



Village of Stockbridge
PLANNING COMMISSION
AGENDA

118 N. Center Street ~ 517 - 851 - 7435
Thursday – March 07, 2024, at 6:30 P.M

Call meeting to Order at:

Roll Call, P.C. Commissioners

Approval of Meeting Agenda – March 07, 2024

Approval of the Minutes from – February 01, and February 15, 2024

PUBLIC COMMENT

UNFINISHED BUSINESS

- Public hearing for an ordinance approving text amendment to Chapter 6: Zoning and Land Use, Article IV-Zoning district regulations adding section 6- 51-Non – residential design requirements.
- Public Hearing for an ordinance approving text amendment to Chapter 6, Article IV, Section 6-81 is added in its entirety new Sec, 6-52, Accessory outdoor dining areas.
- Public Hearing for a Text amendment to C-3 permitted uses adding to list of permitted uses Pool Halls / Billard Parlor without alcohol and to C-3 Special uses: Pool Halls / Billard Parlor with alcohol.

NEW BUSINESS

PUBLIC COMMENT

Attachments:

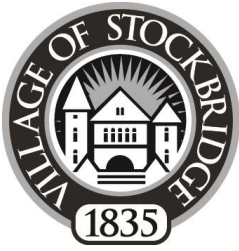
- Agenda
- Minutes from February 01, and February 15, 2024
- Three Preposed ordinances

DIRECTORS COMMENTS, CONCERNS SUGESTIONS

NEXT MEETING

March April 04, 2024

ADJOURN



Village of Stockbridge
PLANNING COMMISSION
UNAPPROVED MINUTES
BE118 N. Center Street ~ 517 - 851 - 7435
Thursday – February 01, 2024

Call meeting to Order at: 6:33 p.m.

Roll Call, P.C. Commissioners: Jenifer, Laura, Daryl, Kim, James.
Also present Maya Baker representative of Mckenna, and John Gormley P.C. Attorney

Motion by Jenifer, second by Laura to approve agenda for February 01, 2024. Voice vote. Motion passed. no nays.

Motion by Kim, Second by James to approve December 07, 2023, meeting minutes. Voice vote. Motion passed no nays.

UNFINISHED BUSINESS

- Guest Maya Baker from Mckenna began discussion on final review of 2024 Master Plan a few changes were made. Motion to submit plan to Village Council on March 4, 2024, made by Daryl, Second by Laura voice vote motion carried. Maya to attend said meeting. James concerns about percentage of rental units. He is concerned about trustees seeing data might support more rental units which he believes may lead to a community deteriorating. Suggest language put in plan to suggest council consider the need for homes in relation than rentals. All corrections were made resulting from comments generated at Decembers P.C. meeting. Future land use draft map. Change was made eliminating the suggested Mid- Density Village residential abutting N. Clinton to revert to R-3. Property West of Chery street the suggested Mid- Density Village residential single family remains with the exception of removing R-3 in table explanation of what is included in Mid- density Also, property south of Lakeland trail labeled Public changed to Mixed use. Comments on survey item blight. Maya informed us that data was corrupted and not concise she was instructed to extipulate data she has and par it down and provide a percentage. The area by apartment complex on south Clinton should be changed back to residential from suggest Mid- Density. Minor changes to page 99 electronic copy but hard copy page 93 to make column width wider. Then on page 94 a row is blank and needs to be filled in sidewalks Maya to call Jill and get information on sidewalks act 51 submitted to state Highway department.
- Discussion made on draft ordinance approving text amendment to chapter vi: zoning and land use article iv: zoning district regulations amending section 6- 185: glare and exterior lighting. Decision made that lacking legally enforceable parameters for light reflection ordinance was tabled pending further research.
- Commissioners made aware of upcoming public hearing for two proposed ordinances at next meeting March 07, 2024.

NEW BUSINESS

None

PUBLIC COMMENT

None

DIRECTORS COMMENTS, CONCERNS SUGESTIONS

None

NEXT MEETING

March 07, 2024

ADJOURN

Motion to adjourn by Laura second by Jennifer Motion carried voice vote meeting ended at Laura second Jenifer meeting over 8:16 p.m.



Village of Stockbridge
PLANNING COMMISSION
SPECIAL MEETING UNAPPROVED MINUTES
305 W. Elizabeth St, Room 112 ~ 517 - 851 - 7435
Thursday – February 15, 2024, at 6:30 P.M

Call meeting to Order at: 6:27 pm.

Roll Call, P.C. Commissioners Present: Jenifer Conant, Kim Morehouse, Daryl Anderson. Commissioners absent: James Johnson, Laura Loomis

Motion to Approve Special Meeting Agenda for February 15, 2024, made by Kim second by Jenifer. Voice vote motion carried.

PUBLIC COMMENT

No Public Comment

Business before the Commission

- Motion made by Daryl second by Kim to approve Text amendment to C-3 permitted uses and to C-3 Special uses to be scheduled for a public hearing on March 07, 2024. Very little discussion voice vote rollcall Jenifer, Kim, Daryl: Motion Carried
- Short discussion of final Master Plan being submitted to Village Council.

PUBLIC COMMENT

None

Attachments:

Next Regular Scheduled meeting: March 07, 2024

Motion to adjourn made by Jenifer second by Kim voice voted motion carried meeting terminated at 6:33 p.m.



Village of Stockbridge
PLANNING COMMISSION
118 N. Center Street ~ 517 - 851 - 7435

MEMO

February 08, 2024

From: Daryl Anderson
Chair Planning Commission

To: Village of Stockbridge President and Council Trustees

Subject: 2024 Master Plan

The Villages of Stockbridge, Planning Commission after working for over 2 years to present to the Village Council an updated 2014 Master Plan has completed this task.

The Planning Commission is therefore recommending that the Village Council approve the 2024 Master Plan for distribution as required by the State of Michigan, Planning and Enabling Act 33 of 2008, Section 125.3841 for approval and comments.

After hopeful being approved by the Village Council to for distribute the Draft 2024 Master Plan as required by public Act 33 of 2008, Section 125.3841 to various governmental and non-governmental entities, the Planning Commission will distribute the plan for 63 days as required by the act.

After waiting 63 days the Planning Commission will hold a public hearing, meet, and hopefully approve the Master Plan by resolution.

This is the final step in updating the plan.

After the Plan is approved the Planning Commission will prepare and submit a Memorandum to Village Council along with a final copy of plan notifying you of the completion of updating the 2014 Master Plan.

Sincerely

Daryl Anderson
Chair of Planning commission

STATE OF MICHIGAN
VILLAGE OF STOCKBRIDGE
Ordinance Number: _____
(ENACTED _____)

AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE CODE OF ORDINANCES FOR THE VILLAGE OF STOCKBRIDGE TO AMEND SECTION 6-70 REGARDING THE PURPOSES AND USES WITHIN ZONING DISTRICT (C-3), HIGHWAY COMMERCIAL, PERMITTED AND SPECIAL USES OF THE EXISTING ZONING ORDINANCE.

Recitals

WHEREAS, the Village of Stockbridge (hereinafter, the “Village”) has adopted the Village of Stockbridge Zoning and Land Use Ordinance (hereinafter the Zoning Ordinance) on October 1, 2019, which was adopted under the *Zoning Enabling Act of 2006*; and

WHEREAS, the Village President, the Planning Commission, determined text amendments were Warranted to said ordinances in order to interpret, Section 6-70 Purposes and uses within Zoning District (C-3) Highway Commercial (f), (3) Permitted uses and (4) Special Uses. To make the ordinance accurate and more user friendly, while still maintaining the Historic quality of the village,

WHEREAS, the Planning Commission met on February 15, 2024, to develop a revision to the Zoning Ordinance; and

WHEREAS, during this process the Planning Commission Chair requested changes to zoning ordinance text specifically Section, 6-70, subsection (f):(C-3) Highway Commercial, (3) Permitted uses and (4) Special Uses; and

WHEREAS, the Planning Commission is therefore charged with coming up with the proposed language of the text amendment and then scheduling a public hearing to take public comment on the proposed amendment, pursuant to Section 6-329 (a) of the Zoning Ordinance; and

WHEREAS, the Planning Commission has determined, via this amendment, proposed text amendment to section 6-70 Purposes and uses within Zoning District subsection(f):(C-3) Highway Commercial, (3) Permitted uses and (4) Special Uses of the zoning ordinance, as set forth below , and

WHEREAS, the Planning Commission proposed to consider the language of proposed Amendments and set a public hearing for text Amendment to ordinance,

- a. For 6:30 p.m. on Thursday, March 07, 2024, for Section 6-70-Purposes and uses within zoning districts(f):(C-3) Highway Commercial, (3) Permitted uses and (4) Special Uses. Notices were given in the methods proscribed by MCL 125.3103 and MCL 125.3202;

WHEREAS, after taking into consideration the public's comments, Section 6-329 (b) of the Zoning Ordinance required the Planning Commission to identify and evaluate all factors relevant to the petition and report its findings and recommendation to the Village Council, taking into consideration the criteria for amendments of the official Zoning Ordinance set forth in Section 6-331 of the Zoning Ordinance.

WHEREAS, all costs the Village incurs in developing these amendments shall be charged to the Planning Commission account, Village of Stockbridge, in accordance with Article III, Section 6.47, including the actual costs incurred by the Village, the Planning Commission, and/or the Zoning Administrator for:

- A. Any publication or mailing costs required by this Ordinance and/or state law;
- B. Any traffic reports deemed necessary to complete the processing of the request;
- C. Any legal services deemed necessary to complete the processing of the request;
- D. Any planner fees deemed necessary to complete the processing of the request;
- E. Any zoning administrator fees deemed necessary to complete the processing of the request;
- F. Any topographic studies deemed necessary to complete the processing of the request;
- G. Any engineering services deemed necessary to complete the processing of the request;
- H. Any other fees incurred by any other consultants deemed necessary by the above-named governmental officials and/or entities to complete the processing of the request.

WHEREAS, the Planning Commission, after taking into account the input from the public hearings set forth above, in accordance the Zoning Ordinance and the Zoning Enabling Act, considering the criteria of Section 6-331 (a) - (h), recommended adoption of the proposed text amendments to Section 6-70-Purposes and uses within zoning districts (f):(C-3) Highway Commercial, (3) Permitted uses: add new special use j and (4) Special Uses: change text g. to the Village Council.

Ordinance Text Amendment

SECTION 1: Chapter 6, Section 6-70 (f):(C-3) Highway Commercial, (3) Permitted uses add a new subsection (j) to read as follows:

j. Pool Hall/Billiard Hall without alcohol being served or allowed on premises.

(4) Special uses (g) Change Text as specified below:

g. Recreation and amusement services, including theatres, bowling alleys, roller- and ice-skating rinks, billiard halls that serve alcohol and miniature golf.

SECTION 2: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Village of Stockbridge declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 3: That this Ordinance and the related rules, regulations, provisions, requirements, orders, and matters established shall take effect immediately upon publication, except any penalty provisions which shall take effect twenty (20) days after publication, pursuant to MCL66.1.

SECTION 4: Repealer - All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

Moved by: _____

Seconded by: _____

Yeas: _____

Nays: _____

Absent: _____

Adopted at the regular Meeting of the Stockbridge Village Council on _____, 2024

Jill Ogden, Village President

CLERK'S CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Stockbridge, County of Ingham, State of Michigan, at a Regular meeting held on the _____ day of _____, 2024, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the *Open Meetings Act, being Act 267, Public Acts of Michigan, 1976*, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act, and the foregoing Ordinance was published in a newspaper of local circulation on _____, 2024.

Heather Armstrong
Village Clerk
Village of Stockbridge
305 W. Elizabeth Street, Room 107
Stockbridge, MI 49285
517.851.7435 (Office)
Email: clerk@vosmi.org

Drafted by: John L. Gormley (P53539)
Attorney for the Village of Stockbridge and
It's Planning Commission
Gormley Law Offices, PLC
101 Grand River Ave.
Fowlerville, Michigan 48836
517.223.3758

(Public Hearing Date March 08,2024)

STATE OF MICHIGAN
VILLAGE OF STOCKBRIDGE

ORDINANCE NO. _____
(Enacted _____)

**AN ORDINANCE APPROVING A
TEXT AMENDMENT TO ADD CHAPTER VI, ARTICLE IV, SECTION
6.76 REGARDING NON- RESIDENTIAL DESIGN REQUIREMENTS AND
AMENDING CHAPTER 6, ARTICLE III, SECTION 6-45**

Recitals

WHEREAS, the Village of Stockbridge (hereinafter, the “Village”) has adopted the Village of Stockbridge Zoning and Land Use Ordinance (hereinafter, the “Zoning Ordinance”) on October 1, 2019, which was adopted under the *Zoning Enabling Act of 2006*; and

WHEREAS the Planning Commission had received numerus complaints from Village Residents regarding the appearance of “blank facades” facing streets, creating an unattractive eyesore and/or reflective light affecting other business; and

WHEREAS the Planning Commission, therefore, determined text amendments were warranted to said ordinances to provide requirements for the construction of facades of commercial buildings as to prevent hazardous condition, prevent constructing unattractive building, and to maintain the historic quality of the Village; and

WHEREAS the Planning Commission met to develop revisions to the Zoning Ordinance; and

WHEREAS, during this process the Village Zoning Administrator reviewed the drafts, attended a Planning Commission meeting where her comments and concerns were considered, and the draft text amendments were adjusted based on the same; and

WHEREAS the Planning Commission is therefore charged with coming up with the proposed language of the amendment and then scheduling a public hearing to take public comment on the proposed amendment, pursuant to Section 6-329 (a) of the Zoning Ordinance; and

WHEREAS, the Planning Commission has determined, via this Amendment, proposed text amendment to Chapter VI, Article IV to add a new Section 6-76 Non-Residential Design Requirements; and

WHEREAS the Planning Commission proposed to consider the language of the proposed text Amendments, set a public hearing, and took public comment at 6:30 p.m. on Thursday, February 01, 2024, for new Section 6-76 which the Village Clerk issued the required notices as prescribed by MCL 125.3103 and MCL 125.3202; and

WHEREAS, after taking into consideration the public's comments, Section 6-329 (b) of the Zoning Ordinance required the Planning Commission to identify and evaluate all factors relevant to the petition and report its findings and recommendation to the Village Council, taking into consideration the criteria for amendments of the official Zoning Ordinance set forth in Section 6-331 of the Zoning Ordinance; and

WHEREAS all costs incurred by the Village in developing these amendments shall be charged to the Applicant, Village of Stockbridge, in accordance with Article III, Section 6.47, including the actual costs incurred by the Village, the Planning Commission, and/or the Zoning Administrator for:

- A. Any publication or mailing costs required by this Ordinance and/or state law;
- B. Any traffic reports deemed necessary to complete the processing of the request;
- C. Any legal services deemed necessary to complete the processing of the request;
- D. Any planner fees deemed necessary to complete the processing of the request;
- E. Any Zoning Administrator fees deemed necessary to complete the processing of the request;
- F. Any topographic studies deemed necessary to complete the processing of the request;

- G. Any engineering services deemed necessary to complete the processing of the request;
- H. Any other fees incurred by any other consultants deemed necessary by the above-named governmental officials and/or entities to complete the processing of the request; and

WHEREAS, the Planning Commission, after considering the input from the public hearing set forth above, in accordance with the Zoning Ordinance and the Zoning Enabling Act and considering the criteria of Section 6-331 (a) - (h), recommended adoption of the proposed text amendments to new Section 6-76 to the Village Council.

Ordinance

SECTION 1: Chapter 6, Article IV, Section 6.76 is added to read as follows:

Sec. 6-76. Non-residential design requirements.

The following design requirements for all non-single family residential buildings shall be applied during site plan review as outlined in chapter 6-45:

(a) *Exterior building design.*

- (1) All non-single family residential buildings shall possess architectural variety but enhance the overall cohesive community character. All buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, or towers.
- (2) Building walls and roofs over fifty (50) feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents such as pilasters, columns, dormers, and awnings.
- (3) Window area shall make up at least twenty (20) percent or more of the exterior wall area facing any street. This requirement may be modified by the Planning Commission upon a finding that this requirement is excessive due to the nature of the use and surrounding land uses, the location of the site, or architectural incompatibility.
- (4) In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduces the visual impact of the building mass as viewed

from any street. Additional landscaping requirements of this ordinance must also be satisfied.

- (5) Overhead doors shall not face a public street or residential district. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative, and the visual impact will be moderated through use of building materials, architectural features and landscaping beyond that required.
- (6) Additions to existing buildings must complement the current building design regarding height, proportions, scale, materials, and rhythm of openings.

(b) Building materials.

- (1) Durable building materials which provide an attractive, quality appearance must be utilized.
- (2) The predominant building materials should be quality materials that are characteristic of Michigan such as earth-toned brick, decorative tilt-up panels, wood, native stone, and tinted/textured concrete masonry units and/or glass products.
- (3) Other materials such as smooth-faced concrete block, undecorated tilt-up concrete dry fit panels, or prefabricated steel panels should only be used as accents and not dominate the building exterior of the structure.
- (4) Metal roofs may be allowed if deemed by the Planning Commission to be compatible with the overall architectural design of the building.

(c) Building and sign colors.

- (1) Exterior colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors such as neon, metallic, or fluorescent for the facade and/or roof of the building are prohibited except as approved by the Planning Commission for building trim.
- (2) The use of trademark colors not meeting this requirement shall be approved by the Planning Commission.
- (3) Mechanical and service features such as gutters, ductwork, service doors, etc. that cannot be screened must be of a color that blends in with the color of the building.

(d) *Roof design.*

- (1) Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.
- (2) Variations in architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged, with a minimum overhang of twelve (12) inches.
- (3) Architectural methods shall be used to conceal flat roof-tops and mechanical equipment.
- (4) Overhanging eaves, peaked roofs, and multiple roof elements are highly encouraged.

(e) *Customer entrances.* Clearly defined, highly visible customer entrances may be included in the design. Features such as canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged to identify such entrances.

(f) *Community amenities.* Community amenities such as patio/seating areas, water features, artwork or sculpture, clock towers, pedestrian plazas with park benches, or other features located adjacent to the primary entrance to the building(s) are highly encouraged.

(g) *Signs.* Signs shall be in accordance with Chapter VI - Article X. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.

(h) *Natural features.* Buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and trees), and rock outcroppings. To the extent practical, these areas shall be incorporated into the overall site plan.

SECTION 2: Chapter VI, Article III, Section 6-45 (e) (3) is amended to read as follows:

- (3) The Zoning Administrator reviews Type-3 and Type-4 site plans that have been reviewed and found in conformance with sections 6-44, 6-45, and 6-76 and other ordinances or state law to Planning Commission for review and appropriate action.

SECTION 3: Chapter VI, Article III, Section 6-45 (C) (2) is amended to read as follows:

- (2) The Zoning Administrator reviews the application and site plan for compliance with Sections 6-45 and 6-76 filing requirements and confers with the Planning Commission chair as required.

SECTION 4: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Village of Stockbridge declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5: That this Ordinance and the related rules, regulations, provisions, requirements, orders, and matters established shall take effect immediately upon publication, except any penalty provisions which shall take effect twenty (20) days after publication, pursuant to MCL66.1.

SECTION 6: Repealer - All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

Adopted at a Regular Meeting of the Village of Stockbridge held on _____, 2024.

Moved by: _____

Seconded by: _____

YEAS: _____.

NAYS: _____.

ABSENT: _____.

ABSTAIN: _____.

Village of Stockbridge

By: Jill Ogden
Its: Village President

Certification of Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Stockbridge, County of Ingham, State of Michigan, at a regular meeting held on the ____th day of _____, 2024, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act, and the foregoing Ordinance was published in a newspaper of local circulation on _____, 2024.

Village of Stockbridge

By: Heather Armstrong
Its: Village Clerk

Drafted by: John L. Gormley (P53539)
Attorney for the Village of Stockbridge and
It's Planning Commission
Gormley Law Offices, PLC
101 Grand River Ave.
Fowlerville, Michigan 48836
517.223.3758

(Public Hearing Date March 08, 2024)
STATE OF MICHIGAN
VILLAGE OF STOCKBRIDGE

ORDINANCE NO. _____
(Enacted _____)

**AN ORDINANCE APPROVING
TEXT AMENDMENT TO CHAPTER VI, ARTICLE IV ADDING NEW
SECTION 6-81 REGARDING ACCESSORY OUTDOOR DINING AREAS.**

Recitals

WHEREAS, the Village of Stockbridge (hereinafter, the “Village”) has adopted the Village of Stockbridge Zoning and Land Use Ordinance (hereinafter, the “Zoning Ordinance”) on October 1, 2019, which was adopted under the *Zoning Enabling Act of 2006*; and

WHEREAS the Planning Commission had received numerous complaints from Village Residents regarding the appearance of “blank facades” facing streets, creating an unattractive eyesore and/or reflective light affecting other business; and

WHEREAS the Planning Commission, therefore, determined text amendments were warranted to said ordinances to provide requirements for the construction of facades of commercial buildings as to prevent hazardous condition, prevent constructing unattractive building, and to maintain the historic quality of the Village; and

WHEREAS the Planning Commission met to develop revisions to the Zoning Ordinance; and

WHEREAS, during this process the Village Zoning Administrator reviewed the drafts, attended a Planning Commission meeting where her comments and concerns were considered, and the draft text amendments were adjusted based on the same; and

WHEREAS the Planning Commission is therefore charged with coming up with the proposed language of the amendment and then scheduling a public hearing

to take public comment on the proposed amendment, pursuant to Section 6-329 (a) of the Zoning Ordinance; and

WHEREAS, the Planning Commission has determined, via this Amendment, proposed text Amendments to new Section 6-81 – Accessory Outdoor Dining Areas of the Zoning Ordinance, as set forth below; and

WHEREAS the Planning Commission proposed to consider the language of the proposed text Amendments, set a public hearing, and took public comment at 6:30 p.m. on Thursday, February 01, 2024, for Section 6-81 which the Village Clerk issued the required notices as prescribed by MCL 125.3103 and MCL 125.3202; and

WHEREAS, after taking into consideration the public’s comments, Section 6-329 (b) of the Zoning Ordinance required the Planning Commission to identify and evaluate all factors relevant to the petition and report its findings and recommendation to the Village Council, taking into consideration the criteria for amendments of the official Zoning Ordinance set forth in Section 6-331 of the Zoning Ordinance; and

WHEREAS all costs incurred by the Village in developing these amendments shall be charged to the Applicant, Village of Stockbridge, in accordance with Article III, Section 6.47, including the actual costs incurred by the Village, the Planning Commission, and/or the Zoning Administrator for:

- A. Any publication or mailing costs required by this Ordinance and/or state law;
- B. Any traffic reports deemed necessary to complete the processing of the request;
- C. Any legal services deemed necessary to complete the processing of the request;
- D. Any planner fees deemed necessary to complete the processing of the request;
- E. Any Zoning Administrator fees deemed necessary to complete the processing of the request;
- F. Any topographic studies deemed necessary to complete the processing of the request;
- G. Any engineering services deemed necessary to complete the processing of the request;

- H. Any other fees incurred by any other consultants deemed necessary by the above-named governmental officials and/or entities to complete the processing of the request; and

WHEREAS, the Planning Commission, after considering the input from the public hearing set forth above, in accordance with the Zoning Ordinance and the Zoning Enabling Act and considering the criteria of Section 6-331 (a) - (h), recommended adoption of the proposed text amendments to add new Section 6-82 to the Village Council.

Ordinance

SECTION 1: Chapter 6, Article IV, Section 6-81 is added in its entirety to read as follows:

Sec. 6-52. Accessory outdoor dining areas:

Accessory outdoor dining areas are permitted by right when accessory to a permitted or special land use is subject to the following:

- (1) Outdoor dining shall be permitted as an accessory to another permitted dining use in the applicable zoning district but shall at no time be used for any retail display or sales.
- (2) Outdoor dining requests shall require site plan review by the Planning Commission in compliance with Section 6-45 regarding site plan review.
 - (2.1) In the case of outdoor dining being added to an existing permitted dining use, instead of a formal site plan, the Zoning Administrator may initially permit a submittal of a sketch plan so long as it is drawn to scale and shows all relevant items of the site needed to review the request. Additional information, up to and including a formal site plan, may be requested by either the Zoning Administrator or Planning Commission after review of the sketch.
 - (2.2) Once initial approval of the outdoor dining has been granted by the Planning Commission, it shall be valid for a period of one (1) year and may be renewed annually by the Zoning Administrator, after inspection providing the outdoor dining area continues to comply with the original Planning Commission approval.
 - (2.3) The Zoning Administrator may defer a decision on renewal of the outdoor dining approval to the Planning Commission, if the Zoning

Administrator determines additional review is needed due to 1) changes to the approved site plan, 2) existing or reoccurring violations of this Ordinance and the approved use, or 3) the existence of other unforeseen conditions.

- (3) Outdoor dining is only permitted between April 15 and October 31. All furniture and fixtures must be removed immediately after October 31 from the outdoor dining area.
- (4) Outdoor dining areas shall not be the primary seating of the restaurant, bar, coffee shop, or other food and/or drink service establishment.
- (5) Outdoor dining areas shall be located in a manner to maintain a minimum pathway width of five feet (clear of structures such as light poles, trees and hydrants) along the sidewalk so as not to interfere with pedestrian traffic.
- (6) Chairs and tables shall be of quality-durable material, such as metal or wood, and all table-umbrellas shall be closed and removed at night when the outdoor dining area is closed for the evening.
- (7) Waste receptacles shall be provided in instances where waitstaff does not clear all tables. In cases where outdoor dining areas are provided for general use by more than one business, such as for shopping plazas and multi-tenant businesses, it shall be the responsibility of the property owner to ensure the area is maintained in a clean and orderly fashion.
- (8) Outdoor dining areas shall be required to be enclosed in an approved method in instances where there is waitstaff or alcohol service. Enclosures shall consist of metal railing, wood railing, brick walls or other suitable material approved by the Planning Commission.
- (9) Outdoor dining that extends into areas located within the public right-of-way shall require approval by the Department of Public Works and in the case of an MDOT right-of-way approval is required by the State. Such requests may be permitted in the CBC, Central Business Center Zoning District only, and shall adhere to the following:
 - a. Commercial general liability insurance must be procured and maintained on an "occurrence basis" with limits of liability not less than one million (\$1,000,000.00) dollars per occurrence combined single limit, personal injury, bodily injury, and property damage. This coverage shall include an endorsement naming the city, including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members, as an additional insured. This coverage must be primary. Any other insurance

maintained by the additional insureds shall be considered to be excess and noncontributing with this insurance and shall include an endorsement providing for a 30-day advance written notice of cancellation or non-renewal to be sent to the Zoning Administrator.

b. A license agreement in a form deemed acceptable to the Village attorney's office shall be required.

(10) The Planning Commission shall have the authority to set the hours that outdoor dining is permitted to create the least off-site impact on surrounding uses, especially residential, from traffic, noise and/or light.

SECTION 2: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Village of Stockbridge declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 3: That this Ordinance and the related rules, regulations, provisions, requirements, orders, and matters established shall take effect immediately upon publication, except any penalty provisions which shall take effect twenty (20) days after publication, pursuant to MCL66.1.

SECTION 4: Repealer - All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

Adopted at a Regular Meeting of the Village of Stockbridge held on _____, 2024.

Moved by: _____

Seconded by: _____

YEAS: _____.

NAYS: _____.

ABSENT: _____.

ABSTAIN: _____.

Village of Stockbridge

By: Jill Ogden
Its: Village President

Certification of Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Stockbridge, County of Ingham, State of Michigan, at a regular meeting held on the ____th day of _____, 2024, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act, and the foregoing Ordinance was published in a newspaper of local circulation on _____, 2024.

Village of Stockbridge

By: Heather Armstrong
Its: Village Clerk

Drafted by: John L. Gormley (P53539)
Attorney for the Village of Stockbridge and
It's Planning Commission
Gormley Law Offices, PLC
101 Grand River Ave.
Fowlerville, Michigan 48836
517.223.3758