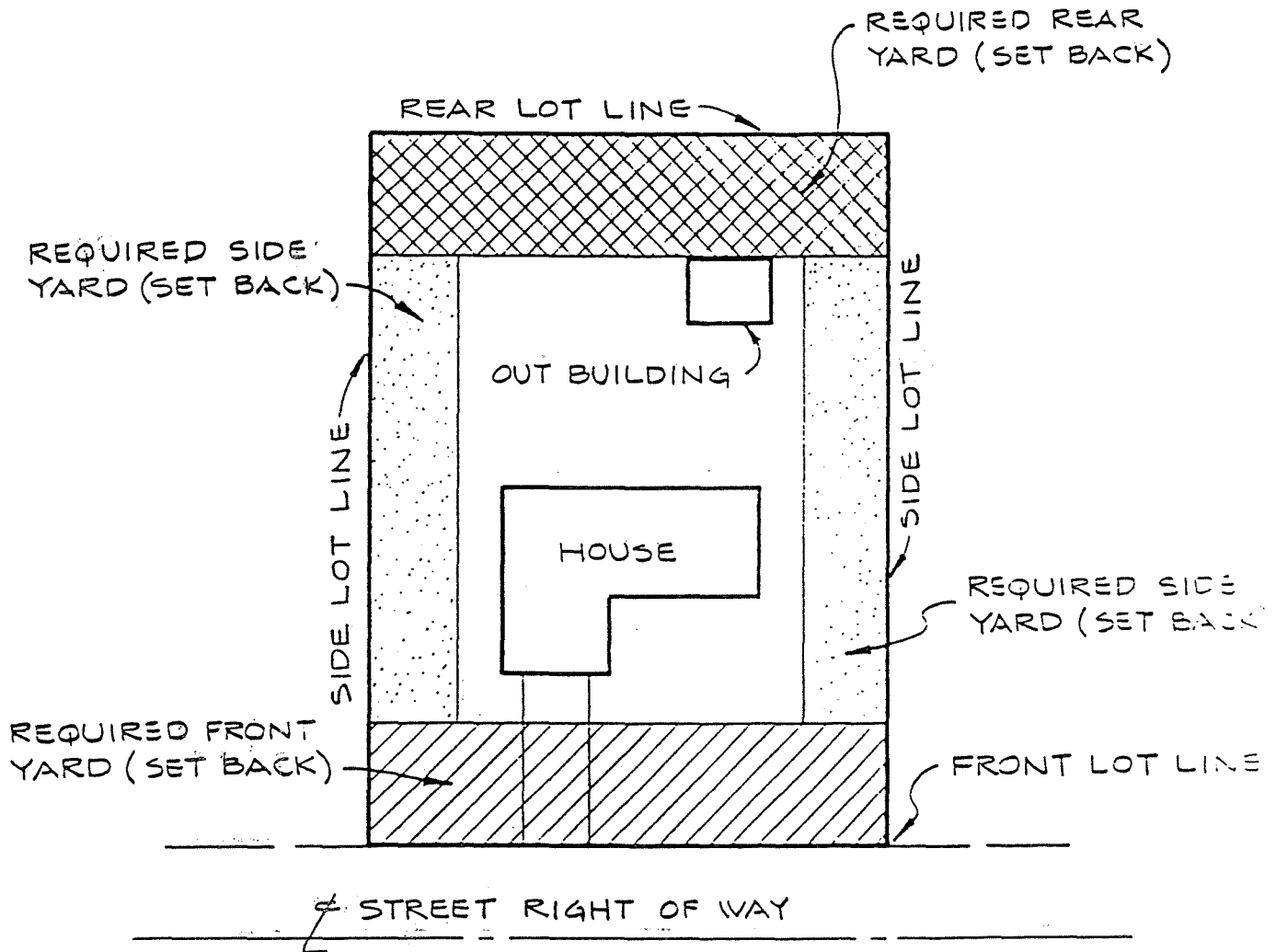
- A. Meetings. The Planning Commission shall hold a regular meeting at least once in each month, and by resolution shall determine the time and place of the meeting. A special meeting may be called by the Chairperson. A written notice of the special meeting must be received by all Commission members not less than 48 hours in advance of the meeting.
- B. Meeting Attendance. It is expected that all active members of the Planning Commission attend regularly scheduled meetings. If a member can not be in attendance of a meeting, they must notify the Chairperson before the meeting.
- C. Conflict of Interest. Planning Commission members should disclose any potential conflict of interest which may be perceived as influencing their decision. The Planning Commission shall determine by a vote whether the issue is a conflict of interest. In the event that the Commission finds that a conflict of interest exists, the member shall not vote on the issue at hand.
- D. Conduct. All members of the Planning Commission shall conduct themselves in an orderly manner. Members of the Planning Commission shall be removable for misfeasance, malfeasance, or nonfeasance in office by the Village Council upon written charges and after public hearing.
- E. Majority Vote. Any decision by the Planning Commission with regard to special use permits, site plan reviews, and amendments shall require a majority vote of the full Commission.

F. Election of Officers. The Planning Commission shall elect a chairperson, vice-chairperson, and secretary from its members and shall create and fill other offices as it deems necessary. Elections shall take place once a year, generally at the first meeting of the calendar year.

SECTION 13.5 DUTIES

It shall be the function and duty of the Planning Commission to hold public hearings, grant special use permits, review and grant site plan approvals, review and approve plats, and make recommendations to the Village Council on Amendments to the Zoning Ordinance.

LOT LINES AND MINIMUM REQUIRED YARDS



CORNER LOTS

