



Village of Stockbridge
PLANNING COMMISSION
REVISED MEETING TIME IS 7:00 P.M.
APRIL 03, 2025
MEETING AGENDA
 118 N. Center Street ~ 517 - 851 - 7435

Call P.C. Meeting to order

Roll Call:

Approval of April 03, 2025, Agenda

Approval of P.C. March 06, Unapproved Minutes.

PUBLIC COMMENT

UNFINISHED BUSINESS

1. Laura and Jill presentation of what task information are to be gathered first and so on related to capital outlay plan.
2. ARTICLE III. Zoning Districts & Standards
3. ARTICLE VII. NONCONFORMITIES
4. ARTICLE III. Zoning Districts & Standards
5. Submittal of proposed new zoning map

NEW BUSINESS

1. Report of reaction to P.C. Members participating the ZOOM, Planning and Zoning Essentials training from Michigan Association of Planers (MAP).
2. Short discussion on whether or not the following ordinance need to be added to our municode
 - a. **Section 7.03.11 Utility-Scale Battery Energy Storage Facilities**
 - b. **Solar Energy Systems under PA 233.**
 - c. F. WECS under PA 233.
 - D, Wind ordinance

PUBLIC COMMENT

P.C. COMMENTS CONCERNS OR SUGGESTIONS

ADJOURN

NEXT MEETING

- a. Next regular meeting will be May 01, 2025.

Attachments

1. Laura and Jill presentation of what task information are to be gathered first and so on related to capital outlay plan.
2. ARTICLE III. Zoning Districts & Standards
3. ARTICLE VII. NONCONFORMITIES
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 - b. **Solar Energy Systems under PA 233.**
 - c. F. WECS under PA 233.

D, Wind ordinance



Village of Stockbridge
PLANNING COMMISSION
MARCH 06, 2025
UNAPPROVED MEETING MINUTES
 118 N. Center Street ~ 517 - 851 - 7435

Meeting called to order at: 6:35 p.m.

Roll Call, of P.C. Present: Vice Chair Commissioner Laura Loomis, Commissioner James Johnson, and Commissioner Amy Good, P.C. Chair Daryl Anderson.

Absent: PC Secretary Commissioner Jennifer Conant

Also present: P.C. Attorney John Gormley, Katrina Griffen Zoning Administrator and Maya Baker Planner from McKenna and Village President Jill Ogden

- **Meeting Agenda Approval**

The meeting began with a roll call and the approval of the agenda for March 6, 2025. James moved to approve, and Laura seconded. The motion carried without discussion.

- **Approval of Previous Meeting Minutes**

The minutes from the February 6, 2025, Planning Commission meeting were reviewed. Amy made a motion to approve, and James seconded. The motion carried without discussion.

PUBLIC COMMENT

The chair opened the meeting for public comment. No public comment.
 Chair closed public comment

UNFINISHED BUSINESS

1. Partial review of the below listed new/ revised/ reworded or left the same Zonning ordinances. Chair stated that due to the short length intime provided for P.C. tor review documents that P.C. member would take the month to review them and provide feedback at the April 03, 2025, meeting , Chair stated that this process would become the normal review process.
 1. ARTICLE III. Zoning Districts & Standards
 2. ARTICLE VII. NONCONFORMITIES
 3. ARTICLE III. Zoning Districts & Standards
 4. Submittal of proposed new zoning map
2. Laura and Jill presented their presentation of what task information are to be gathered first and so on related to capital Improvement plan. Unfortunately, this was tabled again.

NEW BUSINESS

Discussion on PC members being considered as employees and the need to provide paperwork within a week. James opted to remain a volunteer.

- **Training Opportunities**

Discussion on upcoming training sessions, including a virtual option on March 19. Some members expressed interest but had scheduling conflicts. Daryl and Amy will register for the event.

3. Tabled: Laura and Jill presentation of what task information are to be gathered first and so on related to capital outlay plan.
4. Tabled: Start work on 6-year Capital Outlay plan

PUBLIC COMMENT

- The Chair opened to meeting to Public Comment there was no public comment there wasn't any public present.

P.C. COMMENTS CONCERNS OR SUGGESTIONS

- **None Voiced**

ADJOURN

- Motion to adjourn by Jennifer Conant, second by James Johnson Voice vote all in favor of approving the signify by saying aye those opposed signify by saying nay. Motion carried.
- Meeting adjourned at 8:14 p.m.

NEXT MEETING

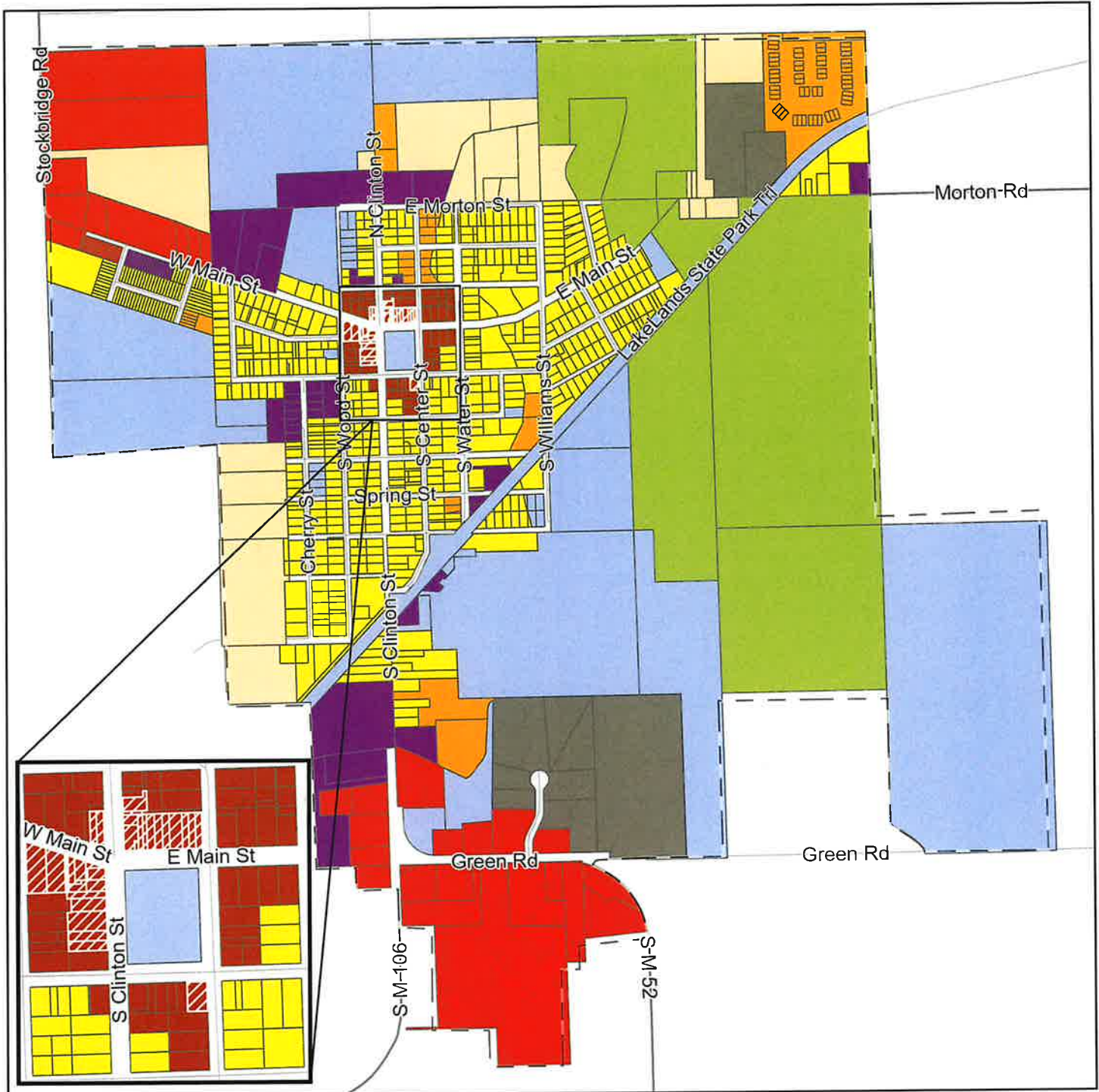
- a. Next regular meeting will be April 03,2025.



4 step process for Capital Improvement Plan, CIP

1. Recognize all the Assets of the Village.
 - a. List all of the assets of the Village and their depreciation and replacement point.
 - i. Recommendation is to do a facility condition assessment: Facility condition assessments (FCAs) can help you understand how to keep your facilities and assets in good working condition. Along with identifying any shortfalls in your facilities, an FCA will calculate the remaining useful life of your assets, any capital replacement needs, and the cost of replacing your facility. The assessment should also include a list of recommended repairs in order of priority. You can use this as a foundation to choose which projects to take on first. It's important to note that an FCA only looks at your facilities at one moment in time. Because your assets are constantly changing, the data acquired can become outdated fairly quickly. Be sure to use the information from the assessment to prepare your CIP as soon as possible
2. Choose what Capital Projects to do first: Make a Plan
 - a. Prioritize which improvements need to be made first. Think of economies of scale. If there are projects that can benefit from doing them at the same time instead of years apart, then try and prioritize those projects together if budget allows.
3. Prepare and recommend a Capital Improvement Budget.
 - a. Make sure to understand the amount of money each improvement requires. Add *why* this particular improvement needs to be made. Look at the timeline for this improvement and look at different funding sources for possible timing issues to the replacement/enhancement needed.
4. Update and Monitor the Capital Improvement Plan over time.
 - a. Continuous monitoring of your assets will help make sure any minor deficiencies don't turn into critical deficiencies, as well as assessing whether or not the projects you have chosen to tackle before others are still appropriate. The recommendation is to update the plan every 4 years with assessing 25% of the assets each year to make sure that the CIP is being implemented.

Be flexible with the plan. Adding and subtracting Assets happen along the way and it is important to recognize these changes before it become a critical financial need.



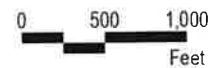
Draft Proposed Zoning Map

Village of Stockbridge, Ingham County, MI

March 3, 2025 - Draft

LEGEND

- R-1 - Village Residential
- R2 - Low Density Residential
- R-3 - Multi-Family Residential
- CBD - Central Business District
- HSO - Historic Storefront Overlay
- C-2 - Local Commercial
- C-3 - Highway Commercial
- M-1 - Light Industrial
- PUB - Public
- OSC - Open Space Conservation



Basemap Source: Michigan Center for Geographic Information, v. 17a.
Data Source: Village of Stockbridge Zoning Map
Ingham County 2025, McKenna 2025.



MCKENNA

ARTICLE VII.

NONCONFORMITIES

Sec. 6-282. Intent.

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this chapter or a subsequent amendment, but which were lawfully established prior to the effective date of adoption or amendment of this title. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this chapter to permit those nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this subchapter is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

Sec. 6-283. General Requirements

- (a) **Unlawful Nonconformities.** No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.
- (b) **Variances.** Any use or dimension for which a variance has been granted as provided in this title shall not be deemed a nonconformity.
- (c) **Change of Tenancy or Ownership.** There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises, provided there is no change or an increase in the nature or character of such nonconforming uses except in conformity with this chapter.
- (d) **Buildings Under Construction.** To avoid undue hardship, nothing in this section shall be deemed to require a change in plans, construction, or designated use of any building on which a building permit was lawfully obtained, actual construction was lawfully begun, and which said building permit is open and valid prior to the effective date of adoption or amendment of this chapter.
- (e) **Recording of Nonconforming Uses and Structures.** The Zoning Administrator shall be responsible for maintaining records of nonconforming uses and structures as accurate as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of adoption or amendment of this chapter. Failure on the part of a property owner to provide the Zoning Administrator with necessary information to determine legal nonconforming status may result in denial of required or requested permits.
- (f) **Elimination of Nonconformities by Acquisition.** In accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, the Village Council may, from time to time, acquire properties on which nonconforming uses or structures are located, by condemnation or otherwise, and may remove such uses or develop the property in compliance with village ordinances. The net cost of such an acquisition may be paid by a special assessment against a special assessment district in which the property is located or may be paid from other sources of revenue legally available to the village.

Sec. 6-284. Nonconforming lots.

- (a) **Use of Nonconforming Lot.** Notwithstanding limitations imposed by other provisions of this chapter, a permitted use and customary accessory buildings may be erected on any single lawfully created lot of record in existence at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to

meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located.

- (b) **Variance from Applicable Standards.** If the use of a nonconforming lot requires a variance from any requirement of this chapter, other than the minimum lot area or width requirement, then the use shall be permitted only if a variance is granted by the Zoning Board of Appeals.
- (c) **Contiguous Lots Under Single Ownership.** If two (2) or more contiguous lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width or area as established by this chapter, the lands involved shall be considered to be one single zoning lot for the purpose of this chapter, and shall comply with the following:
 - (1) No portion of such zoning lot shall be used or occupied which does not meet lot area or width requirements as established by this chapter.
 - (2) No division of the zoning lot shall be made which leaves remaining on any lot with area or width below the requirements stated in this chapter.
 - (3) No existing structure located on such a zoning lot shall be permitted to be structurally altered nor shall the use of a zoning lot be permitted to be changed to another use without first combining the zoning lot into one or more recorded lots that comply with the requirements of this chapter.
- (d) **Contiguous Lots with Principal Structures Under Single Ownership.** As of the effective date of adoption or amendment of this chapter, when two or more abutting or contiguous lots, one or more of which are nonconforming in width or area, are of record and in single ownership and each lot is occupied by a separate and independent principal structure, the two or more abutting lots shall be deemed to be their own independent nonconforming lots of record under this chapter and may function as if under separate ownership.
- (e) **Combination of Nonconforming Lots.** The Village may permit the combination of nonconforming lots of record into building sites less than the size requirements established by this chapter, provided that the combination of lots reduces the degree of nonconformity and results in a lot which is capable of accommodating a structure that is in conformance with the building area and setback requirements of this chapter and further provided the property owner does not own any other adjacent property that could be combined to further reduce the scope of the nonconformity or comply with the standards of this chapter.

Sec. 6-285. Nonconforming Uses.

- (a) **Continuance of Nonconforming Use.** If a lawful use of land, a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district which the use is located under the terms of this chapter, such use may be continued so long as it remains otherwise lawful and in compliance with this chapter and all applicable titles.
- (b) **Expansion of Use.**
 - (1) No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
 - (2) 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 article.
 - (3) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building
 - (4) No existing structure devoted in whole or in part to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located
- (c) **Discontinuation of Use.**

- (d) **Discontinuation of Use.** When a nonconforming use of land, a structure, or structure and land in combination, is discontinued or ceases to exist for a period of more than six months, the land, structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. In applying this section to seasonal uses, the time during the off-season is not counted, provided that the off-season time for such a use is reported to the Zoning Administrator.
- (e) **Change of Use.** The nonconforming use of land, a structure, or structure and land in combination may only be changed to another use permitted in the district in which such nonconforming use is located. Where the nonconforming use of land, a structure, or structure and land in combination is changed to a permitted use it may not thereafter be changed back to the previous nonconforming use.

Sec. 6-285. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this article by reason of restrictions 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:

- (a) **Increase in Nonconformity Prohibited.** No such structure shall be enlarged or altered in a way which increases its nonconformity.
- (b) **Permitted Changes to Nonconforming Structures.** Any nonconforming structure may be altered if the alteration serves to decrease the nonconforming nature of the structure. Any nonconforming structure may be expanded or altered in a manner which does not increase its nonconformity.
- (c) **Change of Location.** Should such nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (d) **Damage by Fire or Other Catastrophe.** The reconstruction, repair or restoration and the continued use of any nonconforming structure damaged by fire, collapse, explosion, natural disaster, or other such catastrophe, subsequent to the effective date of this Chapter shall comply with the following:
 - (1) If the sum total of the expense including labor, materials and other charges for the reconstruction of damage to a nonconforming structure exceeds 100 percent of the State Equalized Value (SEV) of the entire structure at the time such damage occurred, the structure shall only be reconstructed in compliance with all requirements of the zoning ordinance.
 - (2) If the sum total of the expense including labor, materials and other charges for the reconstruction of damage to a nonconforming structure does not exceed 100 percent of the State Equalized Value (SEV) of the entire structure at the time such damage occurred, the structure may be reconstructed in a manner consistent with the pre-existing dimensional nonconformities.
 - (3) Any restoration of damaged structures shall comply with the following:
 - a. Such restoration shall take place within six (6) months of the time of such damage and be completed within one (1) year from time of such damage.
 - b. Until such time as the debris from the damage is fully removed, the premises shall be adequately fenced or screened from access.
 - c. When a pending insurance claim requires an extension of time, the Community Development Director may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay.
- (e) **Reconstruction of unsafe structures.** If a nonconforming structure becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Building Official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.
- (f) **Alteration and reconstruction of single-unit dwellings.** Nothing contained in this chapter shall prohibit a nonconforming single-unit dwelling homeowner from altering, improving or reconstructing their homestead. Such alterations, improvements or reconstruction shall be subject to the following:

- (1) Any such project shall not increase an existing nonconformity. Additions or modifications may increase in height or extend into a required yard setback provided such a modification does not increase the distance by which an existing nonconformity already extends.
- (2) Any homestead destroyed by any means, except voluntary destruction, to an extent of more than 200 percent of its state equalized value at the time of destruction, may be reconstructed by a homeowner consistent with the pre-existing dimensional nonconformities.
- (3) Under this section, a homeowner may only have one homestead in the city and such homestead must be their sole residence in the city and they must be residing in or have legally resided therein at time application to enlarge, alter or reconstruct is applied for.

Secs. 6-290—6-305. Reserved.

ARTICLE III. Zoning Districts & Standards

Section 3.01 – Zoning Districts

The following zoning districts make up the Village of Stockbridge, and the intents for each zoning district are provided below:

- (a) **R-1 Village Residential.** The intent of the R-1, Village Residential Zoning District is to promote and maintain the traditional residential character of the historic Village footprint, promote and maintain a safe and stable environment for families and multigenerational living, and facilitate improvement of properties that is harmonious with the surrounding neighborhood. This R-1 District is located in areas of the Village which have already been developed and implements site and building regulations to ensure that the character of existing neighborhoods is preserved. The existing character of the R-1 district is primarily low- to mid-density residential in the form of primarily single-family and two-family dwellings on individual lots. Some medium-to-high density development may be found along major roads and near the central business district. The redevelopment of lots in this Zoning District shall be consistent with this pattern of development. Development of this Zoning District requires connection to the Village's utility infrastructure.
- (b) **R-2 Low Density Residential.** The R-2 Low Density Residential District includes single-family and two-family homes on large lots with greater setbacks at a lower density level, and also encompasses some large areas of vacant or undeveloped land. The R-2 District includes requirements to ensure that vacant and agricultural land within the Village boundaries is compatible with the goals and visions of the Village Master Plan. The R-2 Low Density Residential District will promote and maintain a quiet and stable low density character and provide for the preservation of natural features, however, much of this land is vacant and may be developed in the future. Homes should be located on large lots unless located within a planned neighborhood which has been connected to public utilities and developed according to this ordinance in order to minimize negative impacts on surrounding natural features and to be connected to the Village's public service infrastructure.
- (c) **R-3 High Density Residential.** The R-3 High Density Residential District is intended to provide for the development of multifamily development at higher densities, along with other uses that serve the residents in the district. This district is intended to provide for multiple family dwellings which are designed to be compatible with and connected to surrounding land uses while minimizing negative impacts on adjacent homes. Multiple family dwellings shall be arranged and improved to allow for ease of pedestrian as well as vehicle access, to provide adequate parking while avoiding large expanses of impervious surfaces, and to utilize high quality standards of design and craftsmanship. Development of this Zoning District requires connection to the Village's utility infrastructure.
- (d) **CBD Central Business District.** The intent of the Central Business District (CBD) zoning is to provide for a thriving village center with opportunities for shopping, eating, entertainment, education, civics, and culture. The CBD encompasses Downtown Stockbridge and is intended allow for a mix of small- and medium-scale businesses and residential uses that serve local and regional needs and provide opportunities for work and play. The historic fabric of Downtown Stockbridge has fostered a pedestrian-oriented environment that encourages activity and allows local residents to easily walk to and within the District; this is encouraged by connected sidewalks, small lot sizes, observable street-oriented entrances, large storefront windows, on-street or hidden off-street parking, and short setbacks. The reuse of existing buildings within the CBD is highly encouraged, and new development within the CBD should be designed to maintain a compact, walkable, mixed-use environment. Multi-story buildings are permitted in this district with residential and non-retail uses on upper floors to ensure the long term economic viability and flexibility of projects.
- (e) **C-2 Local Commercial.** The Local Commercial (C-2) Zoning District is intended to provide for small- to medium-scale commercial activities that are in close proximity to residential areas or are intended to serve both local and regional needs. While businesses in this district may be accessed by both pedestrians and people with vehicles, these businesses should be somewhat pedestrian oriented, with short front setbacks to improve visibility and activity, and parking located to the side or rear of a lot. High intensity commercial uses shall be buffered from adjacent residential uses through a combination of landscaping screening and fencing to provide privacy and

reduce sound pollution. When designed to the scale of surrounding buildings, mixed-use buildings or businesses that include a residential component are encouraged to create live-work opportunities and offer unique housing types that emulate historic commercial and residential trends. Auto-oriented uses should be buffered from residential uses and should be designed to minimize negative impacts on traffic and potential conflicts with pedestrians through utilizing shared parking lots and reducing curb cuts.

- (f) **C-3 Highway Commercial.** The Highway Commercial (C-3) Zoning District is intended to allow for high intensity commercial uses and accommodate heavy traffic from motorists using US23, M-52, and M-106. The C-3 District is intended to encourage a variety of uses to serve a regional market or draw a large number of employees. Buildings in this zoning district typically are arranged as a single principal structure and use on a property, however, commercial shopping centers are also appropriate within this zoning district, and future developments are encouraged to utilize shared parking areas and drives to minimize curb cuts and excessive areas of impervious surface. The standards for the Highway Commercial Zoning District are intended to facilitate commercial development that is planned and orderly, so as to protect the public health, safety, and general welfare, especially relative to vehicular and pedestrian traffic. Such developments can have significant impacts on their surroundings, and measures should be taken to minimize effects such as excessive runoff, noise, light, or any other environmental impact on any existing natural features.
- (g) **M-1 Light Industrial.** The Light Industrial (M-1) Zoning District is intended to allow for the most intense development that is permitted within the Village, including manufacturing uses, processing of raw materials, transportation and logistics, and warehousing. Light industrial uses are permitted within this Zoning District, while heavier industrial uses must be considered as Special Land Uses. The M-1 District requirements are designed to minimize impacts on adjacent land uses, particularly residential neighborhoods and public uses such as schools and places of worship. However, this District is also intended to minimize the intrusion of nonrelated uses such as active commercial uses which may interfere with day-to-day industrial operations.
- (h) **OSC Open Space Conservation.** The Open Space Conservation (OSC) District is intended to preserve open space, provide a desirable environment, ensure that the benefits of open space, light, air and private recreational activities exist in well-planned locations throughout the village, protect vacant lands until their appropriate land usage can be determined; and to control the proximity of these uses to other uses. Open space conservation areas are designated along Portage Creek and natural areas of the village that contain environmentally sensitive resources such as wetlands, woodlands, and sloped areas. These resources present constraints to development for which the use of land should be restricted or even precluded. The open space conservation areas are also meant to strengthen the edges or boundaries of the village and protect its character from surrounding new development. Therefore, development in the open space conservation areas should be discouraged to protect the environmental resources and to maintain the village character.
- (i) **PUB Public Land.** The Public Land (PUB) Zoning District is intended to provide for existing and planned government buildings and facilities, such as schools and libraries, as well as publicly owned open space such as parks and cemeteries. These facilities are located throughout the Village.
- (j) **HSO Historic Storefront Overlay.** The intent of the Historic Storefront Overlay (HSO) District is to provide requirements to preserve the basic form and character of remaining historic storefronts in the Village Center. The standards of this district are designed to maintain and highlight the characteristics of the storefronts of Downtown Stockbridge that foster a pedestrian friendly and active center for commerce and community. As an overlay district, the underlying zoning district standards shall apply unless the standards of the HSO standards explicitly state otherwise.
- (k) **Mobile Home Community District.** The intent of the Mobile Home Community District is to provide a District for the placement of Mobile Home Communities.

Section 3.02 – Zoning Map

- (a) **Identified.** The zoning districts as provided in **section 6-67** are bounded and defined as shown on the map entitled "Zoning District Map of the Village of Stockbridge." The zoning district map, along with all notations, references, and other explanatory information, shall accompany and be made a part of this chapter.
- (b) **Authority.** Regardless of the existence of purported copies of the zoning district map which may be published, a true and current copy of the zoning district map available for public inspection shall be located in and maintained by the office of the village clerk. The clerk's copy shall be the final authority as to the current status of any land, parcel, lot, district, use, building, or structure in the village.
- (c) **Interpretation of district boundaries.** Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning district map, the following rules shall apply:
- (1) A boundary following the centerline of a highway, alley, or easement, shall be construed as following such centerline.
 - (2) A boundary following a recorded lot line or the line bounding a parcel shall be construed as following such line.
 - (3) A boundary following a municipal boundary line shall be construed as following such line.
 - (4) A boundary following a railroad line shall be construed as being located midway in the right-of-way.
 - (5) The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.
 - (6) A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.
 - (7) In other circumstances not clearly covered by the subclauses herein, the Zoning Board of Appeals shall determine the boundaries by applying the criteria for such determination, by the criteria established above or by any other criteria as determined appropriate to construe the boundaries of the district in a reasonable and harmonious manner.

Section 3.03 – Essential Services.

Essential services shall be permitted in all zoning districts and subject to the standards of this Zoning Ordinance, and permitted to receive waivers from requirements upon demonstration to the Zoning Administrator that the Ordinance standard in question would inhibit the provision of the essential service to Village residents. However, buildings, towers, and substations (such as wastewater treatment facilities, gas, or electric regulator stations, and the like) are not eligible for waivers and shall be limited to the zoning district in which they are permitted and shall be subject to site plan review as authorized and regulated by law and other ordinances of the Village.

Section 3.04 – Interpretation of Standards

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district. No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by appeal as herein described by this chapter. Wherever the requirements of this article are at variance with the requirements of any other adopted regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern. Except as hereinafter provided, district regulations shall be applied in the following manner:

- (a) **Uses.**
- (1) **Permitted Uses.** Uses listed as "permitted" below shall be permitted, subject to any additional use standards provided in Article 6: Use Standards.
 - (2) **Special Uses.** Uses listed as special land uses shall be subject to special land use approval in accordance with the processes established in this Ordinance.

- (3) **Accessory uses and buildings.** Accessory uses are permitted only if such uses are clearly incidental to the permitted principal uses.
- (4) **Uses not Listed.** The Planning Commission has the authority to determine that a use not listed within this Zoning Ordinance is similar in character and intensity to the uses permitted in each district, and therefore permit that use by special land use approval (in accordance with the processes established in this Ordinance). In determining the "character and intensity of the use, the Planning Commission must determine that the use is consistent with the standards for the district for the following:
- a. Noise, odor, dust, and vibration.
 - b. Traffic generation and anticipated usage (how many people are likely to gather onsite).
 - c. The scale and massing of buildings.
 - d. Impact on existing natural features.
 - e. Adjacent uses.
 - f. Duration of uses (if temporary).
 - g. Any other criteria deemed applicable by the Planning Commission.
- (b) **Lot Frontage.** Every parcel of land shall have frontage on and direct access to a public street which has been accepted for maintenance by the Village, or shall have frontage upon a private street with direct access to a public street and exists under a road maintenance agreement established in accordance with **this Ordinance**.
- (c) **Measuring Lot Width.** The lot width is measured along a straight line connecting the side property lines, at the point where the minimum front setback is located.
- (d) **Measuring Building Height.** Building heights shall be measured in feet from the average grade along the base of the structure, to the highest point of the building, excluding objects subject to height exceptions as described in **§.06 e**.
- (e) **Measuring Yards.**
- (f) **Application of area and width regulations.**
- (1) The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
 - (2) Every parcel of land shall meet the minimum lot width requirements set forth in section 6-71, schedule of regulations, and shall have frontage on and direct access to a public street which has been accepted for maintenance by the village.
 - (3) Access to a single-family dwelling shall be limited to one individual driveway.
- (g) **Application of yard regulations.** No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way except for those improvements authorized by the village.
- (1) **Front.** All front yard setback lines shall be the minimum perpendicular distance measured from the right-of-way of the road upon which a lot or parcel fronts to the nearest point of the principal structure.
 - (2) **Side and Rear.** All side and rear yard setback lines shall be the minimum perpendicular distance between the nearest point on the side or rear of the structure and the side or rear lot line parallel thereto.
 - (3) **Corner Lot.** On corner lots, the required front yards shall be provided along both street frontages.
- (h) **Location and number of buildings on lot of record.**
- (1) Every building erected, altered, or moved shall be located on a lot of record as defined herein.
 - (2) There shall be only one single-family dwelling permitted per lot. Where there is more than one single-family dwelling located on a lot of record at the time of adoption of the ordinance from which this article was derived, said dwelling shall not be divided from the lot except in conformity with the requirements of this article.

Section 3.05 – Table of Permitted Uses.

Key:

P = Permitted if use standards are met.

E = Permitted if pre-existing prior to adoption.

S = Permitted by Special Land Use Approval.

	R-1	R-2	R-3	CBD	C-2	C-3	M-1	PUB	OSC	MHC	Use Standard
Residential											
Single Detached Dwelling Unit	P	P	E	E							
Two Attached Dwelling Units	P	P	P								
Three to Four Attached Dwelling Units	P		P								
Five or more Attached Dwelling Units			P								
Mixed Use Dwelling Units				P	P	P					
Accessory Dwelling Unit (ADU)	S	P									
Manufactured Housing Community											
Bed and Breakfast	S	S		P	P						
Home Occupation/Cottage Industry	P	P	P	P							
Child Care Home	P	P									
Commercial											
Retail goods establishment				P	P	P					
Personal services establishment				P	P	P					
Office				P	P	P					
Maker Space / Small Scale Production				P	P	P	P				
Specialty food establishment				P	P	P					
Restaurant and Bars				P	P	P					
Medical or Dental Clinic				P	P	P					
Hospital (inpatient medical)						S		S			
Senior Care Facility	S	S			S	P			S		
Child Care Center	S	S	P	S	P	P			S		
Event Venue				P	P	P					
Drive Thru					S	P					
Funeral Home				P	P	P					
Firearm or Archery Range						S	S	S			
Gas Station					S	S	S				
Outdoor Sales/Dining				P	P	P					
Lodging				S	S	P					

Vehicle Repair					S	P	P				
Vehicle Sales					S	P	P				
Vehicle Wash						P	P				
Transitory Vending Unit				P	P	P					
Industrial											
Outdoor Storage - Accessory, Non-Res.					S	P	P	P	A		
Outdoor Storage - Principal Use						S	S				
Solar Energy (Accessory)	P	P	P	P	P	P	P	P	P		
Solar Energy (Primary Land Use)								S	S		
Wind Energy – Accessory Roof-mounted	P	P	P	P	P	P	P	P	P		
Wind Energy Production (Principal Land Use)								S	S		
Manufacturing - Low Intensity						S	P				
Manufacturing - High Intensity							P				
Warehousing					S	P	P				
Transportation and Logistics						S	P				
Research and Development					P	P	P				
Self Storage Facilities						P	P				
Waste and Recycling Collection Centers							P				
Other Uses											
Campground									S		
Cemetery								P			
Government/Municipal Service								P			
Education/Training Facility (other than K-12 Schools)	S	S	S	S	S	S	S	P			
K-12 School	S	S	S	S	S	S		P			
Kennel					S	P	P	P			
Parking Lot as a Principal Use				S				P			
Recreation - Indoor				P	P	P	P	P			
Recreation - Outdoor				P	P	P		P	P		
Religious Institution	P	P	P	P	P	P	P	P			
Adult Business							S				
Wireless Communication Facility						S	P				

Section 3.06 Schedule of area, height, width and setback regulations.

The regulations herein regarding lot sizes, yards and setbacks, heights, floor area, and lot coverage as indicated in the Schedule of Dimensional Regulations and the associated footnotes in Section 3.06 apply within the Zoning Districts as indicated. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a lot used in complying with this ordinance for yards, courts, lot area, occupancy, in connection with an existing or proposed building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Zoning District	Minimum Lot Size		Height (ft.)	Minimum Yard Setback			Max. Lot Coverage Of Total	Footnotes See Below
	Area (sq. ft.)	Lot width (ft.)		Front (ft.)	Per Side (ft.)	Rear (ft.)		
R-1: Village Residential	8,712	66 ft.	35	10	5	20	50%	A, B, C
R-2: Low Density Residential	1 acre	90 ft.	35	25	10	35	35%	A, B, C
R-3: Multi-Family Residential				10	10	10		A, B, C, D
C-2: Local Commercial	None		35	5	5	5	50%	A, B, C, D
C-3: Highway Commercial	1 acre	100 ft.	35	35	10	20	50%	A, C, D
CBD: Central Business District	None	—	45	0	0	0	100%	A, B, C, D
M-1: Light Industrial	1 acre	150 ft.	35	50	50	100	70%	A, C
PUB: Public District	---	50 ft.	35	10	10	10	50%	
HSO: Historic Storefront Overlay	-	-	-	Min: 0 Max: 5	Min: 0 Max: 0	0	-	

Footnotes to Schedule of Area, Height, Width and Setback Regulations:

- (a) **Non-Conforming Lot Dimensions.** Non-conforming lots of record may be permitted for use, provided that any principal or accessory structures constructed on the lot comply with all other dimensional standards, excluding lot area.
- (b) **Minimum Dwelling Area.** The minimum floor area of dwelling units shall be as follows:

Type of dwelling:	Total Gross Floor Area (sq. ft.)
One-family or Two-Family Dwellings	
One-Story Dwelling	800 on ground floor
Two-Story Dwelling	600 on ground floor
Multiple-Family Dwellings	
Efficiency unit	500
1-bedroom unit	600
2-bedroom unit	800
3+ bedroom unit	1,000

- (c) **Floodplain Setbacks.** The minimum distance of any principal building from the ordinary high-water mark shall be fifty (50) feet.

- (d) **Additional Setbacks.** Any new structure constructed within the CBD, C-2, or R-3 Zoning District which abuts a dwelling located within the R-1 or R-2 district shall have a minimum setback from the common property line of ten (10) feet and shall be required to provide an opaque screening ([See Landscaping Standards](#)).
- (e) **Height Exception.** Roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, and screens, flagpoles, chimneys, smokestacks, water tanks, or similar structures may be erected above the height limits herein prescribed. The Planning Commission may specify a height limit for any such structure when special land use approval is required, and such height limit is reasonably necessary for public safety or to otherwise comply with the standards set forth in this Ordinance.

Sec. 6-77. Enforcement.

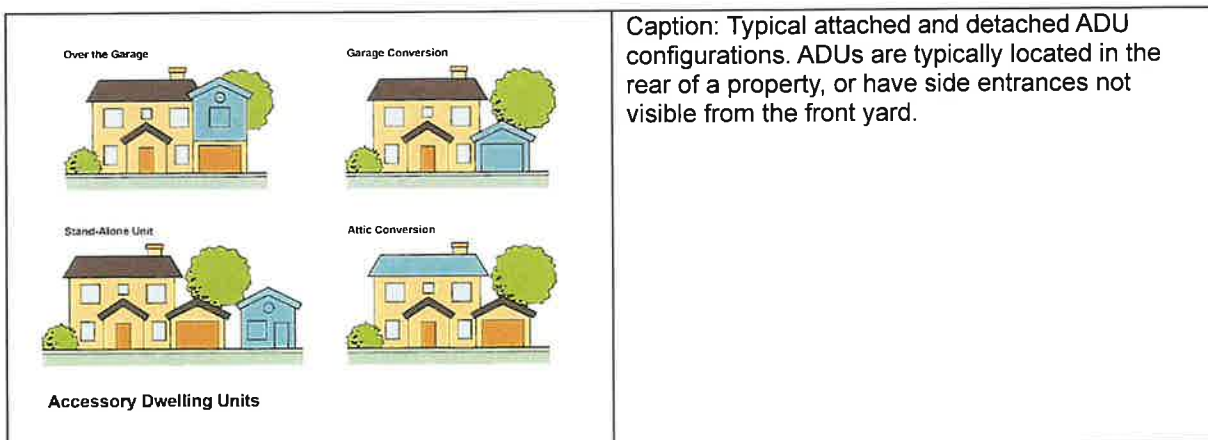
It shall be the responsibility of the village manager or his or her designee to enforce the terms of this article.

(Ord. No. 2023-05-11.006, § 3, 5-11-2023)

ARTICLE VI. USE STANDARDS

Sec. 6-266 Accessory Dwelling Unit

- (a) **Intent.** This standard is intended to permit the construction of accessory dwelling units (ADUs), when done so in a way that is consistent with the Village's existing character, in order to provide greater freedoms to property owners and create opportunities for flexible, multigenerational living. In being "accessory" to a principal residential dwelling, an ADU shall not be rented for remuneration, it shall be intended to provide additional living space within a household as an owner-occupied space.
- (b) **Standards.** The following regulations shall apply to accessory dwelling units in Accessory Structures:
- (1) **Maximum Floor Area.** For an attached ADU, the maximum floor area shall be one third (1/3) of the gross floor area of the principal dwelling unit. A detached ADU shall not exceed the maximum floor area for a detached accessory building in the zoning district in which it is located. The floor area of the ADU shall be counted toward the maximum lot coverage for the zoning district in which it is located.
 - (2) **Dimensional Standards.** An ADU must comply with the maximum height and required setbacks of the zoning district in which it is located.
 - (3) **One ADU per Lot.** No more than one (1) ADU may be constructed per parcel. ADUs shall only be permitted on lots with a single-family dwelling. ADUs are not permitted on parcels with existing duplexes/apartments, or on the same lot as a trailer coach or a mobile home.
 - (4) **Utilities.** An ADU shall be connected to the Village's utility infrastructure.
 - (5) **Compatibility with Surrounding Land Use.** The design of the accessory residence shall be thoughtful and quality, and shall not detract from the character and appearance of the principal residence or the surrounding neighborhood.
 - (6) **Blight, Building, and Fire Codes.** The ADU shall receive approval from the Building Department and shall demonstrate compliance with Building and Fire Codes for single family residential uses after receiving zoning permit approval.
 - (7) **Driveway and Parking.** Parking and Access. In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory residence.
 - (8) **Not for Separate Rent or Sale.** Detached Accessory Dwelling Units shall not be rented or leased for remuneration, and shall not be sold separately from the principal dwelling.



Sec. 6-267 Outdoor Dining Areas.

- (a) **Intent.** The following standards are intended to apply to all outdoor dining areas accessory to a permitted land use. There are two types of outdoor dining areas: sidewalk dining areas and on-site dining areas. Greater standards are applied to sidewalk dining areas as they are located within the public right-of-way. These standards are not applicable to temporary events or transitory food services.
- (b) **Standards.** 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) Plan Review. In the case of outdoor dining being added to an existing permitted 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.
 - (3) Sidewalk Dining Areas. The following standards shall apply only to applications for outdoor dining areas located within the public right-of-way.
 - a. Approval Process. Sidewalk dining areas shall require site plan review and approval by the Planning Commission in compliance with Section X: Zoning Plan Reviews.
 1. Once initial approval of the outdoor dining has been granted by the Planning Commission, it shall be valid for a period of three (3) years, and may be renewed by the Zoning Administrator, after inspection providing the outdoor dining area continues to comply with the original planning commission approval. The applicant shall be responsible for maintaining the site within the same boundaries and under the original conditions approved. If significant changes are made to the layout, or the conditions of the approval are not maintained, a sketch plan demonstrating such changes must be reviewed and approved by the Zoning Administrator.
 2. Decision on the renewal of an outdoor dining approval may be deferred to the Planning 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.
 - b. Standards.
 1. 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.
 2. Sidewalk dining areas shall have a discernable boundary around the perimeter of the dining and/or service area. Perimeter boundary enclosures shall consist of metal railing, wood railing, brick walls, or other suitable material approved by the Planning Commission.
 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.
 - c. Right-of-Way Licensing. 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 CBD Central Business District only, and shall adhere to the following:
 1. 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 Village, 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 insured 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.

2. A license agreement in a form deemed acceptable to the Village attorney's office shall be required.
- (4) **Other Outdoor Dining Areas.** Outdoor dining areas not within the public right-of-way shall be permitted subject to sketch plan approval by the zoning administrator, where accessory to an approved principle use, and subject to standards for all outdoor dining areas described herein.
- (5) **Standards for all Outdoor Dining Areas.** All outdoor dining areas, both within and outside of the public right-of-way, shall comply with the following standards:
 - a. **Waste receptacles.** 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.
 - b. **Buffer from vehicles.** Sidewalk dining areas shall have a discernable boundary around the perimeter of the dining and/or service area. Sidewalk dining areas shall be placed a minimum of five (5) feet from any parking or vehicle circulation areas. Vehicle circulation areas within 10 feet of outdoor dining areas shall be separated from the outdoor dining area by curbs and fencing to provide a clear separation and improve safety.
 - c. **Furnishing.** 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. Furnishing shall be heavy enough to not be blown away in moderate winds, anchored to the ground, or stored when the business is not in operation.
 - d. **Hours of operation.** 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. If set, such standards shall be a condition of approval.

Sec. 6-268. Adult Foster Care Facilities.

- (a) **State License Compliance.** All adult foster care facilities shall be registered with and licensed by the State of Michigan Bureau of Community and Health Systems, or any subsequent successor agency, shall comply with the Adult Foster Care Facility Licensing Act, PA 218 of 1979, MCL 400.701 et seq. as amended along with all applicable state rules and shall maintain on file with the Village a copy of a valid State license.
- (b) **Minimum Required Lot Area.** The subject parcel for an adult foster care small group home, large group home or congregate facility shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 square feet per adult, excluding employees and/or care givers.
- (c) **Residential Character.** The property shall be maintained in a manner that is consistent with the character of the neighborhood.

Sec. 6-269 Adult regulated uses.

- (a) **Purpose.** Special control of adult uses is necessary to ensure that the adverse effects of these uses will not interfere with the stable growth and development of the surrounding areas, because of their disruptive and deleterious effect on adjacent properties, especially when constructed near residential uses and zones. The primary control or regulation is to prevent a concentration of these uses in any one area.
 - (1) **Uses constituting an adult regulated use.** Applicable uses considered under this section are as defined Article III of this chapter.

- (2) **Special land use approval.** All adult regulated uses shall be subject to special land use approval, pursuant to section 6-44.
- (3) **Required spacing.** Adult regulated uses shall meet each of the following spacing requirements, measured horizontally between the nearest points of each property line:
 - a. At least 1,000 feet from any other adult regulated use;
 - b. At least 1,000 feet from all churches, convents, temples and similar religious institutions;
 - c. At least 1,000 feet from all public, private or parochial nurseries, primary or secondary schools, playgrounds, licensed child care facilities, and hospitals;
 - d. At least 500 feet from any one-family or multiple-family residential district or use;
 - e. At least 500 feet from any pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation, dance club catering primarily to teenagers, movie theaters, and similar uses frequented by children and teenagers, at the discretion of the Planning Commission.

(b) Special site design standards.

- (1) Maximum size of the building shall be 3,000 square feet.
 - (2) The building and site shall be designed, constructed and maintained so material such as a display, decoration, or sign depicting, describing, or relating to activities or merchandise within the structure cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use.
 - (3) Adult regulated uses shall be located within a freestanding building. A shared or common wall structure or shopping center is not considered to be freestanding building.
 - (4) The style, shape and color of the building materials shall be subject to approval by the planning commission in consideration of the similarity and compatibility of said structure with other structures within a reasonable proximity.
 - (5) In addition to provisions of article VI, a four-and-one-half-foot-high brick or masonry wall shall be constructed to screen the parking lot from the adjacent public rights-of-way.
 - (6) No person shall reside in or permit any person to reside in the premises of an adult regulated use.
 - (7) No person, operating an adult regulated use, shall permit any person under the age of 18 to be on the premises of said use either as an employee or customer.
 - (8) Adult regulated uses shall comply with all applicable federal, state, and local licensing regulations. Initial and annual proof of such compliance shall be a condition of special land use approval and the continuance thereof.
- (c) Conditions.** Prior to the granting of approval for the establishment of any adult use, the planning commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the controlled use as in its judgment may be necessary for the protection of the public interest. An evidence bond or other performance guarantee may be required, as proof that the conditions stipulated in connection therewith will be fulfilled.

Sec. 6-270. Archery Range, Indoor.

- (a) The structure for the completely enclosed range shall be constructed in such a manner strong enough to prevent a bolt or arrow from penetrating any wall. The applicant will provide sealed certification from a licensed architect or structural engineer in the State of Michigan confirming the same.
- (b) The proposed site must otherwise comply with the site plan review requirements of **article III, section 6-45** of this zoning ordinance.

Sec. 6-271. Bed and Breakfast Lodging.

- (a) **Owner's Primary Residence.** Each establishment must be occupied and operated by its owner.

- (b) **Residential Character.** The bed and breakfast shall not alter the character of the dwelling as a residence. The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting, or traffic.
- (c) **Maximum Number of Rooms and Guests.** No more than five (5) guest rooms, and no more than ten (10) guests at any one time, are permitted per facility.
- (d) **Maximum Occupancy Period.** The stay of bed and breakfast occupants shall be no more than 14 consecutive days and not more than 30 days in any one calendar year.
- (e) **Minimum Number of Bathrooms.** One bathroom for every three sleeping rooms shall be provided, with a minimum of two bathrooms.
- (f) **Parking.** One off-street parking space shall be provided in the side or rear yard area, for each bed and breakfast bedroom.
- (g) **Landscaping.** Site landscaping and screening from adjacent residences and parking areas or any outdoor eating or activity area, shall be provided in compliance with Sec. 6-176.

Sec. 6-272. Child Care Facilities.

- (a) **State License Compliance.** All child care facilities shall be registered with and licensed by the State of Michigan Child Care Licensing Bureau, or any subsequent successor agency, shall comply with the Child Care Organizations Act, PA 116 of 1973, MCL 722.111 et seq. as amended along with all applicable state rules and shall maintain on file with the Village a copy of a valid State license.
- (b) **Outdoor Play Area.** Outdoor play areas shall be fenced and screened from any adjoining lot in any residential district. Said play areas shall comply with the minimum front and side yard setbacks and fences shall comply with all requirements for fences in the district where the use is located.
- (c) **Off-Street Parking.** Group Child Care Homes and Child Care Centers shall provide a dedicated off-street parking area where vehicles dropping off children shall park, and an adult shall escort a child from the parked vehicle into the child care facility. The Zoning Administrator, or Planning Commission if site plan review is required, shall determine that the proposed parking configuration and the plan for child drop-off/pick-up provides a safe and effective method for children to enter the facility and does not negatively impact adjacent uses. Any City approved parking plan shall not conflict with the requirements of the State of Michigan Child Care Licensing Bureau or any subsequent successor agency.
- (d) **Additional Standards for Group Child Care Homes.** Group child care homes shall comply with the following additional standards:
 - (1) The property is maintained in a manner that is consistent with the character of the neighborhood.
 - (2) The hours of operation do not exceed 16 hours within a 24-hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
 - (3) One off-street parking space per employee not a member of the group day care home family shall be provided.

Sec. 6-273. Contractor's Office and Storage Yard.

- (a) **Principal Use and Structure Requirements.** A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. The principal use of the site shall be as an office space for the contractor business. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property.
- (b) **Materials and Vehicles Stored On-Site.** Only products, materials and equipment owned and operated by the principal use shall be permitted for storage. No partially dismantled, wrecked or unregistered vehicles shall be stored on-site.

- (c) **Outdoor Storage Yard Location.** Outside storage shall not be located within the required front yard. Such storage shall not be located in any required parking or loading space.
- (d) **Outdoor Storage Yard Screening.** Outside storage shall be screened from the view of a public street, and adjacent properties zoned either residential, commercial, or office. The outdoor storage yard shall be completely enclosed on all sides with an eight (8) foot high decorative masonry wall and/or the wall of a building located on the lot. Gates providing access to the outdoor storage yard shall be comprised of a ridged metal frame and an opaque metal screen. Chain link gates shall be prohibited.
- (e) **Information Requirement.** The location and size of areas for outside storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of the information submitted under section 6-45, site plan review.

Sec. 6-274. Cottage Industries and Home Occupations.

- (a) **Intent.** It is the intent of this section to permit residents of the village a broad choice in the use of their residences as places of livelihood and the production or supplementation of personal and family income, while establishing criteria for the conduct of home occupations in dwelling units in residential districts to protect neighboring residential land uses from adverse impacts of activities associated with home occupations, to maintain and protect the character of residential neighborhoods and to ensure the compatibility of Cottage Industry with other uses permitted in residential districts. These standards distinguish between three activities: Telecommuting, Home Occupations, and Cottage Industries.
- (b) **Zoning and Building Permits.** All accessory buildings and structures or other improvements associated with any of the activities herein will be required to receive separate zoning or building permits as required in this Ordinance.
- (c) **Telecommuting.** Telecommuting describes any type of business, profession, or occupation that can be conducted from within the home which demonstrates no exterior evidence that a business is being conducted from the premises. Telecommuting is not considered a land use and shall not require any approval from the Village.
- (d) **Home Occupation.** A low intensity business, occupation, or profession that results in a product or service that is clearly an accessory, incidental, and secondary use of a residential dwelling unit, and meets the criteria below. A Home Occupation is permitted by right within any one or two-family dwelling unit if the business operates with minimal external impacts.
 - (1) **Home Occupation Criteria.** A business will be considered a home occupation if it meets all of the following criteria. If it exceeds any of the criteria below, it shall be considered a Cottage Industry and subject to those requirements.
 - a. The business shall not have employees, other than members of the primary household of the dwelling where the business is taking place.
 - b. There shall be no excessive, regular delivery of materials or goods to or from the property beyond regular mail delivery services that create excessive truck traffic that impedes the residential character of the site.
 - c. The business does not engage in in onsite, in-person, retail sale and/or repair of large-scale products such as vehicles, boats, or furniture of more than one unit at a time and stored completely within an enclosed, opaque garage or fenced area when not being actively maintained.
 - d. On-site services to customers may be provided, as long as service is provided by appointment only to one individual or very small group at a time in a manner than does not go beyond the typical activity of a single-family neighborhood.
 - e. On-site lessons, such as fine arts or athletics, to no more than 3 students at any given time, may be provided.
 - f. There are no elements of the business activity visible from the primary frontage of the property other than a sign (compliant with the standards below), and no more than 25% of the area of the property is utilized for business activities.

- (2) **Enforcement.** These standards will be enforced on a complaint-basis. No permit is required for the operation of a home occupation. If the Village receives complaints, reports, or evidence that any of the criteria herein have been violated, or that the nature of the business exceeds the expected intensity, the Zoning Administrator shall first notify the property owner in the standard manner for zoning violations **Enforcement and Violations** and provide the opportunity to reduce the intensity of the activity. Following attempts at remediation, the Zoning Administrator may determine that the business activity shall be considered a cottage industry and require the business to submit an application and receive approval, subject to those requirements.
- (e) **Cottage Industry.** A cottage industry is a business, occupation, or profession that results in a product or activity, and engages in more intense activities requiring a higher standard of approval, and is clearly an accessory, incidental, and secondary use of a residential dwelling unit, meeting the criteria described below. The operation of a cottage industry shall require special land use approval prior to beginning operation of any of the cottage industry activities.
- (1) **Cottage Industry Criteria.** A business that results in a product or service that is clearly an accessory, incidental, and secondary use of a residential dwelling unit, and meets one or more of the following criteria:
- a. Has employees that live off-site.
 - b. Engages in onsite, in-person, retail sale and/or repair of large-scale products such as vehicles, boats, or furniture of more than one unit at a time.
 - c. Provides on-site lessons, such as in fine arts or athletics, to more than three (3) students at any given time.
 - d. Provides on-site services that are open to the public (not by appointment only) or otherwise generates excessive traffic and customers that exceeds the typical activity of a residential area.
- (2) **Standards for Cottage Industry Operations.** Any application for a Cottage Industry must demonstrate compliance with the following standards:
- a. A cottage industry shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises and neighborhood.
 - b. No accessory structure shall be established in association with the home occupation, until the applicant has approval of all required permits for the principal use of the structure.
 - c. Limited retail sales may be permitted on the premises provided that such sales do not result in violating traffic patterns. Retail sales and all visits by customers shall be limited to the hours of 7:00 am to 8:00 p.m.
 - d. The cottage industry shall occupy no more than one accessory building in addition to the residential dwelling unit on the same lot.
 - e. The Cottage industry shall occupy no more than twenty five percent (25%) or 1,200 square feet (whichever is less) of the floor area of the dwelling and a maximum of 1,600 square feet of the accessory structure in which the cottage industry is located.
 - f. No traffic shall be generated by such cottage industry in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such industry shall be met off the street and other than in a required front, rear, or side yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size. No excessive additional off-street parking demand shall be created which impedes the enjoyment of surrounding neighbors, and emergency access will be available.
 - g. The cottage industry shall permit no more than two (2) on-site employees on the premises, other than members of the immediate family residing on the premises.
 - h. The cottage Industry shall not create or produce explosive, flammable, or otherwise hazardous waste.
 - i. Signs. One (1) nonilluminated name plate, not more than two (2) square feet in area, may be attached to the building. Any additional sign typically permitted within the relevant zoning district shall be permitted as described in **Section X. Signs**.

- (3) **Special Land Use Specific to Owner Operator.** One or more owner/operator shall be designated for the Cottage Industry. The Special Land Use approval shall be terminated if no designated owner/operator lives on the property.
- (4) **Process.** A permitted use authorization must be obtained (by approval of a special use permit) to operate a Cottage Industry in the Village and demonstrate compliance with all of the requirements for Cottage Industries in this Section.
 - a. **Special Land Use.** A request for Cottage Industry shall be required to follow all processes and requirements for a special land use (Section)
 - b. **Sketch Plan.** Application for a Cottage Industry shall require a site or floor plan of the property and dwelling which clearly marks any areas to be specifically dedicated to the commercial activity or storage and the existing driveway and parking facilities on the property.

Sec. 6-275 Drive-Thru Facilities

Any use or building that contains a drive-thru facility that is designed to provide service to a patron who remains in their car shall comply with the requirements of this section.

- (a) **Site Access.** There shall be only one ingress/egress driveway per street frontage, with no drive-way closer than 50 feet to any street intersection.
- (b) **Building Design.** Drive-thru uses must be built as an integral architectural element of the primary structure and use. Building materials shall be the same as those used in the primary structure. Drive-thru facilities and structures separate from the primary structure are prohibited.
- (c) **Building Location and Orientation.** The principal building to which the drive-thru use is accessory should be located at or near the front setback line and, if applicable, side street setback lines. Any building with a drive-thru use shall have a prominent pedestrian entrance facing each street upon which it has frontage.
- (d) **Drive-Thru Setback.** Drive-thru uses, including the drive-thru window and any canopies, shall be located to the rear or side of the primary structure, and set back a minimum of 10 feet from the front or side street building wall of the primary structure.
- (e) **Stacking Lane.** A minimum of ten (10) stacking spaces, measuring 10 feet wide by 20 feet long, shall be required per final pick-up window. Ordering stations and stacking lanes shall not be located between the building and the front lot line of the principal street. Stacking lanes shall not be located to interfere with vehicles accessing and exiting any designated parking space. Stacking lanes shall be located entirely on private property and shall not utilize any portion of or cause any interference to a public right-of-way or conflict with safe movement along any sidewalk.
- (f) **Escape Lane.** A ten (10) foot wide escape lane shall be provided adjacent and running parallel to the full length of the drive-thru lane. The escape lane may also function as an interior access drive for vehicles accessing parking spaces and circulating thru the lot.
- (g) **Residential Screening.** A six (6) foot high decorative masonry wall with a five (5) foot wide landscape buffer on exterior side of the wall in compliance with the standards of Sec. 17.06.030(??) shall be provided along any property line shared with an adjacent residentially zoned or used lot.
- (h) **Right-of-Way Screening.** A five (5) foot wide landscape buffer or a three (3) foot high masonry screening buffer in compliance with the standards of Sec. 17.06.030(B)(1) shall be provided along any adjacent public right-of-way line.

Sec. 6-276 Event Hall/Banquet Hall

Event Halls/Banquet Halls that are the principal use of a lot or a building shall comply with the following standards. A building or room used by a civic institution, government entity, hotel, place of workshop or public school district in which events are held and is clearly an accessory to the principal use of the lot or structure shall not be required to comply with the following.

- (a) **Building design.** The following provisions shall apply to all event halls:
- (1) The building shall not be less than 3,000 square feet in area.
 - (2) The building shall be fully enclosed, and all activities shall be held inside the building. The Planning Commission may grant permission for exterior event activities within a dedicated space, within specific time periods specified at the time of approval.
 - (3) Outdoor storage shall not be permitted.
- (b) **Hours of operation.** The hours of operation shall be confined between the hours of 8:00 a.m. and 12:00 a.m.
- (c) **Accessory buildings.** No accessory structures shall be permitted to be used in concert with the principal use for an event. Portable restroom facilities shall not be permitted.

Sec. 6-278 Kennels

- (a) **Compliance with other regulations.** A kennel shall be subject to all permit and operational requirements established by County and State regulatory agencies. Kennels shall also follow all applicable provisions of Chapter 4 of the City Code of Ordinances, as amended.
- (b) **Enclosure.** All animals shall be kept in an enclosed structure, except for occasional walking and outdoor exercise when accompanied and controlled by an employee. No animals shall be permitted outside of the building between the hours of 9:00 p.m. and 8:00 a.m.
- (c) **Setbacks.** Structures in which animals are kept shall not be located in any required front, side or rear setback area and shall be located at least fifty (50) feet from any dwellings or principal buildings on adjacent property.
- (d) **Indoor Exercise Areas.** Exercise areas for animals, where they are permitted to roam and play freely, may be permitted within a completely enclosed building. All doors and windows shall be closed when the exercise area is used by any animal.
- (e) **Outdoor Exercise Areas.** Outdoor exercise areas for animals shall not be permitted unless a facility complies with the following standards:
- (1) The outdoor exercise area is located behind the rear building line of the principal building.
 - (2) The outdoor exercise area is located at least sixty (50) feet from any residentially zoned or used property.
 - (3) The outdoor exercise area shall be completely enclosed on all sides with a masonry wall with a minimum height of five (5) feet and/or the wall of a building located on the lot. Any exterior wall access point to the outdoor exercise area shall include an access gate that is completely opaque.

Sec. 6-280. Outdoor Retail Sales

- (a) **General standards.**
- (1) An outdoor display shall be considered as an accessory to the principal business use conducted on the premises.
 - (2) The exterior of the premises shall be kept clean, orderly and maintained.
 - (3) The village shall not be held liable or responsible for any type of damage, theft or personal injury which may occur.
 - (4) In the administration of these provisions, the zoning administrator shall be permitted to refer a request to the planning commission for review and recommended where site conditions may create difficulty in adherence to the standards contained herein.

(b) Standard within the CBD district.

- (1) An outdoor display may be located in front of or adjacent to the establishment. An outdoor display that extends beyond the property lines of the applicant shall require the permission of the affected property owners.
- (2) If an outdoor display is located on a public sidewalk, a minimum of five feet of unobstructed pedestrian access, along the sidewalk shall be maintained. Sufficient room shall also be provided to allow car doors to open along the curbside.

(c) Standard within the C-2 and C-3 districts.

- (1) An outdoor display may be located within any required yard but shall not be located within any public road right-of-way.
- (2) An outdoor display shall not occupy or obstruct the use of any fire lane, required off-street parking, or landscaped area required to meet the requirements of this chapter.

(d) Transient and seasonal sales.

- (1) Transient or seasonal sales may be located within any required yard but shall not be located within any public right-of-way.
- (2) Transient or seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the standards of this chapter.

Sec. 6-282. Propane Tank Storage and Sales.

The following standards apply to the outdoor storage of liquid propane tanks offered as retail to customers for purchase on-site, which shall require sketch plan review and approval where accessory to a retail store or other appropriate principal use in the C-2, C-3, or M-1 Zoning District:

- (a)** There shall be no outside storage of any material, junk, or discarded parts, except outside storage of customer-ready liquid propane tanks is permissible provided the tanks are maintained to be aesthetically pleasing, which means that no bare metal or rusty metal should be exposed, and all tanks are to be stored in neat rows on the premises.
- (b)** The proprietor or land owner shall file with the village clerk copies of all licenses issued to the proprietor or land owner by the State of Michigan and copies of any bonds required by the State of Michigan.
- (c)** A security fence shall be erected to enclose the storage area. Such fencing may be made with slats, painted metal, or other material intended to blend in with the adjoining area. Bare metal, excessively rusty, damaged, or unfinished fencing deemed inappropriate by the zoning administrator shall be replaced. The fence must be a minimum of six feet in height.
- (d) Placement Requirements.**
 - (1) The fuel storage area shall maintain a minimum setback of 50 feet for front, side and rear property lines.
 - (2) The minimum lot size shall be two acres.
 - (3) Fuel storage areas shall not be located within 100 feet of any property line for an existing residential use or zoning district regardless of whether said use or building is located in the Village or the Township.
- (e) Maintenance & Security.** Liquid propane tanks shall be stored in neat rows and kept solely within the dedicated, lockable enclosure.

Sec. 6-281. Self-Storage Facilities.

Self-storage facilities shall be subject to the following requirements and conditions:

- (a)** Minimum lot area shall be two and one-half acres and the maximum lot area shall be five acres in a commercial district and ten acres in an industrial district.

- (b) Parking and circulation:
- (1) One parking space shall be provided for each ten storage cubicles and shall be equally distributed throughout the site.
 - (2) All driveways, parking, loading, and vehicular circulation area shall be paved.
 - (3) There shall be a minimum distance of 26 feet between buildings for access. If there is parking provided in these areas, the minimum width shall be increased to meet the standards outlined in sections 6-260—6-262 of the zoning ordinance. Further, access shall be provided by clearly marked drives to distinguish traffic flow. Site circulation shall be designed to accommodate fire trucks, as well as trucks that will customarily access the site.
- (c) A six-foot fence shall surround the property. The fence shall be aesthetically pleasing and must be made of material approved by the planning commission. The fence must set back at least 25 feet from the road right-of-way, and six inches on the side and rear of the yard. It shall be the applicant's responsibility to perform a staked survey of the property to ensure the fence is located no closer than six inches of the side and rear property line.
- (d) The use shall be fully screened from adjacent residential uses with a proper buffer or greenbelt, in addition to any fence required herein, in accordance with section 6-176 of the zoning ordinance.
- (e) The facility shall be fully lighted to ensure optimal security. Any lights shall be shielded to direct light onto the use and away from the adjacent properties. All lighting plans shall be pre-approved by the planning commission as part of the special use process and shall comply with section 6-185 of the zoning ordinance.
- (f) An office may be permitted on site; the office area shall be included in calculating the lot coverage.
- (g) In addition to any standards in this section, outside storage may be permitted, but shall also comply with the following:
- (1) Must be at the rear of the property, at least 100 feet from the front property line, and not in any required yard.
 - (2) A decorative and aesthetically pleasing fence shall be required with a minimum height of six feet.
- (h) No toxic, hazardous, or flammable materials may be stored in such a unit, for example batteries or fuel. Fuel tanks on any motor vehicle, boat, lawnmower or similar property will be drained or removed prior to storage inside a storage unit. Batteries shall be removed from the vehicles, boats, lawnmowers or similar property prior to storage inside a storage unit. No fuel tanks need be drained, not batteries remove, for outside storage otherwise permitted under this section.
- (i) Outdoor storage shall be limited to currently licensed cars, trucks, recreational vehicles, boats, campers, trailers for recreational vehicles and boats, and equipment necessary as an accessory to the principal use but specifically excluding semi-tractor trailers.
- (1) All outside storage shall be in the side or rear yard, but in no case shall it be extended into the required side or rear yard setback.
 - (2) Decorative fences, such as redwood or chain link fences with the slats, or masonry wall shall be six-feet high and shall fully enclose the outdoor storage area. The choice of fence and/or wall and the requirements of the obscuring slats to be used with the fence to appropriately screen the storage material from the view, shall be approved by the planning commission.
- (j) The planning commission shall also find, before granting its approval of a special use permit under this section, that said grant will not tend to further:
- (1) Impair the adequate supply of light and air to the adjacent property;
 - (2) Increase hazards from fire, flood, water runoff, or other damages to said property;
 - (3) Diminish the market value of adjacent land or buildings;
 - (4) Increase the congestion on public streets; or
 - (5) Otherwise impair the public health, safety, comfort, or general welfare.
 - (6) All conditions applicable to the principal use, mini-warehouses, such as screening, lighting, setback requirements, and others are applicable to any approved accessory use of outside storage.

- (k) No commercial wholesale, retail, industrial, or other business use on, or operated from the facility shall be allowed, except retail sales directly related to the self-storage business, for example locks and boxes.
- (l) As part of the special use permit review process, the applicant shall submit a site plan in compliance with the zoning ordinance and it shall be reviewed and approved in accordance with **section 6-45** of the zoning ordinance as a pre-condition to final issuances of a special use permit under this section.
- (m) The planning commission may stipulate additional standards to promote health, safety and welfare to the public.

Sec. 6-282. Special Transitory Units and Transitory Vending Units.

- (1) **License Required.** All special transitory units (STUs) and Transitory vending units (TVUs) shall be required to obtain and maintain a valid license from the Village in accordance with the general ordinance requirements for licensing.
- (2) Transitory vending units (TVU) primarily utilize public streets, driveways stopping for short periods of time and selling from vehicle in residential neighbor hoods. Hours of operation are 9:00 a.m. to 6:00 p.m. daily Sunday through Saturday.
- (3) STU special transitory units if not operating by an event license are always parked at an approved location that complies with **section 6-70, section 6-264, section 6-69**, and any other issue with the application being in compliance with village ordinances. Hours of operation shall be limited to 5:00 a.m. to 10:00 p.m. daily Sunday through Saturday.
- (4) STU special transitory unit if operating by an issued event license are exempt from compliance with **section 6-264** are generally parked at an approved location in a parking space or parking lot that has been isolated from vehicle traffic and adjacent to sidewalk or curb so public can approach from sidewalk/grass side of unit that complies with section 6-70, section 6-69, and any other issue with the application being in compliance with village ordinances. Hours of operation shall be limited to those of the event, daily Sunday through Saturday.

Sec. 6-283. Vehicle Fueling Station (Gas Station)

- (a) **Minimum Lot Area and Lot Size.** A vehicle fueling station shall be located on a lot having a frontage along the principal street of not less than one-hundred-fifty (150) feet and having a minimum area of not less than fifteen thousand (15,000) square feet.
- (b) **Driveways.** All driveways providing ingress to or egress from a vehicle fueling station shall be not more than thirty (30) feet wide at the property line. No more than one (1) curb opening shall be permitted for each fifty (50) feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than twenty (20) feet to any corner or exterior lot line, as measured along the property line. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway giving access to or from the same vehicle fueling station.
- (c) **Fuel Dispenser Location.** Fuel dispenser island canopies and liquid fuel dispenser stations shall not be located within twenty (20) feet of any property line. Vehicles being fueled and withing for access to fuel dispensers shall not cause any interference to a public right-of-way or conflict with safe movement along sidewalks, to building entrances or to designated parking spaces.
- (d) **Site Circulation.** The site design of any vehicle fueling station shall provide for the safe and efficient ingress and egress to the site for fuel delivery vehicles and an area for such fuel delivery vehicles to park while unloading which does not interfere with or impede ingress or egress to or from any public street, designated parking spaces, or any fuel dispensing locations.
- (e) **Residential Screening.** A six (6) foot high decorative masonry wall with a five (5) foot wide landscape buffer on exterior side of the wall in compliance with the applicable standards of Sec. 5.05 shall be provided along any property line shared with an adjacent residentially zoned or used lot.
- (f) **Right-of-Way Screening.** A five (5) foot wide landscape buffer or a three (3) foot high masonry screening buffer in compliance with the applicable standards of Sec. ?? shall be provided along any adjacent public right-of-way line.

- (g) **Curb.** A raised curb six (6) inches in height shall be erected along all street lot lines, except for driveway openings.

Sec. 6-284. Vehicle Sales Establishment.

Vehicle sales operations with repair facilities or outdoor sales space shall be subject to the requirements that follow. These requirements shall apply to any operation involving the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, and other vehicles.

- (a) **Grading, Surfacing, and Drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or asphalt, and shall be graded and drained so as to effectively dispose of or retain surface waters.
- (b) **Driveway Location.** The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least sixty (60) feet from any street or road intersection (as measured from the right-of-way line).
- (c) **Servicing of Vehicles.** All servicing of vehicles shall be subject to applicable provisions of **Section 6.284 or Sec. 6.285**, alongside the following requirements:
- (1) Service activities shall be clearly incidental to the vehicle sales operation.
 - (2) Vehicle service activities shall occur within a completely enclosed building.
 - (3) Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
 - (4) Buildings containing the service operations shall be located a minimum of fifty (50) feet from any abutting residential property line.
 - (5) There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the interior of the service building.
 - (6) Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot, building or obscuring wall per Section 5.04
- (d) **Audio Devices Prohibited.** Devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building. Audio devices broadcasting sound from within a service bay shall be designed as to not extend beyond the property line.
- (e) **Setbacks.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the setback and buffer requirements for parking lots, as specified in **Section 5.03**. However, the Planning Commission may waive some buffering or screening requirements if the standards prevent the business from displaying operational vehicles for sale within view of the Right-of-Way for advertising purposes. A low wall or low-lying perennial shrubs can be used to replace typical screening methods while providing desired separation from the right-of-way.
- (f) **Minimum Lot Area.** The minimum lot area required for such uses shall be two (2) acres.
- (g) **Signage Standards.** There shall be no strings of flags, pennants or bare light bulbs permitted.

Sec. 6-285. Vehicle Service Facility, Major.

- (a) **Site Access.** There shall be only one ingress/egress driveway per street frontage, with no drive-way closer than 50 feet to any street intersection.
- (b) **Interior Service Facilities.** All service and repair operations shall be conducted entirely within a fully enclosed building.
- (c) **Prohibited Vehicles.** No partially dismantled, wrecked or unregistered vehicles shall be stored on-site.
- (d) **Overnight Vehicle Storage.** Any vehicles that are actively undergoing repairs shall only be stored overnight on-site within a fully enclosed building or an outdoor storage yard. The outdoor storage yard shall be completely enclosed on all sides with an eight (8) foot high decorative masonry wall and/or the wall of a building located on

the lot. Gates providing access to the outdoor storage yard shall be comprised of a ridged metal frame and an opaque metal screen. Chain link gates shall be prohibited.

- (e) **Residential Screening.** A six (6) foot high decorative masonry wall with a five (5) foot wide landscape buffer on exterior side of the wall in compliance with the standards of Sec. 17.06.030(?) shall be provided along any property line shared with an adjacent residentially zoned or used lot.
- (f) **Right-of-Way Screening.** A five (5) foot wide landscape buffer or a three (3) foot high masonry screening buffer in compliance with the standards of Sec. 17.06.030(B)(1) shall be provided along any adjacent public right-of-way line.

Sec. 6-286. Vehicle Service Facility, Minor

- (a) **Site Access.** There shall be only one ingress/egress drive-way per street frontage, with no drive-way closer than 50 feet to any street intersection.
- (b) **Overnight Vehicle Storage.** The overnight parking or storage of vehicles shall be prohibited.
- (c) **Residential Screening.** A six (6) foot high decorative masonry wall with a five (5) foot wide landscape buffer on exterior side of the wall in compliance with the standards of Sec. 5.05 shall be provided along any property line shared with an adjacent residentially zoned or used lot.
- (d) **Right-of-Way Screening.** A five (5) foot wide landscape buffer or a three (3) foot high masonry screening buffer in compliance with the applicable standards of Sec. 5.05 shall be provided along any adjacent public right-of-way line.

Sec. 6-287. Vehicle Wash Facility (Car Wash)

- (a) **Minimum lot area.** The minimum lot area required for vehicle wash facilities (i.e. car washes) shall be ten-thousand (10,000) square feet.
- (b) **Driveways.** Driveways shall provide direct access from a major thoroughfare or arterial road. The nearest edge of any entrance or exit drive shall be located no closer than twenty-five (25) feet from any street or road intersection, as measured from the nearest intersection right-of-way line. There shall be no more than two (2) driveways per street frontage, with no driveway closer than fifty (50) feet to any street intersection. No driveway shall be closer than fifty (50) feet to any other driveway providing access to the property.
- (c) **Access and Maneuvering.** Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located within the car wash property. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
- (d) **Wash and Vacuum Activities.** All washing activities shall be carried out within a fully enclosed building. Vacuum activities shall be permitted in the rear yard only, provided such activities are located at least twenty-five (25) feet from adjacent residentially zoned or used property. Entrances and exits shall not face abutting residentially zoned or used property.
- (e) **Building Orientation – Manual Wash Facility.** The entry and exit points for a manual vehicle wash bay shall be located to face interior lot lines and shall not be located to face any adjacent right-of-way property line. Manual vehicle wash bays shall be prohibited to provide direct vehicle access onto any adjacent street except for the single ingress/egress point permitted in subparagraph A above.
- (f) **Stacking Lane – Manual Wash Facility.** A minimum of two (2) stacking spaces, measuring ten (10) feet wide by twenty (20) feet long, shall be required per vehicle wash bay for a manual wash facility.
- (g) **Stacking Lane – Automatic Wash Facility.** A minimum of ten (10) stacking spaces, measuring ten (10) feet wide by twenty (20) feet long, shall be required per vehicle wash lane for an automatic wash facility. Payment stations and stacking lanes shall not be located between the building and the front lot line of the principal street. Stacking lanes shall not be located to interfere with vehicles accessing and exiting any designated parking space. Stacking

lanes shall be located entirely on private property and shall not utilize any portion of or cause any interference to a public right-of-way or conflict with safe movement along any sidewalk.

- (h) **Access Lane – Automatic Wash Facility.** A ten (10) foot wide access lane, without equipment to automatically guide a vehicle through the automobile wash facility, shall be provided adjacent and running parallel to the full length of the vehicle wash lane from the payment lane to the automatic wash building access point. The access lane may also function as an interior access drive for vehicles accessing parking spaces and circulating through the lot.
- (i) **Residential Screening.** A six (6) foot high decorative masonry wall with a five (5) foot wide landscape buffer on exterior side of the wall in compliance with the applicable standards of 5.05 shall be provided along any property line shared with an adjacent residentially zoned or used lot.
- (j) **Right-of-Way Screening.** A five (5) foot wide landscape buffer or a three (3) foot high masonry screening buffer in compliance with the applicable standards of 5.05 shall be provided along any adjacent public right-of-way line.
- (k) **Exit lane drainage.** Exit lanes shall be sloped to drain water back to drainage gates in the wash building.

Sec. 6-288. Wireless Communication Facilities (Cell Towers)

- (a) **Purpose and intent.** It is the general purpose and intent of the village to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the village to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.
- (b) Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:
 - (1) Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
 - (2) Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
 - (3) Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones.
 - (4) Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
 - (5) Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way.
- (c) **Authorization.**
 - (1) Subject to the standards and conditions set forth in subsection (c), wireless communication facilities shall be permitted uses in the following circumstances, and in the following districts:
 - a. **Circumstances creating permitted use treatment.** In all zoning districts, a proposal to establish a new wireless communication facility shall be deemed a permitted use in the following circumstances:
 - 1. An existing structure which will serve as an attached wireless communication facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the zoning administrator, proposed to be either materially altered or materially changed in appearance.
 - 2. A proposed collocation upon an attached wireless communication facility which had been preapproved for such collocation as part of an earlier approval by the village.
 - 3. An existing structure which will serve as an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a

manner which, in the discretion of the zoning administrator, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

- b. **Permitted use districts.** Wireless communication facilities shall be a permitted use in the I-1 limited industrial district.

- (2) If it is demonstrated by an applicant that a wireless communication facility is required to be established outside of a district identified in subsections a. and b. above, such wireless communication facilities may be permitted elsewhere in the community as a special land use, subject to the requirements and standards of section 6-44 and the following:

- a. At the time of the submittal, the applicant shall demonstrate that a location within the areas identified in subsections a. and b. above cannot reasonably meet the coverage and/or capacity needs of the applicant.
- b. Locations outside of the districts identified in subsections a. and b. above, shall be permitted on the following sites, subject to application of all other standards contained in this section:
1. Municipally owned site.
 2. Other governmentally owned sites.
 3. Religious or other institutional sites.
 4. Public parks and other large permanent open space areas when compatible.
 5. Public or private school sites.
 6. Other locations, if none of the above is available.
 7. Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or a form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the village.

- (3) All other criteria and standards set forth in subsection (c) are met.

(d) General regulations.

- (1) **Standards and conditions applicable to all facilities.** All applications for wireless communication facilities shall be reviewed, constructed and maintained in accordance with the following standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the village in its discretion:
- a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
 - b. Facilities shall be located and designed to be harmonious with the surrounding areas.
 - c. Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
 - d. The following additional standards shall be met:
 1. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 2. The accessory building contemplated to enclose switching equipment shall be limited to the maximum height for accessory structures within the respective district.
 3. The setback of the support structure from any residential district shall be no less than the height of the structure. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
 4. Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.

5. There shall be an unobstructed paved access drive to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access drive shall be a minimum of 14 feet in width.
6. All new and modified wireless communication facilities shall be designed and constructed to accommodate collocation. If an entity that owns or otherwise controls a facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
7. The division of property to locate a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
8. Where an attached wireless communication facility is proposed on the roof of a building, any equipment enclosure shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.
9. The village shall review and approve the color of the support structure and all accessory buildings, so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
10. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
11. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

(2) **Standards and conditions applicable to special land use facilities.** Applications for wireless communication facilities which may be approved as special land uses shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in this subsection in accordance with the following standards:

- a. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 1. Proximity to a major thoroughfare.
 2. Areas of population concentration.
 3. Concentration of commercial, industrial, and/or other business centers.
 4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 6. Other specifically identified reason creating facility need.

(e) Application requirements.

- (1) A site plan prepared in accordance with section 6-45.
- (2) The site plan shall also include a detailed landscaping plan illustrating screening and aesthetic enhancement for the structure base, accessory buildings and enclosures. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.
- (3) The application shall include a signed certification by a State of Michigan-licensed professional engineer regarding the manner in which the proposed structure will fall, which certification will be utilized, along with

other criteria such as applicable regulations for the district in question, in determining the appropriate setbacks to be required for the structure and other facilities.

- (4) The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided for below. In this regard, the security shall, at the election of the applicant, be in the form of cash, surety bond, or letter of credit.
- (5) An agreement in a form approved by the village attorney and recordable at the office of the register of deeds, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the village in securing removal.
- (6) The application shall include a map showing existing and known proposed wireless communication facilities within the village, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the village in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality in connection with the development of governmental policy, in accordance with MCL 15.243(1)(g). This section shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the village.
- (7) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

(f) Collocation.

- (1) **Statement of policy.** It is the policy of the village to minimize the overall number of newly established locations for wireless communication facilities and encourage the use of existing structures.
- (2) **Feasibility of collocation.** Collocation shall be deemed to be "feasible" for purposes of this section, and administrative approval will be provided by the zoning administrator, when the following are met:
 - a. The equipment must be collocated on an existing wireless communications support structure or in an existing wireless equipment compound.
 - b. The existing wireless support structure or existing equipment compound is in compliance with the provisions of this article and was previously approved by the village.
 - c. The proposed collocation would not increase the overall height of the wireless communications support structure by more than 20 feet or ten percent of its original height, whichever is greater, the width of the wireless communication support structure by more than the minimum necessary to permit collocation; and, increase the area of the existing equipment compound to greater than 2,500 square feet.
 - d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the approving body.
 - e. Approval for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.

(g) Removal.

- (1) The village reserves the right to request evidence of ongoing operation at any time after the construction of an approved tower.
- (2) A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - a. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

- b. Six months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure.
- (3) The situations in which removal of a facility is required, as set forth in subsection (1) above, may be applied and limited to portions of a facility.
- (4) Upon the occurrence of one or more of the events requiring removal, specified in subsection (2) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the zoning administrator.
- (5) If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days' written notice, the village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

Sec. 6-141. Single-family dwellings, manufactured homes, prefabricated housing.

No single-family dwelling (site built), manufactured home, modular housing, or prefabricated housing located outside a manufactured home park or manufactured home subdivision shall be permitted unless said dwelling unit conforms to the following standards:

- (h) **Square footage.** Each such dwelling unit shall comply with the minimum square footage requirements of this chapter for the zone in which it is located.
- (i) **Dimensions.** Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of 20 feet and shall comply in all respects with the building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code Commission, then such federal or state standard or regulation shall apply.
- (j) **Foundation.** Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of such dimensions to adequately support the dwelling. All dwellings shall be securely anchored to the foundation to prevent displacement during windstorms.
- (k) **Undercarriage.** Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis. eq
- (l) **Sewage disposal or water supply.** Each such dwelling unit shall be connected to public sewer and water.
- (m) **Storage area.** Each such dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, which ever shall be less.
- (n) **Architecture and compatibility.** The compatibility of design and appearance shall be determined in the first instance by the zoning administrator. The zoning administrator may also refer any determination of compatibility to the planning commission. Any determination of compatibility shall be based upon the character, design, and appearance of one or more residential dwellings located outside of mobile home parks within 500 feet of the subject dwelling. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.

All homes shall have a roof overhang of not less than six inches on all sides or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The dwellings shall not have less than two exterior doors with the second one being in either the rear or side of the dwelling. Steps shall also be required for exterior door areas or to porches connected to door areas where a difference in elevation requires the same. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- (o) **Additions.** Each such dwelling unit shall contain no addition or room or other area which is not constructed with similar-quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- (p) **Code compliance.** Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a manufactured home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "mobile home construction and safety standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended or superseded. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (q) **Building permit.** All construction required herein shall be commenced only after a building permit has been obtained.
- (r) **Exceptions.** The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this chapter and pertaining to such parks. Manufactured homes which do not conform to the standards of this section shall not be used for dwelling purposes within the village unless located within a manufactured home park or a manufactured home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this chapter.

(Ord. No. 2018.10-1, 10-1-2018)

Sec. 6-142. Manufactured home park requirements.

The mobile home code, as established by the mobile home commission and the Michigan Department of Public Health Rules under the authority of the Mobile Home Commission Act 96 of 1987, as amended, regulates development of mobile home parks. All mobile home parks must be constructed according to the standards of the code.

In addition to the rules and standards of the State of Michigan, the Village of Stockbridge imposes the following conditions:

- (a) Manufactured home parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, Act 96 of 1987, as amended, and subsequently adopted rules and regulations governing mobile home parks.
- (b) Manufactured home parks shall not be permitted on parcels less than ten acres in size.
- (c) Individual manufactured home sites within a manufactured home park shall have a minimum lot size of 5,500 square feet per mobile home being served. This 5,500-square-foot minimum may be reduced by 20 percent, provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through this reduction of the site below 5,500 square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under R125.1946, Rule 946 of the Michigan Administrative Code.
- (d) The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on manufactured home sites and in designated open space areas. The manufactured home park may provide, within the confines of the park, a common outdoor storage area for the storage of the equipment.
- (e) Manufactured home parks shall be landscaped as follows:
 - (1) If the manufactured home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
 - (2) In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
 - (3) The landscaping shall consist of evergreen trees or shrubs a minimum three feet in height which are spaced so they provide a continuous screen at maturity.
- (f) Manufactured home parks shall be subject to preliminary plan review requirements in accordance with 1987 PA 96, as amended.

(Ord. No. 2018.10-1, 10-1-2018)

Section 3.02 – Zoning Map

- 6-68
- (a) **Identified.** The zoning districts as provided in **section 6-67** are bounded and defined as shown on the map entitled "Zoning District Map of the Village of Stockbridge." The zoning district map, along with all notations, references, and other explanatory information, shall accompany and be made a part of this chapter.
- (b) **Authority.** Regardless of the existence of purported copies of the zoning district map which may be published, a true and current copy of the zoning district map available for public inspection shall be located in and maintained by the office of the village clerk. The clerk's copy shall be the final authority as to the current status of any land, parcel, lot, district, use, building, or structure in the village.
- (c) **Interpretation of district boundaries.** Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning district map, the following rules shall apply:
- (1) A boundary following the centerline of a highway, alley, or easement, shall be construed as following such centerline.
 - (2) A boundary following a recorded lot line or the line bounding a parcel shall be construed as following such line.
 - (3) A boundary following a municipal boundary line shall be construed as following such line.
 - (4) A boundary following a railroad line shall be construed as being located midway in the right-of-way.
 - (5) The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.
 - (6) A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.
 - (7) In other circumstances not clearly covered by the subclauses herein, the Zoning Board of Appeals shall determine the boundaries by applying the criteria for such determination, by the criteria established above or by any other criteria as determined appropriate to construe the boundaries of the district in a reasonable and harmonious manner.

Section 3.03 – Essential Services.

OK Essential services shall be permitted in all zoning districts and subject to the standards of this Zoning Ordinance, and permitted to receive waivers from requirements upon demonstration to the Zoning Administrator that the Ordinance standard in question would inhibit the provision of the essential service to Village residents. However, buildings, towers, and substations (such as wastewater treatment facilities, gas, or electric regulator stations, and the like) are not eligible for waivers and shall be limited to the zoning district in which they are permitted and shall be subject to site plan review as authorized and regulated by law and other ordinances of the Village.

Section 3.04 – Interpretation of Standards

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district. No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by appeal as herein described by this chapter. Wherever the requirements of this article are at variance with the requirements of any other adopted regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern. Except as hereinafter provided, district regulations shall be applied in the following manner:

- (a) **Uses.**
- (1) **Permitted Uses.** Uses listed as "permitted" below shall be permitted, subject to any additional use standards provided in Article 6: Use Standards.
 - (2) **Special Uses.** Uses listed as special land uses shall be subject to special land use approval in accordance with the processes established in this Ordinance.

reduce sound pollution. When designed to the scale of surrounding buildings, mixed-use buildings or businesses that include a residential component are encouraged to create live-work opportunities and offer unique housing types that emulate historic commercial and residential trends. Auto-oriented uses should be buffered from residential uses and should be designed to minimize negative impacts on traffic and potential conflicts with pedestrians through utilizing shared parking lots and reducing curb cuts.

- ok
- (f) **C-3 Highway Commercial.** The Highway Commercial (C-3) Zoning District is intended to allow for high intensity commercial uses and accommodate heavy traffic from motorists using US23, M-52, and M-106. The C-3 District is intended to encourage a variety of uses to serve a regional market or draw a large number of employees. Buildings in this zoning district typically are arranged as a single principal structure and use on a property, however, commercial shopping centers are also appropriate within this zoning district, and future developments are encouraged to utilize shared parking areas and drives to minimize curb cuts and excessive areas of impervious surface. The standards for the Highway Commercial Zoning District are intended to facilitate commercial development that is planned and orderly, so as to protect the public health, safety, and general welfare, especially relative to vehicular and pedestrian traffic. Such developments can have significant impacts on their surroundings, and measures should be taken to minimize effects such as excessive runoff, noise, light, or any other environmental impact on any existing natural features.
- ok
- (g) **M-1 Light Industrial.** The Light Industrial (M-1) Zoning District is intended to allow for the most intense development that is permitted within the Village, including manufacturing uses, processing of raw materials, transportation and logistics, and warehousing. Light industrial uses are permitted within this Zoning District, while heavier industrial uses must be considered as Special Land Uses. The M-1 District requirements are designed to minimize impacts on adjacent land uses, particularly residential neighborhoods and public uses such as schools and places of worship. However, this District is also intended to minimize the intrusion of nonrelated uses such as active commercial uses which may interfere with day-to-day industrial operations.
- ok
- (h) **OSC Open Space Conservation.** The Open Space Conservation (OSC) District is intended to preserve open space, provide a desirable environment, ensure that the benefits of open space, light, air and private recreational activities exist in well-planned locations throughout the village, protect vacant lands until their appropriate land usage can be determined; and to control the proximity of these uses to other uses. Open space conservation areas are designated along Portage Creek and natural areas of the village that contain environmentally sensitive resources such as wetlands, woodlands, and sloped areas. These resources present constraints to development for which the use of land should be restricted or even precluded. The open space conservation areas are also meant to strengthen the edges or boundaries of the village and protect its character from surrounding new development. Therefore, development in the open space conservation areas should be discouraged to protect the environmental resources and to maintain the village character.
- ok
- (i) **PUB Public Land.** The Public Land (PUB) Zoning District is intended to provide for existing and planned government buildings and facilities, such as schools and libraries, as well as publicly owned open space such as parks and cemeteries. These facilities are located throughout the Village.
- ok
- (j) **HSO Historic Storefront Overlay.** The intent of the Historic Storefront Overlay (HSO) District is to provide requirements to preserve the basic form and character of remaining historic storefronts in the Village Center. The standards of this district are designed to maintain and highlight the characteristics of the storefronts of Downtown Stockbridge that foster a pedestrian friendly and active center for commerce and community. As an overlay district, the underlying zoning district standards shall apply unless the standards of the HSO standards explicitly state otherwise.
- (k) **Mobile Home Community District.** The intent of the Mobile Home Community District is to provide a District for the placement of Mobile Home Communities.

not shown on draft proposed zoning map

ARTICLE III. Zoning Districts & Standards

Section 3.01 – Zoning Districts

The following zoning districts make up the Village of Stockbridge, and the intents for each zoning district are provided below:

- ok*
- (a) **R-1 Village Residential.** The intent of the R-1, Village Residential Zoning District is to promote and maintain the traditional residential character of the historic Village footprint, promote and maintain a safe and stable environment for families and multigenerational living, and facilitate improvement of properties that is harmonious with the surrounding neighborhood. This R-1 District is located in areas of the Village which have already been developed and implements site and building regulations to ensure that the character of existing neighborhoods is preserved. The existing character of the R-1 district is primarily low- to mid-density residential in the form of primarily single-family and two-family dwellings on individual lots. Some medium-to-high density development may be found along major roads and near the central business district. The redevelopment of lots in this Zoning District shall be consistent with this pattern of development. Development of this Zoning District requires connection to the Village's utility infrastructure. *if they meet the committee's criteria set by 34-47 of Am 34-27 - mandate connect*
- (b) **R-2 Low Density Residential.** The R-2 Low Density Residential District includes single-family and two-family homes on large lots with greater setbacks at a lower density level, and also encompasses some large areas of vacant or undeveloped land. The R-2 District includes requirements to ensure that vacant and agricultural land within the Village boundaries is compatible with the goals and visions of the Village Master Plan. The R-2 Low Density Residential District will promote and maintain a quiet and stable low density character and provide for the preservation of natural features, however, much of this land is vacant and may be developed in the future. Homes should be located on large lots unless located within a planned neighborhood which has been connected to public utilities and developed according to this ordinance in order to minimize negative impacts on surrounding natural features and to be connected to the Village's public service infrastructure. *ok*
- (c) **R-3 High Density Residential.** The R-3 High Density Residential District is intended to provide for the development of multifamily development at higher densities, along with other uses that serve the residents in the district. This district is intended to provide for multiple family dwellings which are designed to be compatible with and connected to surrounding land uses while minimizing negative impacts on adjacent homes. Multiple family dwellings shall be arranged and improved to allow for ease of pedestrian as well as vehicle access, to provide adequate parking while avoiding large expanses of impervious surfaces, and to utilize high quality standards of design and craftsmanship. Development of this Zoning District requires connection to the Village's utility infrastructure. *ok*
- (d) **CBD Central Business District.** The intent of the Central Business District (CBD) zoning is to provide for a thriving village center with opportunities for shopping, eating, entertainment, education, civics, and culture. The CBD encompasses Downtown Stockbridge and is intended allow for a mix of small- and medium-scale businesses and residential uses that serve local and regional needs and provide opportunities for work and play. The historic fabric of Downtown Stockbridge has fostered a pedestrian-oriented environment that encourages activity and allows local residents to easily walk to and within the District; this is encouraged by connected sidewalks, small lot sizes, observable street-oriented entrances, large storefront windows, on-street or hidden off-street parking, and short setbacks. The reuse of existing buildings within the CBD is highly encouraged, and new development within the CBD should be designed to maintain a compact, walkable, mixed-use environment. Multi-story buildings are permitted in this district with residential and non-retail uses on upper floors to ensure the long term economic viability and flexibility of projects. *ok*
- (e) **C-2 Local Commercial.** The Local Commercial (C-2) Zoning District is intended to provide for small- to medium-scale commercial activities that are in close proximity to residential areas or are intended to serve both local and regional needs. While businesses in this district may be accessed by both pedestrians and people with vehicles, these businesses should be somewhat pedestrian oriented, with short front setbacks to improve visibility and activity, and parking located to the side or rear of a lot. High intensity commercial uses shall be buffered from adjacent residential uses through a combination of landscaping screening and fencing to provide privacy and

ARTICLE III. Zoning Districts & Standards

Section 3.01 – Zoning Districts

The following zoning districts make up the Village of Stockbridge, and the intents for each zoning district are provided below:

- to the Village Council for review*
Sub 34-49 D 6/14/24-27 - MARIANO CONE
- (a) **R-1 Village Residential.** The intent of the R-1, Village Residential Zoning District is to promote and maintain the traditional residential character of the historic Village footprint, promote and maintain a safe and stable environment for families and multigenerational living, and facilitate improvement of properties that is harmonious with the surrounding neighborhood. This R-1 District is located in areas of the Village which have already been developed and implements site and building regulations to ensure that the character of existing neighborhoods is preserved. The existing character of the R-1 district is primarily low- to mid-density residential in the form of primarily single-family and two-family dwellings on individual lots. Some medium-to-high density development may be found along major roads and near the central business district. The redevelopment of lots in this Zoning District shall be consistent with this pattern of development. Development of this Zoning District requires connection to the Village's utility infrastructure.
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- (b) **R-2 Low Density Residential.** The R-2 Low Density Residential District includes single-family and two-family homes on large lots with greater setbacks at a lower density level, and also encompasses some large areas of vacant or undeveloped land. The R-2 District includes requirements to ensure that vacant and agricultural land within the Village boundaries is compatible with the goals and visions of the Village Master Plan. The R-2 Low Density Residential District will promote and maintain a quiet and stable low density character and provide for the preservation of natural features, however, much of this land is vacant and may be developed in the future. Homes should be located on large lots unless located within a planned neighborhood which has been connected to public utilities and developed according to this ordinance in order to minimize negative impacts on surrounding natural features and to be connected to the Village's public service infrastructure.
- (c) **R-3 High Density Residential.** The R-3 High Density Residential District is intended to provide for the development of multifamily development at higher densities, along with other uses that serve the residents in the district. This district is intended to provide for multiple family dwellings which are designed to be compatible with and connected to surrounding land uses while minimizing negative impacts on adjacent homes. Multiple family dwellings shall be arranged and improved to allow for ease of pedestrian as well as vehicle access, to provide adequate parking while avoiding large expanses of impervious surfaces, and to utilize high quality standards of design and craftsmanship. Development of this Zoning District requires connection to the Village's utility infrastructure.
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- (k) **Mobile Home Community District.** The intent of the Mobile Home Community District is to provide a District for the placement of Mobile Home Communities.

not shown on draft proposed zoning map

ARTICLE VI. USE STANDARDS

Sec. 6-266 Accessory Dwelling Unit

(a) **Intent.** This standard is intended to permit the construction of accessory dwelling units (ADUs), when done so in a way that is consistent with the Village's existing character, in order to provide greater freedoms to property owners and create opportunities for flexible, multigenerational living. In being "accessory" to a principal residential dwelling, an ADU shall not be rented for renumeration, it shall be intended to provide additional living space within a household as an owner-occupied space.

(b) **Standards** The following regulations shall apply to accessory dwelling units in Accessory Structures:

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Maximum Floor Area. For an attached ADU, the maximum floor area shall be one third (1/3) of the gross floor area of the principal dwelling unit. A detached ADU shall not exceed the maximum floor area for a detached accessory building in the zoning district in which it is located. The floor area of the ADU shall be counted toward the maximum lot coverage for the zoning district in which it is located.

(2) **Dimensional Standards.** An ADU must comply with the maximum height and required setbacks of the zoning district in which it is located.

(3) **One ADU per Lot.** No more than one (1) ADU may be constructed per parcel. ADUs shall only be permitted on lots with a single-family dwelling. ADUs are not permitted on parcels with existing duplexes/apartments, or on the same lot as a trailer coach or a mobile home.

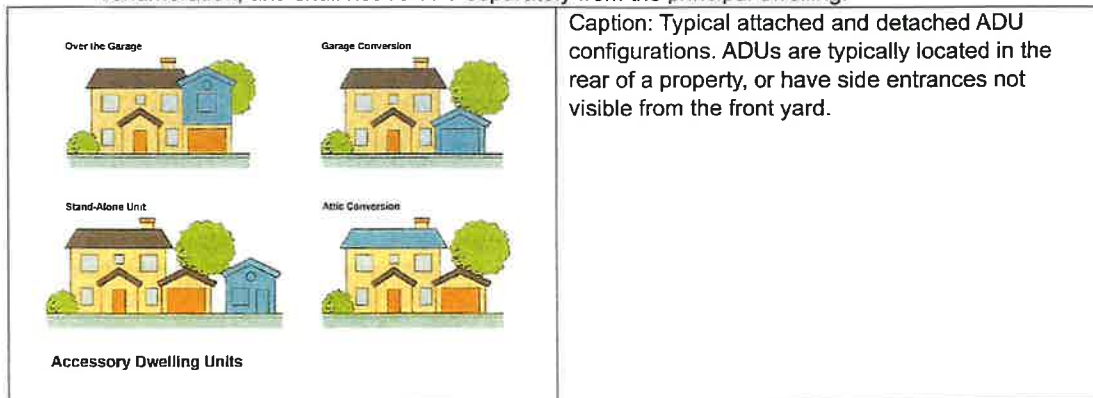
(4) **Utilities.** An ADU shall be connected to the Village's utility infrastructure. *IF APPLICABLE*

(5) **Compatibility with Surrounding Land Use.** The design of the accessory residence shall be thoughtful and quality, and shall not detract from the character and appearance of the principal residence or the surrounding neighborhood.

(6) **Blight, Building, and Fire Codes.** The ADU shall receive approval from the Building Department and shall demonstrate compliance with Building and Fire Codes for single family residential uses after receiving zoning permit approval.

(7) **Driveway and Parking.** Parking and Access. In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory residence.

(8) **Not for Separate Rent or Sale.** Detached Accessory Dwelling Units shall not be rented or leased for renumeration, and shall not be sold separately from the principal dwelling.



Sec. 6-267 Outdoor Dining Areas.

Sec. 6-276 Event Hall/Banquet Hall

Event Halls/Banquet Halls that are the principal use of a lot or a building shall comply with the following standards. A building or room used by a civic institution, government entity, hotel, place of workshop or public school district in which events are held and is clearly an accessory to the principal use of the lot or structure shall not be required to comply with the following.

(a) **Building design.** The following provisions shall apply to all event halls:

- (1) The building shall not be less than 3,000 square feet in area.
- (2) The building shall be fully enclosed, and all activities shall be held inside the building. The Planning Commission may grant permission for exterior event activities within a dedicated space, within specific time periods specified at the time of approval.
- (3) Outdoor storage shall not be permitted.

(b) **Hours of operation.** The hours of operation shall be confined between the hours of 8:00 a.m. and 12:00 a.m.

(c) **Accessory buildings.** No accessory structures shall be permitted to be used in concert with the principal use for an event. Portable restroom facilities shall not be permitted.

Sec. 6-278 Kennels

(a) **Compliance with other regulations.** A kennel shall be subject to all permit and operational requirements established by County and State regulatory agencies. Kennels shall also follow all applicable provisions of Chapter 4 of the City Code of Ordinances, as amended.

(b) **Enclosure.** All animals shall be kept in an enclosed structure, except for occasional walking and outdoor exercise when accompanied and controlled by an employee. No animals shall be permitted outside of the building between the hours of 9:00 p.m. and 8:00 a.m.

(c) **Setbacks.** Structures in which animals are kept shall not be located in any required front, side or rear setback area and shall be located at least fifty (50) feet from any dwellings or principal buildings on adjacent property.

(d) **Indoor Exercise Areas.** Exercise areas for animals, where they are permitted to roam and play freely, may be permitted within a completely enclosed building. All doors and windows shall be closed when the exercise area is used by any animal.

(e) **Outdoor Exercise Areas.** Outdoor exercise areas for animals shall not be permitted unless a facility complies with the following standards:

- (1) The outdoor exercise area is located behind the rear building line of the principal building.
- (2) The outdoor exercise area is located at least sixty (50) feet from any residentially zoned or used property.
- (3) The outdoor exercise area shall be completely enclosed on all sides with a masonry wall with a minimum height of five (5) feet and/or the wall of a building located on the lot. Any exterior wall access point to the outdoor exercise area shall include an access gate that is completely opaque.

P. WHAT ABOUT NOISE CONTROL!

Sec. 6-280. Outdoor Retail Sales

(a) **General standards.**

- (1) An outdoor display shall be considered as an accessory to the principal business use conducted on the premises.
- (2) The exterior of the premises shall be kept clean, orderly and maintained.
- (3) The village shall not be held liable or responsible for any type of damage, theft or personal injury which may occur.

(2) **Special land use approval.** All adult regulated uses shall be subject to special land use approval, pursuant to section 6-44.

(3) **Required spacing.** Adult regulated uses shall meet each of the following spacing requirements, measured horizontally between the nearest points of each property line:

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- a. At least 1,000 feet from any other adult regulated use;
- b. At least 1,000 feet from all churches, convents, temples and similar religious institutions;
- c. At least 1,000 feet from all public, private or parochial nurseries, primary or secondary schools, playgrounds, licensed child care facilities, and hospitals;
- d. At least 500 feet from any one-family or multiple-family residential district or use;
- e. At least 500 feet from any pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation, dance club catering primarily to teenagers, movie theaters, and similar uses frequented by children and teenagers, at the discretion of the Planning Commission.

(b) Special site design standards.

- (1) Maximum size of the building shall be 3,000 square feet.
- (2) The building and site shall be designed, constructed and maintained so material such as a display, decoration, or sign depicting, describing, or relating to activities or merchandise within the structure cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use.
- (3) Adult regulated uses shall be located within a freestanding building. A shared or common wall structure or shopping center is not considered to be freestanding building.
- (4) The style, shape and color of the building materials shall be subject to approval by the planning commission in consideration of the similarity and compatibility of said structure with other structures within a reasonable proximity.
- (5) In addition to provisions of article VI, a four-and-one-half-foot-high brick or masonry wall shall be constructed to screen the parking lot from the adjacent public rights-of-way.
- (6) No person shall reside in or permit any person to reside in the premises of an adult regulated use.
- (7) No person, operating an adult regulated use, shall permit any person under the age of 18 to be on the premises of said use either as an employee or customer.
- (8) Adult regulated uses shall comply with all applicable federal, state, and local licensing regulations. Initial and annual proof of such compliance shall be a condition of special land use approval and the continuance thereof.

(c) **Conditions.** Prior to the granting of approval for the establishment of any adult use, the planning commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the controlled use as in its judgment may be necessary for the protection of the public interest. An evidence bond or other performance guarantee may be required, as proof that the conditions stipulated in connection therewith will be fulfilled.

Sec. 6-270. Archery Range, Indoor.

- (a) The structure for the completely enclosed range shall be constructed in such a manner strong enough to prevent a bolt or arrow from penetrating any wall. The applicant will provide sealed certification from a licensed architect or structural engineer in the State of Michigan confirming the same.
- (b) The proposed site must otherwise comply with the site plan review requirements of article III, section 6-18 of this zoning ordinance.

What about an outdoor archery range in C-2 - M-1-C-3

Sec. 6-271. Bed and Breakfast Lodging.

- (a) **Owner's Primary Residence.** Each establishment must be occupied and operated by its owner.
- (b) **Residential Character.** The bed and breakfast shall not alter the character of the dwelling as a residence. The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting, or traffic.
- (c) **Maximum Number of Rooms and Guests.** No more than five (5) guest rooms, and no more than ten (10) guests at any one time, are permitted per facility.
- (d) **Maximum Occupancy Period.** The stay of bed and breakfast occupants shall be no more than 14 consecutive days and not more than 30 days in any one calendar year.
- (e) **Minimum Number of Bathrooms.** One bathroom for every three sleeping rooms shall be provided, with a minimum of two bathrooms.
- (f) **Parking.** One off-street parking space shall be provided in the side or rear yard area, for each bed and breakfast bedroom.
- (g) **Landscaping.** Site landscaping and screening from adjacent residences and parking areas or any outdoor eating or activity area, shall be provided in compliance with Sec. 6-176.

Sec. 6-272. Child Care Facilities.

- (a) **State License Compliance.** All child care facilities shall be registered with and licensed by the State of Michigan Child Care Licensing Bureau, or any subsequent successor agency, shall comply with the Child Care Organizations Act, PA 116 of 1973, MCL 722.111 et seq. as amended along with all applicable state rules and shall maintain on file with the Village a copy of a valid State license.
- (b) **Outdoor Play Area.** Outdoor play areas shall be fenced and screened from any adjoining lot in any residential district. Said play areas shall comply with the minimum front and side yard setbacks and fences shall comply with all requirements for fences in the district where the use is located.
- (c) **Off-Street Parking.** Group Child Care Homes and Child Care Centers shall provide a dedicated off-street parking area where vehicles dropping off children shall park, and an adult shall escort a child from the parked vehicle into the child care facility. The Zoning Administrator, or Planning Commission if site plan review is required, shall determine that the proposed parking configuration and the plan for child drop-off/pick-up provides a safe and effective method for children to enter the facility and does not negatively impact adjacent uses. Any City approved parking plan shall not conflict with the requirements of the State of Michigan Child Care Licensing Bureau or any subsequent successor agency.
- (d) **Additional Standards for Group Child Care Homes.** Group child care homes shall comply with the following additional standards:
 - (1) The property is maintained in a manner that is consistent with the character of the neighborhood.
 - (2) The hours of operation do not exceed 16 hours within a 24-hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
 - (3) One off-street parking space per employee not a member of the group day care home family shall be provided.

Sec. 6-273. Contractor's Office and Storage Yard.

- (a) **Principal Use and Structure Requirements.** A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. The principal use of the site shall be as an office space for the contractor business. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property.

a.1. contractor job site trailer allowed during construction

Section 3.05 – Table of Permitted Uses.

Key:

P = Permitted if use standards are met.

E = Permitted if pre-existing prior to adoption.

S = Permitted by Special Land Use Approval.

	R-1	R-2	R-3	CBD	C-2	C-3	M-1	PUB	OSC	MHC	Use Standard
Residential											
Single Detached Dwelling Unit	P	P	E	E							
Two Attached Dwelling Units	P	P	P								
Three to Four Attached Dwelling Units	X		P								
Five or more Attached Dwelling Units			P								
Mixed Use Dwelling Units				P	P	P					
Accessory Dwelling Unit (ADU)	S ?	P									
Manufactured Housing Community											
Bed and Breakfast	S	S		P	P						
Home Occupation/Cottage Industry	P	P	P	P							
Child Care Home	P	P									
Commercial											
Retail goods establishment				P	P	P					
Personal services establishment				P	P	P					
Office				P	P	P					
Maker Space / Small Scale Production				P	P	P	P				
Specialty food establishment				P	P	P					
Restaurant and Bars				P	P	P					
Medical or Dental Clinic				P	P	P					
Hospital (inpatient medical)						S	R,	S			
Senior Care Facility	S	S			S	P			S		
Child Care Center	S	S	P	S	S	S			S		
Event Venue		S	S	P	P	P					
Drive Thru					S	P					
Funeral Home				P	P	P					
Firearm or Archery Range						S	S	S			
Gas Station					S	S	S				
Outdoor Sales/Dining				P	P	P					
Lodging				S	S	P	?				

large complex?

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20
11/11/11*

Vehicle Repair					S	P	P					
Vehicle Sales					S	P	P					
Vehicle Wash						P	P					
Transitory Vending Unit	<i>P</i>	<i>P</i>	<i>S</i>	P	P	P						
Industrial												
Outdoor Storage - Accessory, Non-Res.					S	P	P	P	A			
Outdoor Storage - Principal Use						S	S					
Solar Energy (Accessory)	P	P	P	P	P	P	P	P	P			
Solar Energy (Primary Land Use)								S	S			
Wind Energy – Accessory Roof-mounted	P	P	P	P	P	P	P	P	P			
Wind Energy Production (Principal Land Use)								S	S			
Manufacturing - Low Intensity							S	P				
Manufacturing - High Intensity								P				
Warehousing					S	P	P					
Transportation and Logistics							S	P				
Research and Development					P	P	P					
Self Storage Facilities							P	P				
Waste and Recycling Collection Centers								P				
Other Uses												
Campground										S		
Cemetery									P			
Government/Municipal Service <i>direction?</i>									P			
Education/Training Facility (other than K-12 Schools)	S	S	S	S	S	S	S	P				
K-12 School	S	S	S	S	S	S		P				
Kennel					S	P	P	P				
Parking Lot as a Principal Use				S				P				
Recreation - Indoor				P	P	P	P	P				
Recreation - Outdoor				P	P	P		P	P			
Religious Institution	P	P	P	P	P	P	P	P				
Adult Business								S				
Wireless Communication Facility							S	P				

STOCKBRIDGE TOWNSHIP
ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
TO REGULATE WIND ENERGY SYSTEMS IN ACCORDANCE WITH PA 233 OF 2023**

The Township of Stockbridge ordains:

Section 1. Purpose

The Township adopts this Ordinance to render certain wind energy zoning regulations compatible with Public Act 233 of 2023 (“PA 233”), while retaining local control over matters of regulation that are not governed by PA 233, and to promote the public health, safety and welfare of Township residents.

Section 2. Amendment of Section 7.03.9

Section 7.03.9 of the Township Zoning Ordinance is amended to add new subsection (F), entitled “WECS under PA 233,” which reads as follows in its entirety:

F. WECS under PA 233.

On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to WECS with a nameplate capacity of 100 megawatts or more. To the extent these provisions conflict with the provisions in the subsections above, these provisions control as to such Wind Energy Conversion Systems. All provisions in the subsections above that do not conflict with this subsection remain in full force and effect. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect and does not apply to WECS with a nameplate capacity of less than 100 megawatts.

a. *Setbacks.* WECS must comply with the following minimum setback requirements, with setback distances measured from the center of the base of the wind tower:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way

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Section 7.03.05 Solar Energy Systems

A solar energy system as defined by this Ordinance is allowed as a Special Use when approved by the Planning Commission in accordance with the process defined herein. Large scale solar energy systems (Solar Farms) are permitted as a special use only on agricultural or industrially zoned property. Small scale (on-site) solar energy systems are permitted as a Special Use on agricultural, industrial, and residentially zoned property. In addition to the standards and requirements specified in this Ordinance, the Planning Commission shall not approve the issuance of a Special Use Permit unless the requirements in this section are met:

(A) Intent and Purpose.

- (1) **Purpose.** The most common and prevalent land uses in Stockbridge Township are agricultural and residential, and their preservation has been an ongoing goal within the community for many years. This Ordinance is intended to protect the health, safety and welfare of the residents of the township and to encourage the safe, effective, efficient, and orderly development and operation of solar energy resources in the township while preserving and protecting the character and the stability of residential, agricultural, recreational, commercial, industrial and other areas within the township.
- (2) With advances in technology of "solar energy development" in general, specific locations within the township may support the implementation of Solar Farms. To prepare for potential solar development projects within the township, this Ordinance will require such developments to obtain a Special Use Permit to ensure Solar Farm development sites are appropriately located so as to protect the character and stability of the township's residential, agricultural, recreational, commercial and/or industrial areas while simultaneously preserving and protecting the township's important and sensitive environmental and ecological assets, open space, wetlands, and other ecological and environmentally sensitive areas, views and aesthetics. Accordingly, regulations are necessary to further the above goals and, equally important, to minimize the potential adverse effects of this emerging land use on neighboring properties.

(B) Definitions. The following definitions shall apply in this section:

- (1) **Agrivoltaics (APV).** The simultaneous and synergistic use of a parcel of land for both agriculture and solar photovoltaic energy generation.
- (2) **Electric Linear Actuator.** The device on a solar tracker that allows a motorized solar panel to move so as to maximize exposure to the sun.
- (3) **GIS.** Geographic Information System. A computer-based system that maps, analyzes, and presents geographically-referenced data.
- (4) **GPS.** Global Positioning System. A satellite-based navigation system used to determine the ground position of an object.
- (5) **Lease Unit Boundary.** The boundary around a property or properties leased or purchased for the purpose of operating a solar energy facility, including leased or purchased adjacent parcels to the parcel on which the solar energy facility or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road rights-of-way.
- (6) **NEC.** National Electrical Code.

STOCKBRIDGE TOWNSHIP

ORDINANCE NO.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO REGULATE SOLAR ENERGY SYSTEMS IN ACCORDANCE WITH PA 233 OF 2023

The Township of Stockbridge ordains:

Section 1. Purpose

The Township adopts this Ordinance to render certain solar energy zoning regulations compatible with Public Act 233 of 2023 (“PA 233”), while retaining local control over matters of regulation that are not governed by PA 233, and to promote the public health, safety, and welfare of Township residents.

Section 2. Amendment of Section 7.03.05

Section 7.03.05 of the Township Zoning Ordinance is amended to add new subsection (F), entitled “Solar Energy Systems under PA 233,” which reads as follows in its entirety:

F) Solar Energy Systems under PA 233.

On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to Solar Energy Systems with a nameplate capacity of 50 megawatts or more. To the extent these provisions conflict with the provisions in the subsections above (regulating Solar Energy Systems), the provisions below control as to such Solar Energy Systems. All provisions in the subsections above that do not conflict with this subsection remain in full force and effect. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Solar Energy Systems with a nameplate capacity of less than 50 megawatts.

a. *Setbacks.* Solar Energy Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

STOCKBRIDGE TOWNSHIP

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
TO REGULATE UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS**

Stockbridge Township ordains:

Section 1. Add New Section 7.03.11 of the Zoning Ordinance

The Township's Zoning Ordinance is amended to add a new section 7.03.11 which reads as follows in its entirety:

Section 7.03.11 Utility-Scale Battery Energy Storage Facilities

1. Definitions

- a. *Battery management system*: An electronic regulator that manages a Utility-Scale Battery Energy Storage System by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.
- b. *Utility-scale battery energy storage facilities*: One or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy in a Utility-Scale Battery Energy Storage System ("BESS") with a battery management system ("BMS").
- c. *Utility-scale battery energy storage system*: A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

2. General Provisions.

All Utility-Scale Battery Energy Storage Systems are subject to the following requirements:

- a. All Utility-Scale Battery Energy Storage Systems must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes, applicable industry standards, and NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems."
- b. The Township may enforce any remedy or enforcement, including but not limited to the removal of any Utility-Scale Battery Energy Storage System pursuant to the Zoning Ordinance or as otherwise authorized by law if the Utility-Scale Battery Energy Storage System does not comply with this Ordinance.

VILLAGE OF STOCKGRIDGE MONTHLY REPORT

Zoning & Administration

MONTH OF: February 2025

Code Enforcement Services:

8 Blighting Issues:

- 1 removed T-post fence and placed around trees
- 2 seeking abatement
- 1 cleared by court being monitored
- 1 being worked on - has dumpster
- 1 returned undeliverable - Chief served
- 1 no return notice received
- 1 working with building inspector

Answer Various Enforcement Questions

Zoning Administrator Services:

- Questions regarding lot zoning & buildability
- Frontier Cable Drop - 190 Willow
- Answer Various Zoning Questions

Department & Board Meetings:

- Planning Committee Meeting - Ordinance

Submitted by:

Katrina Griffith

Signature