

**VILLAGE OF STACKBRIDGE  
PLANNING COMMISSION  
THE MEETING TIME IS 6:30 P.M.  
October 02, 2025  
MEETING AGENDA**

**118 N. Center Street ~ 517 - 851 - 7435**

Call P.C. Meeting Call to order.

**ROLL CALL:**

**APPROVAL OF AGENDA:**

- **Approval of October 02,2025 Agenda**

**APPROVAL OF MINUTES**

- **Approval of September 04,2025, Meeting Minutes**

**PUBLIC COMMENT:**

**UNFINISHED BUSINESS**

- Pick up where we left off on at page 37, of the First Redline draft of Article 8 – Administration and Enforcement.
- Revised landscaping and lighting based on comments from the August meeting
- We need to review again changes that were not included in September 04,2025 Clean Black line Article VI because the changes to the text we required had not been corrected.
- Copy of draft proposed new zoning district map for discussion purposes only
- Copy of existing zoning district map.
- Table which shows how the existing zoning ordinance articles will be reorganized to create the new zoning ordinance.

**NEW BUSINESS:**

**PUBLIC COMMENT:**

**P.C. COMMENTS CONCERNS OR SUGGESTIONS**

**ADJOURNMENT**

**NEXT MEETING**

- Next regular meeting will be November 06,2025.

**ATTACHMENTS**

1. October 02,2025 Agenda
2. September 04,2025 Unapproved Meeting Minutes
3. First Redline draft of Article 8 – Administration and Enforcement.
4. Article V- Revised landscaping and lighting based on comments from the August meeting
5. Clean Black line version Article VI to assure the changes we stipulate for the second time have occurred.
6. Copy of draft proposed new zoning district map for discussion purposes
7. Copy of existing zoning district map.
8. Table which shows how the existing zoning ordinance articles will be reorganized to create the new zoning ordinance.

**PLANNING COMMISSION**  
 118 N. Center Street ~ 517 - 851 - 7435  
**September 04, 2025**  
**Unapproved Meeting Minutes**

**Call P.C. Meeting Was Called to order. At: 6:30 p.m.**

**Roll Call of Commissioners present :** P.C. Amy Good, P.C. James Johnson, P. C. Chair Daryl Anderson.

**Commissioner Absent:** Laura Loomis, Jennifer Conant, Township/Village : Zoning Administrator Katrina Griffith, MPC

**Also in attendance:** and Village Manager Heather Armstrong, Mario A. Ortega, AICP- from McKenna, John Gormley. Village President Jill Ogdon

### **Approval of Septer 04,2025 Agenda**

• Amy made a motion to approve the September 04,2025 , agenda during the Planning Commission meeting held at 6:30 p.m. , and the motion was seconded by James, The chair confirmed the motion and second. Voice vote carried unanimously.

### **Approval of Minutes**

1. Motion made to approve the minutes of August 07,2025 was made by James and seconded by Amy during the meeting on 2025-08-07. The motion was approved unanimously with all in favor and no opposition.

#### **1. Discussion**

- No discussion was recorded regarding the motion; it was put to an immediate unanimous vote.

#### **o Voting Results**

- o Voice vote carried unanimously.

### **PUBLIC COMMENT**

- o The Chair opened meeting to the Public (No Public present )
- o The chair closed public comment.

### **UNFINISHED BUSINESS**

- First Redline draft of Article 8 – Administration and Enforcement.

Text Interpretation proposed by John Gormley: Add a 'Text Interpretation' application type to the Zoning Approval Process Table. The zoning administrator would make a determination, which could then be appealed to the Zoning Board of Appeals (ZBA).

Enforcement proposed by John Gormley: Add an 'Enforcement' application type to the Zoning Approval Process Table. The zoning administrator would issue a letter of enforcement, and the recipient would have the right to appeal the decision to the ZBA.

Zoning Permit Submission Process proposed by John Gormley : Applications for zoning permits should be submitted to the village, which then transmits them to the zoning administrator for processing to ensure a record is kept.

Zoning Administrator's Review Process proposed by John Gormley : The zoning administrator shall review applications for completeness and may require the applicant to submit additional information before a full review.

## Old Business

## Main Motions

1. **Final Motion** A motion was made to amend Article 8 of the zoning ordinance. The key changes discussed and agreed upon were: 1. The responsibility for enforcing the provisions of the zoning ordinance is to be explicitly assigned to the Zoning Administrator, maintaining the current structure of a strong zoning administrator. 2. The authority to set all fees for permits and applications will be retained by the Village Council, with fees to be set by resolution. The proposed language allowing an administrator to set fees in the absence of council action will be removed. 3. The duties of the Zoning Administrator will be defined using the existing language from section 6-43 of the current ordinance, as it is more comprehensive than the brief description in the proposed draft.

- **Existing 6-43 Text in Municipal code**
- **Sec. 6-43. - Duties.**

The zoning administrator shall:

- (a) Review and rule upon the meaning and interpretation of all sections of the zoning ordinance.
- (b) Receive and review for completeness all applications for site plan review and special use permits which the planning commission are required to decide under this chapter and refer such applications to the planning commission and village council for determination.
- (c) Receive and review for completeness all applications for appeals, variances, or other matters which the zoning board of appeals is required to decide under this chapter and refer such applications to the zoning board of appeals for determination.
- (d) Receive and review for completeness all applications for amendments to this chapter and refer such applications to the planning commission and village council for determination.
- (e) Make periodic site inspections of the village to determine chapter compliance, and answer complaints on zoning ordinance violations.
- (f) Implement the decisions of the planning commission and village council.
- (g) Utilize the ASPR process wherever possible: To review and approve specific types of site plan applications and drawings, authorize minor changes, authorize specific change of permitted use, emergency changes, that prevent a hazard, issue certificates of zoning compliance, as is listed in [section 6-45](#) in addition to any other ordinance required duties.

(Ord. No. 2018.10-1, 10-1-2018; Ord. No. 2022-12-05.002, § 2, 12-5-2022)

## 1. Discussion

- The group reviewed the red-lined version of Article 8, with new language highlighted in blue.
- A key point of discussion was the designation of the Village Manager as the enforcer of the ordinance. The members expressed a preference for retaining the Zoning Administrator in this role, as is the current practice, to ensure continuity and maintain a strong administrative review process. They decided to verify this against the city charter.
- The proposal to allow a village administrator to set fees when the Village Council has not was rejected. The attorney advised that fees must be set by the council, preferably by resolution. The group agreed to amend the language to ensure the Village Council is the sole body authorized to set fees.
- The members found the proposed description of the Zoning Administrator's duties in paragraph D to be insufficient. They compared it to the existing ordinance, section 6-43, and concluded that the current, more detailed language should be retained.

## Unfinished Business

1.

1. Unfinished Business: Review of Red Lined Document (John): A summary of the pending question, unfinished business.
  - Corrections were made to page 88 of the document.
  - In section 6-2, paragraph 1, line B, 'vehicles and boats' were removed from the cottage industry definition.
  - In section 7-2, paragraph 2, line G, the number of employees was corrected to one.
  - In section 6-1.42 D, the on-site storage of trailers is pending confirmation from Mario.
- 1. Proposed text amendment to zoning ordinance (Speaker: Unidentified): Discussion on proposed amendments to the zoning ordinance, including the zoning approval process, the role of the zoning administrator, and the creation of a zoning approval process table.
    - The group discussed subsection G of 801, related to the ASPR process, and agreed it needs to be tweaked.
    - A suggestion was made to add a section on enforcement, clarifying the zoning administrator's role in issuing tickets for zoning violations.
    - The distinction between the zoning administrator and a code enforcement officer was discussed, with the consensus to stick with the term 'zoning administrator' as it's common in zoning law.
    - The powers of the Zoning Board of Appeals (ZBA), including interpretation and variances, were mentioned to be detailed in a separate section.
    - An example was provided illustrating the correct procedural flow for a zoning interpretation issue: the zoning administrator makes an initial decision, which can then be appealed to the ZBA.
    - The group reviewed the 'Zoning Approval Process Table,' which outlines application types and their corresponding approving authorities.
    - There was a discussion on reformatting the table to make the steps clearer, possibly using arrows.

- Two new application types were proposed for the table: 'Text Interpretation' and 'Enforcement'. For both, the process would be a decision by the zoning administrator, with a right to appeal to the ZBA.
- The group discussed the process for submitting zoning permit applications, agreeing that applications should be submitted to the village clerk, who then transmits them to the zoning administrator. This ensures the village retains an original copy.
- It was proposed to add a step allowing the zoning administrator to request additional information from an applicant after an initial review.
- A clarification was suggested for the appeals section to specify that an appeal is regarding the zoning administrator's 'determination on a zoning permit'.

- 1. Site Plan Review Ordinance (Heather): A summary of the pending question, unfinished business.
    - The group discussed proposed changes to the site plan review ordinance, focusing on the application process and requirements.
    - A key point of discussion was the role of the zoning administrator in providing a checklist of required information for an application. The consensus was that the ordinance should state the zoning administrator 'shall provide an application that may include a checklist.'
    - It was agreed to extend the deadline for the village manager to provide a list of deficiencies on an incomplete application from 14 days to 30 days.
    - The members clarified the number of copies required for a submittal: six copies of the site plan and one copy of the application form.
    - There was a discussion about the list of required information on the application, with an agreement to review the existing ordinance to ensure the list is complete. The idea of adding a clause for 'other information as deemed necessary by the Zoning Administrator' was also supported.
    - The group noted that there are four different types of site plan reviews and that specific requirements, such as topography, should only apply to the relevant types (e.g., Type 4).
    - A math problem was identified regarding the number of final approved site plan copies to be maintained by the village versus returned to the applicant.
    - The discussion was tabled at page 37, to be continued at the next meeting.

## **Announcements**

- The next DDA meeting will feature Red Bear Bikes.

## **Adjournment**

The meeting concluded without a formal motion to adjourn.

## **Secretary Signature**

[Secretary Signature]

## **Date of Approval**

## ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

### 8-01 Responsibilities of Administrative Entities and Officials.

The Village Manager, or their duly authorized representative as specified in this article, is hereby charged with the duty of enforcing the provisions of the Zoning Ordinance. Furthermore, administrative responsibilities are vested in the following Village entities:

- (a) Village Council. The Village Council shall have the following responsibilities and authority in addition to any other responsibilities outlined in this Ordinance:
1. **Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purposes of this Ordinance, and pursuant to the authority conferred by the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), the Village Council shall have the authority to adopt this Ordinance, as well as amendments previously considered by the Planning Commission or Village Council at a public hearing or as decreed by a court of competent jurisdiction.
  2. **Setting of Fees.** The Village Council shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In absence of specific action taken by the Village Council to set a fee for a specific permit or application, the appropriate Village administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
  3. **Approval of Planning Commission Members.** In accordance with the Michigan Planning Enabling Act, Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Village President with the approval of the Village Council.
  4. **Final Approval. Where specified in this Ordinance,** the Village Council shall serve as the final approval authority for special land uses, planned unit developments, and any other approvals designated in this Ordinance.
  5. **Hear appeals for the denial of a Special Transitory Unit.** Per Section (Reference), the Village Council may hear appeals of any application for a Special Transitory Unit which is denied by the Village Manager, when complying with the process described in (Current Sec. 6-80).
- (b) Planning Commission. The Planning Commission is designated as the Commission specified in Public Act No. 33 of 2008, as amended. The Planning Commission is hereby designated as the succeeding body of the Zoning Commission specified in Public Act 110 of 2006, as amended, and shall perform the duties of said Commission as provided in the statute.
- (c) Zoning Board of Appeals. The Zoning Board of Appeals (ZBA) is created pursuant to Article VI of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended). The ZBA's membership, organization, and duties are hereby established as cited in (Reference new ZBA section) in this Ordinance.
- (d) **Zoning Administrator.** The zoning administrator, or such deputies, shall be appointed by the Village Council and designated to administer and enforce the provisions of this article by receiving and reviewing applications for compliance with this Ordinance.

## 8-02 Zoning Approval Processes Table

(a) The following chart demonstrates the Zoning Approval processes and approving bodies for various types of applications under this Ordinance. Following Zoning Approval, a Building Permit shall be required prior to construction, as described in [Section 8.XX](#), Procedures after Plan Approval.

(b) Zoning Approval Processes Table.

| Application Types   | Approving Authorities  |   |                     |                         |
|---|--|---|---------------------|-------------------------|
|   | Zoning Administrator   | Planning Commission                                       | Village Council     | Zoning Board of Appeals |
| Exempt Accessory Buildings and Structures (See subsection c)    | No Zoning Permit Required<br><br>Standards Enforced Upon Complaint             | -   | -                   | -                       |
| Non-Exempt Accessory Structures or Buildings (See Subsection c) | Final Determination OR Refer to Planning Commission with Staff Report          | Final Determination (if Referred by Zoning Administrator) | -                   | Appeal                  |
| Sign  | Final Determination OR Refer to Planning Commission with Staff Report          | Final Determination (if Referred by Zoning Administrator) | -                   | Appeal                  |
| Fence   | Final Determination  |   |                     | Appeal                  |
| Home Occupation   | No Zoning Permit Required<br><br>Standards Enforced Upon Complaint             |   |                     | Appeal                  |
| Cottage Industry – Requires Special Use Approval                | Staff Report   | Public Hearing Recommendation                             | Final Determination | -                       |
| Outdoor Dining  | Final Determination + ROW Permit may be required. See <a href="#">Sec. XXX</a> |   |                     | Appeal                  |
| Change in Use to a Permitted Use (including Temporary Uses)     | Final Determination and Staff Report   | Receive Report  | -                   | Appeal                  |
| New Single-Family Home  | Final Determination  |   |                     | Appeal                  |
| Expansion or Alteration of Single-Family Home                   | Final Determination  |   |                     | Appeal                  |

| Application Types   | Approving Authorities   |   |                     |                         |
|---|---|---|---------------------|-------------------------|
|   | Zoning Administrator  | Planning Commission                                       | Village Council     | Zoning Board of Appeals |
| New Principal Building (other than single-family)   | Staff Report  | Final Determination                                       |                     | Appeal                  |
| Expansion / Alteration of Principal Building less than or equal to 500 square feet or 10% of building square footage, whichever is lower (other than single family homes) | Final Determination   |   |                     | Appeal                  |
| Expansion / Alteration of Principal Building >500 square feet or 10% of building square footage, whichever is lower (other than single family homes)                      | Final Determination OR Refer to Planning Commission with Staff Report | Final Determination (if Referred by Zoning Administrator) |                     | Appeal                  |
| Special Land Use  | Staff Report  | Public Hearing<br>Recommendation to Village Council       | Final Determination | -                       |
| Rezoning (Zoning Map Amendment)   | Staff Report  | Public Hearing<br>Recommendation to Village Council       | Final Determination | -                       |
| Conditional Rezoning  | Staff Report  | Public Hearing<br>Recommendation to Village Council       | Final Determination | -                       |
| Text Amendment  | Staff Report  | Public Hearing<br>Recommendation to Village Council       | Final Determination |                         |
| Variance  | Staff Report  | Receive Report  |                     | Final Determination     |
| Appeal  | Staff Report  | Receive Report  |                     | Final Determination     |

(c) **Exempt Accessory Structures.** The construction of a new accessory building or structure shall require a Zoning Permit, except for accessory buildings and structures that meet *all* of the following criteria, which shall be classified as “exempt”:

- (1) The building or structure does not have a permanent foundation.
- (2) The building or structure is not fully enclosed, and cannot be used for the indoor storage of vehicles, materials, or household goods.

- (3) The building or structure has a footprint under 200 square feet.

### 8-03. Zoning Permit.

- (a) **Zoning Applications.** Zoning applications that require approval by the Zoning Administrator and no other body shall be called Zoning Permits.
- (b) **Zoning Permits.** Zoning Permits are subject to approval by the Zoning Administrator, based on their compliance with the requirements of this Section and all applicable requirements laid out in this Chapter.
- (c) **Applications for a zoning permit** shall be submitted to the Village to ensure compliance with this Chapter and other applicable regulations. Application for a permit shall be made using forms provided by the Zoning Administrator. If additional information or materials are required to be submitted with the application form, those items will be listed on the application form along with any additional approvals that may be required. The Village Council shall establish a required fee to accompany a Zoning Permit application.
- (d) **Required Materials.** The Zoning Administrator may require any of the information listed as required for Site Plan Approval to use in reviewing a Zoning Permit.
- (e) **Appeals of Zoning Administrator.** An applicant or aggrieved party may appeal a Zoning Administrator's determination to the Zoning Board of Appeals following the process specified in **Section 8-07**. The appeal application shall stay action on any permit issuance.

### ~~Sec. 6-45.~~ 8-04. Site plan review.

- (a) **Application Procedure.** Requests for formal Site Plan Review shall be made by filing with the Zoning Administrator the following:
- (1) The application shall be accompanied by a fee to be established by resolution of the Village Council to cover the cost of processing the review. The Zoning Administrator may provide a checklist to applicants summarizing the generally required information. If an application is incomplete, the zoning administrator shall provide a list of deficiencies within 14 days of the application's submittal.
  - (2) Six (6) copies of a completed application form to contain, as a minimum, the following:
    - i) Name and address of the applicant.
    - ii) Legal description of the subject parcel of land.
    - iii) Area of the subject parcel of land stated in acres, or if less than one acre, in square feet.
    - iv) Present zoning classification of the subject parcel.
    - v) A general description of the proposed uses of buildings and site improvements. Include an estimated number of employees, if applicable.
  - (3) Six (6) physical copies of the proposed site plan, and one electronic copy, shall contain the elements listed below:

- i) The plan shall be drawn to scale so that of not greater than 1 inch equals 20 feet (1" = 20') for a development of not more than three (< 3) acres and a scale of not less than 1 inch equals 100 feet (1" = 100') for a development in excess of three (> 3) acres.
  - ii) The plan shall show an appropriate descriptive legend, north arrow, scale, date of preparation, and name and address of the individual or firm preparing the same.
  - iii) The property shall be identified by Lot Lines and general location together with dimensions, angles, and size correlated with the legal description of the property.
  - iv) The topography of the site with at least two-foot contour intervals and all natural features such as wood lots, streams, rivers, lakes, wetlands, unstable soils, and similar features shall be shown.
  - v) Existing man-made features upon the site and within 100 feet of the site shall be indicated.
  - vi) The location, proposed finish floor and Grade line Elevations, size of proposed main and accessory Buildings, the relationship of Buildings to one another and to any existing structures on the site, the height of all Buildings and square footage of floor space therein shall be indicated. Site plans for multi-family residential development shall also include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the unit type and number of each such unit.
  - vii) All proposed and existing streets, driveways, sidewalks, and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown, together with the location, size, and number of parking spaces in Off-Street Parking areas, service lanes thereto, and service parking and delivery or loading areas.
  - viii) The location, use, and size of open spaces together with Landscaping, Screening, Fences, walls, and proposed alterations of topography or other natural features shall be indicated.
  - ix) The proposed operations on the site shall be described in sufficient detail to indicate the effect, if any, upon adjoining lands and their occupants, together with any special features which are proposed to relieve any adverse effects to adjoining lands and their occupants. Any potential demands for future community services will also be described, together with any special features which will assist in satisfying such demands.
  - x) On-site lighting, surface water drainage for the site, and proposed sanitary sewage disposal and water supply shall be included in the plans.
  - xi) Such other information as may be determined to be necessary by the Zoning Administrator or Planning Commission because of any peculiar features of the proposed development, including, but not limited to, noise, fire hazard, subsidence, vibration, and impact on sensitive natural features. Additional information necessary to ensure compliance with the provisions of this Ordinance.
  - xii) Any specific conditions imposed on the property by Planning Commission, or Village Council that will be applicable to the requirements for Site Plan Review.
- (4) The Zoning Administrator or Planning Commission may waive any of the required elements listed herein when such requirement(s) will not be a significant factor(s) in the Site Plan Review process for that particular use.

(b) Action on Application and Plans.

- (1) The application materials will be transmitted to the Zoning Administrator and reserve up to seven (7) copies for the Planning Commission.
  - (2) If the Application Type requires, the Zoning Administrator shall place the application on the agenda of the next regularly scheduled Planning Commission meeting. The applicant shall be notified of the date, time, and place of the review of his application not less than three days prior to such date, unless the applicant has waived such three-day notice.
  - (3) Following review, the Zoning Administrator or Planning Commission shall have the authority to approve, disapprove, modify, or alter the proposed plans.
    - i) Any required modification or alteration, together with the reasons for such modification, shall be stated in writing and delivered to the applicant.
    - ii) The Planning Commission may approve the plans including any alterations or modifications, or the Committee may require a further review after the applicant has submitted a revised plan.
  - (4) **Final Site Plan.** Two copies of the approved final site plan, including any required modifications or alterations shall be maintained as part of the Village records for future review or enforcement. One copy shall be returned to the applicant.
    - i) Each copy shall be signed by the chair of the Planning Commission for identification of the final approved plans.
    - ii) If any variances from this Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the Variance duly signed shall also be filed with the Village records as a part of the site plan and delivered to the applicant for his information and direction.
- (c) **Criteria for Review.** In reviewing the site plan and determining whether to approve it, deny it, or request modifications, the Planning Commission shall be governed by the following standards:
- (1) There is a proper relationship between the existing streets and highways in the vicinity further defined as: Deceleration lanes, service drives, entrance and exit driveways, and parking areas to ensure the safety and convenience of pedestrian and vehicular traffic.
  - (2) The buildings and structures proposed to be located on the premises are so situated as to minimize adverse effects upon owners and occupants of adjacent properties, in relationship to lighting, loading activities, motorized vehicle circulation, and site access.
  - (3) As many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.
  - (4) Any adverse effects of the proposed development and activities emanating therefrom which affect adjoining residents or owners shall be minimized by appropriate Screening, fencing, Landscaping, Setback and location of Buildings, structures, and entryways.
  - (5) The layout of Buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.
  - (6) All provisions of this Ordinance are complied with unless an appropriate Variance therefrom has been granted by the Zoning Board of Appeals.

(d) **Optional Sketch Plan Review.** Preliminary sketches of proposed site and development plans may be submitted for review to the Zoning Administrator prior to formal application. The purpose of such procedure is to allow discussion between an owner or developer and Village staff on the acceptability of their proposed plans prior to the development of a detailed site plan requiring extensive engineering and other costs. The Village shall not be bound by any tentative approval given at this time. Such a sketch plan shall include as a minimum the following:

- (1) Name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership.
- (2) Address of the property.
- (3) Sketch drawings showing tentative site and development plans.
- (4) A description of the tentative proposed uses and site improvements

~~All new business, commercial uses and/or industrial uses or an existing business, commercial use, or industrial use contemplating changing or adding a permitted use or special use shall complete the appropriate site plan review application (and any special use application if required by section 6-44), as determined by this chapter and submit that application for review and subsequently zoning approval before the use being contemplated: 1) occupancy of the structure for said use or 2) continued occupancy of the structure during said use.~~

~~All new proposed uses in R-1 Single family, R-2 Single family, R-3 multi family zoning districts shall complete the appropriate site plan review application, as determined by this chapter, and submit that application for review and subsequently zoning approval before the use being contemplated: 1) occupancy of the structure for said use, 2) continued occupancy of the structure during said use or 3) construction of the structure being contemplated, whichever comes first.~~

~~All proposed additions to a structure or modification of a use in any zoning district must complete an appropriate site plan review application, as determined by this chapter, and subsequently receive zoning approval for the activity being contemplated prior to starting any construction or site preparation.~~

~~All zoning districts listed below (permitted uses and special use) shall comply with the requirements imposed by the Village of Stockbridge zoning ordinance district regulations in sections 6-66, 6-70, and 6-71 and site plan review process in section 6-45. No grading, removal of trees or other vegetation, landfilling or construction or improvements shall commence for any activity which requires site plan approval until a final site plan is approved and is in effect, except as otherwise provided in this article.~~

- ~~i. R-1 Single Family residential district~~
- ~~ii. R-2 Single Family suburban district~~
- ~~iii. R-3 Multi-Family district~~
- ~~iv. CBD Central Business district~~
- ~~v. C-2 General Commercial district~~
- ~~vi. C-3 Highway Commercial district~~
- ~~vii. M-1 Light Commercial district~~
- ~~viii. PUD Public Districts~~
- ~~ix. OSC Open Space Conservation~~

~~(4) Applicable to all zoning districts.~~

~~An applicant must submit the appropriate below listed site plan application and receive all necessary approvals prior to moving into a structure, the issuance of building permits, commencement of construction of a) a new structure, b) an addition, alteration, expansion, c) any change of use authorized by right, d) any change of use~~

~~authorized by a special use permit, e) expansion or reduction of floor area, f) demolition, or g) change of height to an existing structure.~~

- ~~i. Type 1: Site plan application is required for: Occupancy of a structure with a permitted use requiring no structural changes or used for application to construct a new single-family dwelling and any building or structure accessory thereto.~~
- ~~ii. Type 2: Site plan application is required for: Occupancy of a structure with a permitted use requiring minor changes to an existing structure, as defined by this chapter.~~
- ~~iii. Type 3: Site plan application is required for: Occupancy of a structure with a permitted use by right requiring major changes to an existing structure, as defined by this chapter.~~
- ~~iv. Type 4: Site plan application is required for: Occupancy of a structure with a permitted use requiring construction of a new commercial structure.~~

~~Note #1: Permitted use of single family dwelling and any building or structure accessory thereto is to be reviewed by the zoning administrator for compliance with all zoning requirements. The zoning administrator will approve or not approve the applications.~~

~~Note #2: R-1 Residential district – A single family home in the R-1 zoning district, that is not located in a new subdivision that has already completed a site plan review must complete a Type 1 site plan review application.~~

~~Note #3: Applicant must complete the Type 1 form that documents applicant having reviewed the villages zoning ordinance assuring compliance with other code requirements applicable to R-1: driveway requirements, setbacks, connection of utilities to village provided services as required by section 6-69, section 6-70, section 6-71, section 6-141, section 6-262, article VII, section 6-261, appendix A – rates and charges and any other applicable section of the zoning ordinance, water ordinance or sewer ordinance.~~

~~(5) Applicant site plan review process.~~

~~Type 1 ASPR site plan review process.~~

- ~~i. Type 1 ASPR site plan review shall be applied to all purposes and permitted uses within all zoning districts and is applicable existing to all structures provided changes will not be made to: exterior walls; interior walls/rooms; accessory and/or subordinate buildings; and grounds, and does not require adding height to structure, additional means of access thereto from adjoining public roads or highways, storm sewer work or detention ponds, parking, REU's, change in use and complies with all other applicable zoning ordinances requirements.~~
- ~~ii. The zoning administrator reviews the application for site plan review for compliance with section 6-45 filing requirements and confers with the planning commission chair as required.~~
- ~~iii. The zoning administrator reviews application to assure compliance with requirements of section 6-45 and any other applicable ordinance and issues a certificate of zoning compliance or if not satisfied:
 
  - ~~A. The zoning administrator determines the application does not qualify as a Type 1 ASPR site plan and issues a written opinion as to either 1) what type of site plan is required and why or 2) what deficiencies exist with the existing site plan submission that must be corrected before approval can be considered.~~~~
- ~~iv. The applicant may appeal the zoning administrator decision of subsection (c)(1)d.1. of this section, to the zoning board of appeals.~~
- ~~v. The applicant may resubmit or amend application in accordance with the zoning administrator decision of subsection (c)(1)d.1. of this section, and pay any additional filing fees, if required.~~

- vi. ~~If an amended site plan is resubmitted in accordance with this chapter that purports to correct issues in a report submitted under subsection (c)(1)d.1. of this section, the zoning administrator shall review for compliance and issues a certificate of zoning compliance in compliance with ordinance, if appropriate, or issue a new report under subsection (c)(1)d.1. of this section.~~
- vii. ~~An application approved by the zoning administrator, pursuant to the ASPR process, shall be considered to have site plan approval, subject to penalties and actions that may be taken as described elsewhere in this chapter for a modification requests, failure to complete the project in accordance with the approved site plan, or exceed the expiration limits of the site plan approval.~~
- viii. ~~Approval of a Type I ASPR site plan by the zoning administrator shall expire and be of no effect one year following the date of approval, unless: 1) the use approved is in effect or a 2) an extension is authorized by planning commission in writing before the one-year deadline expires.~~

#### ~~Type 2 ASPR site plan review.~~

- ix. ~~Type 2 ASPR site plan review is applicable to all permitted uses within zoning districts and is intended for existing structures provided only minor (see definitions in of minor change in section 6-5) changes will be made to: exterior walls, interior walls/rooms; accessory and/or subordinate buildings; and grounds, and do not require adding height to structures, additional means of ingress/egress, or addition of barrier free required ramps to the structures, adjoining public roads or highways, storm sewer work or detention ponds, require additional parking, additional REU's, results change in use and complies with all other applicable zoning ordinances requirements.~~
- x. ~~The zoning administrator reviews the application and site plan for compliance with section 6-45 and 6-76 filing requirements and confers with the planning commission chair as required.~~
- xi. ~~The zoning administrator reviews the application to assure compliance with requirements of section 6-45 and any other applicable ordinance or:~~
  - A. ~~The zoning administrator determines the application does not qualify as a Type 2 ASPR site plan and issues a written opinion as to either 1) what type of site plan is required and why or 2) what deficiencies exist with the existing site plan submission that must be corrected before approval can be considered.~~
- xii. ~~The applicant may appeal the zoning administrator decision to the zoning board of appeals.~~
- xiii. ~~The applicant may resubmit and amended application in accordance with the zoning administrator decision under subsection (c)(2)c.1. of this section, and pays any additional site plan fees, if required.~~
- xiv. ~~If an amended site plan is resubmitted in accordance with this chapter that purports to correct issues in a report submitted under subsection (c)(2)c.1. of this section, the zoning administrator shall review for compliance and issues a certificate of zoning compliance in compliance with ordinance, if appropriate, or issue a new report under subsection (c)(2)c.1. of this section.~~
- xv. ~~A project approved by the zoning administrator pursuant to the ASPR process shall be considered to have site plan approval, subject to penalties and actions that may be taken as described elsewhere in this chapter for a modification requests, failure to complete the project in accordance with the approved site plan, or exceed the expiration limits of approval. t~~
- xvi. ~~Approval of a Type 2 ASPR site plan by the zoning administrator shall expire and be of no effect on the earlier of 1) one year following the date of approval unless substantial construction has begun on the property in conformance with the approved site plan or~~

~~2) 180 days following the date of approval unless a building permit shall have been issued by the appropriate building official, if required.~~

~~xvii.— Four sets of plans and drawing on 11 inches by 17 inches paper shall be submitted with application. However, if authorized by zoning administrator, in writing, electronic copies of plans and drawings maybe submitted.~~

#### Type 3 site plan review.

~~xviii.— Type 3 site plan review is applicable to existing structures where major changes are required (see definitions of major change in section 6-5) to permitted authorized use of right within all zoning districts, permitted major changes allowed for Type 3 site plan review are changes made to: exterior walls; interior wall/rooms; accessory and/or subordinate buildings; adding additional height to structure, requiring the purchase of additional REU's, providing said major changes result in a permitted approved authorized use in the applicable zoning district and complies with all other applicable zoning ordinances requirements. Major changes that are not permitted are providing additional access to adjoining public roads or highways, providing additional access to building/structure, additional parking, or additional access to parking lot changes to building site/grounds.~~

~~xix.— The zoning administrator reviews the application and site plan for compliance with section 6-45 and confers with the planning commission chair as required.~~

~~xx.— The zoning administrator determines application complies with Type 3 site plan review requirements use and any other applicable ordinance or:~~

~~A.— The zoning administrator determines the application does not qualify as a Type 3 site plan and issues a written opinion as to either 1) what type of site plan is required and why or 2) what deficiencies exist with the existing site plan submission that must be corrected before approval can be considered.~~

~~B.— The zoning administrator forwards complete application to planning commission for review and approval or nonapproval.~~

~~xxi.— Planning commission may schedule a public hearing in conformance with both the Open Meeting Act and the Zoning Enabling Act anytime there is a change to the exterior of the building or grounds. The planning commission holds public hearing reviews both applications and submittals for major alteration/ modifications for conformance with applicable zoning ordinance requirements.~~

~~A.— Planning commission approves or denies application in whole or in part with conditions or denies application.~~

~~B.— If the planning commission denies the application the applicant may appeal the planning commission decision to the circuit court.~~

~~xxii.— No application which has been denied wholly or in part shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the planning commission.~~

~~xxiii.— The applicant may resubmit an amended application in accordance with the zoning administrator or planning commission direction and pay any additional filling fees, if required.~~

~~xxiv.— An applicant approved by the planning commission pursuant to the Type 3 process shall be considered to have site plan approval, subject to penalties and actions that may be taken as described elsewhere in this chapter for a modification request, failure to complete the project in accordance with the approved site plan or exceed the expiration limits of approval.~~

- ~~xxv. The zoning administrator will issue zoning compliance certificate if site plan was approved by planning commission.~~
- ~~xxvi. Type 3 site plan approval by the planning commission shall expire and be of no effect on the earlier of 1) one year following the date of approval unless substantial construction has begun on the property in conformance with the approved site plan or 2) 180 days following the date of approval unless a building permit shall have been taken issued by the appropriate building official, if required.~~
- ~~xxvii. Applicant shall provide six copy sets of folded sealed drawings, sealed drawings in electronic pdf format, along with one original sealed drawing to the village clerk. The sheet size of drawings shall be at least 24 inches by 36 inches with the plans drawn to a scale of no greater than one inch = 50 feet for property less than three acres, or no greater than one inch = 100 feet for property three acres or more.~~

~~Type 4 site plan review process:~~

- ~~xxviii. Type 4 site plan review is intended for:~~
- ~~A. All new construction of a facility, structure or development.~~
  - ~~B. All proposed change of use of right.~~
  - ~~C. Facilitate occupancy requirements by performing a full site plan review in conjunction with fulfilling the requirements imposed by section 6-45 and ensure compliance with all other applicable zoning ordinances requirements.~~
  - ~~D. The applicant may, at his or her discretion, divide the proposed development into two or more phases. In such case, the site plan shall cover the entire property involved and shall clearly indicate the location, the size, and character of each phase.~~
  - ~~E. All proposed changes of use that require a special use approval.~~
- ~~xxix. It is strongly recommended that applicant submit only three sets of nonsealed prints for an informal preliminary review by planning commission and zoning administrator prior to submittal of a complete Type 4 site plan application.~~
- ~~xxx. The zoning administrator reviews the application and site plan for compliance with section 6-45 and confers with the planning commission chair as required and:~~
- ~~A. The zoning administrator determines the application does not qualify as a Type 4 site plan and issues a written opinion as to either 1) what type of site plan is required and why or 2) what deficiencies exist with the existing site plan submission that must be corrected before approval can be considered.~~
  - ~~B. The zoning administrator determines the application follows site plan review requirement of section 6-45 and section 6-44 regarding special land use and any other applicable ordinance and the zoning administrator forwards complete application to planning commission for review and approval or non-approval.~~
- ~~xxxi. After the review process spelled out in subsection (c)(4)c. of this section, the applicant may resubmit an amended application in accordance with the zoning administrator or planning commission's direction and pay any additional filing fees, if required. However, resubmission of any accompanying special land use permit applications are governed by subsection 6-44(j).~~
- ~~xxxii. No application which has been denied wholly or in part shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the planning commission.~~

~~xxxiii. f. A site plan project approved by the planning commission pursuant to the Type 4 process shall be considered to have site plan approval, subject to penalties and actions that may be taken as described elsewhere in this chapter for a modification request, failure to complete the project in accordance with the approved site plan, or exceed the expiration limits of approval, per (c)(4)h. of this section.~~

~~A. — If the planning commission denies the application the applicant may appeal the planning commission decision to the circuit court.~~

~~xxxiv. The applicant may resubmit an amended application in accordance with the zoning administrator or planning commission direction and pay any additional filing fees, if required.~~

~~xxxv. Approval of a Type 4 site plan approval by the planning commission shall expire and be of no effect on the earlier of 1) one year following the date of approval unless substantial construction has begun on the property in conformance with the approved site plan or 2) 180 days following the date of approval unless a building permit shall have been taken issued by the appropriate building official, if required.~~

~~xxxvi. Applicant shall provide six copy sets of folded sealed drawings, sealed drawings in electronic pdf format, along with one original sealed drawing to the village clerk. The sheet size of drawings shall be at least 24 inches by 36 inches with the plans drawn to a scale of no greater than one inch = 50 feet for property less than three acres, or no greater than one inch = 100 feet for property three acres or more.~~

~~xxxvii. Type 4 site plan approval is not a replacement for the special use permit approval process under section 6-44. The applicant is required to also apply for and receive a special land use permit, but the Type 4 site plan review process and the special land use review process may proceed simultaneously before the planning commission and the village council, as necessary.~~

~~(6) — Planning commission duties under the site plan review process for Type 3 and 4 site plans.~~

~~Planning commission review:~~

~~i. — Planning commission review and approval of site plans shall be required for all site plans, that involve a request for a major alteration, variance, a special land use, or new construction a proposal that involves a discretionary decision or a proposal that involves a nonconforming use or structure, which are generally Type 3 and Type 4 site plans.~~

~~ii. — Planning commission shall schedule a public hearing in conformance with Open Meeting Act and the Zoning Enabling Act, plus the requirements of section 6-44, if the applicable special land use permit application has also been filed. The planning commission may hold a joint public hearing to reviews both a site plan applications with submittals for major alteration/modifications along with any special land use applications for conformance with applicable zoning ordinance requirements.~~

~~A. — Planning commission approves or denies site plan application in whole or in part with conditions or denies application.~~

~~B. — The special land use approval or denial process is contained in section 6-44.~~

~~C. — If the planning commission denies the application the applicant may appeal the planning commission decision to the circuit court.~~

~~iii. — The planning commission shall approve with conditions or deny the site plan within 60 days of the date of the planning commission's public hearing meeting at which the site plan is first presented for approval. The time limit may be extended upon a written request by the applicant and approved by the planning commission. The planning commission may suggest and/or require modifications in the proposed site plan as are needed to gain approval. All engineering drawings and plans shall be reviewed by the village engineer, DPW, and fire chief, attorney, and any other professionals deemed~~

~~necessary before a site plan may be approved by the planning commission. Failure of the planning commission to affirmatively approve a site plan within the above 60-day deadline is deemed a rejection.~~

- ~~iv. — A project approved by the planning commission pursuant to the site plan review process shall be considered to have site plan approval, subject to penalties and actions that may be taken as described elsewhere in this chapter for a modification request, failure to complete the project or exceed the expiration limits of approval.~~
- ~~A. — Approval of a site plan authorizes issuance of a building permit or, in the case of uses without buildings or structures, issuance of a certificate of zoning compliance.~~
- ~~v. — Approval of a site plan by the planning commission shall expire and be of no effect on the earlier of 1) One year following the date of approval unless substantial construction has begun on the property in conformance with the approved site plan or 2) 180 days following the date of approval unless a building permit shall have been taken issued by the appropriate building official, if required.~~

~~(7) — Zoning administrator duties under the site plan review process.~~

~~The zoning administrator utilizing the ASPR process shall have the authority to make final determinations and issue land use certificates for Type 1 and Type 2 ASPR site plans, without having to forward application to planning commission.~~

~~The zoning administrator reviews the application and site plan for compliance with section 6-45 and confers with the planning commission chair as required.~~

- ~~i. — The zoning administrator determines application follows requirements of section 6-45 and any other applicable village ordinance for Type 1 or Type 2 ASPR site plan being requested and if so, issues a certificate of zoning compliance, without planning commission overview.~~
- ~~ii. — The zoning administrator determines the application does not qualify for a Type 1 or Type 2 ASPR site plan and issues a written opinion as to either 1) what type of site plan is required and why or 2) what deficiencies exist with the existing site plan submission that must be corrected before approval can be considered.~~

~~The zoning administrator reviews Type 3 and Type 4 site plans that have been reviewed and found in conformance with sections 6-44, 6-45, and 6-76 and other ordinances or state law to planning commission for review and appropriate action.~~

~~A Type 1 or Type 2 ASPR site plan approved by the zoning administrator shall be considered to have site plan approval, subject to penalties and actions that may be taken as described elsewhere in this chapter for a modification request, failure to complete the project in accordance with the approved site plan or exceed the expiration limits of approval.~~

~~The applicant may resubmit and amended application for site plan approval in accordance with the zoning administrator or planning commission direction and pay any additional fees if required.~~

~~Approval of a Type 1 or Type 2 ASRP site plan by the zoning administrator shall expire and be of no effect on the earlier of 1) one year following the date of approval unless substantial construction has begun on the property in conformance with the approved site plan or 2) 180 days following the date of approval unless a building permit shall have been taken issued by the appropriate building official, if required.~~

~~Applicant shall provide drawing as specified or requested by zoning administrator or planning commission in applicable type of site plan.~~

~~Property which is subject to site plan approval must be developed in strict conformity with the approved site plan for that property. Any site plan modifications approved by the planning commission or zoning administrator and variances granted by the zoning board of appeals must also conform in accordance with this chapter.~~

~~The certificate of land use approval shall regulate development of the property and any violation of this article, including any improvement not in conformance with the approved certification shall be deemed a violation of this chapter as provided in article 26, and shall be subject to all penalties therein.~~

~~(8) Building inspector duties under site plan review process.~~

~~The building inspector shall notify the zoning administrator, in writing, when a development for which a site plan is approved has passed building inspection, so that the zoning administrator can confirm compliance with the approved final site plan. The building inspector shall notify the zoning administrator, in writing, of any development for which a final site plan was approved, which does not pass building inspection and shall advise the zoning administrator of steps taken to achieve compliance. In such case, the building inspector shall periodically notify the zoning administrator of progress towards compliance with the approved building permit and when compliance is achieved.~~

~~Inspection.~~

- ~~i. In addition to the zoning administrator inspection, the building inspector shall be responsible for inspecting all improvements for conformance with the approved site plan. All subgrade improvements such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary installation.~~
- ~~ii. Building inspector shall notify the zoning administrator, in writing, when a development for which a site plan is approved has passed inspection with respect to the approved final site plan. The building inspector shall notify the zoning administrator, in writing, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan and shall advise the zoning administrator of steps taken to achieve compliance. In such case, the building inspector shall periodically notify the zoning administrator of progress towards compliance with the approved final site plan and when compliance is achieved.~~

~~(9) Requirements for reviewing site plan application generally.~~

~~In reviewing the site plans the planning commission chair, planning commission, zoning administrator, the village engineer, the village attorney, and other interested professionals shall determine whether the applicable site plan application meets the following specifications and standards:~~

- ~~i. The plan conforms to all zoning ordinance regulations and other applicable village ordinances and regulations.~~
- ~~ii. All required information is provided.~~
- ~~iii. The proposed use will not be injurious to the surrounding neighborhood and protects the general health, safety, welfare, and character of the village.~~
- ~~iv. There is a proper relationship between major thoroughfares and proposed service drives, driveways, and parking areas. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides.~~
- ~~v. The location of buildings is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.~~
- ~~vi. f. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, soils, groundwater, and woodlands.~~
- ~~vii. Stormwater management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or water course, or cause alterations which could increase flooding or water pollution on or off site.~~

- viii. ~~Wastewater treatment systems, including on-site septic systems, will be located to minimize any potential degradation of surface water or groundwater quality and meet county and state standards.~~
- ix. ~~Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies in accordance with county and state standards.~~
- x. ~~Landscaping, including grass, trees, shrubs, and other vegetation is provided to maintain the aesthetic quality of the site and area.~~
- xi. ~~The proposed use complies with all village ordinances and any other applicable laws.~~
- xii. ~~There are adequate service to site for potable water and sanitary sewer and site has the appropriate number of REU's.~~
- xiii. ~~Ingham County Drain Commissioner approves any stormwater management.~~

~~(10) Required information on a site plan application:~~

~~List of information required. On all application for certification:~~

- i. ~~Project name/business name.~~
- ii. ~~Address of property/structure.~~
- iii. ~~Existing zoning of property.~~
- iv. ~~Description of what type of business or function property will be used for example: R-1 Single family residence, golf course, farmers market etc. (Provide sufficient detail to allow determination of proper zoning use and district.)~~
- v. ~~Flours of operation.~~
- vi. ~~Name of legal owner of property, address, and phone number.~~
- vii. ~~Name of developer/owner business address and phone number.~~
- viii. ~~Property legal description required for Type 3 and Type 4 site plan review applications.~~
- ix. ~~Tax id number of properties.~~
- x. ~~Gross square footage.~~
- xi. ~~Usable square footage.~~
- xii. ~~I. Number of employees, number of shifts, and working hours of each shift.~~
- xiii. ~~Engineer/contractor or architect name and phone number.~~
- xiv. ~~Numbers of residential equivalent units. (REU's). Except for R-1 single family residence.~~
- xv. ~~Number of existing parking spaces.~~
- xvi. ~~Number of required parking spaces.~~
- xvii. ~~Signs size width and height and location(s).~~
- xviii. ~~Other information that may be required by zoning administrator. Application fees.~~
- xix. ~~Total fees collected.~~
- xx. ~~Applicants: signature.~~
- xxi. ~~Date.~~

- ~~xxii.— Official action taken.~~
- ~~xxiii.— Village office date received.~~
- ~~xxiv.— Date sent to zoning administrator date.~~
- ~~xxv.— Date application received.~~
- ~~xxvi.— Zoning administrator approval/rejection date.~~
- ~~xxvii.— Planning commission approval/rejection.~~
- ~~xxviii.— Date sent to planning commission if applicable.~~
- ~~xxix.— Date public hearing set if applicable.~~
- ~~xxx.— Planning commission approval/rejection.~~
- ~~xxxi.— Village clerk certifies all fees paid.~~

~~(11) Table 8 list information that is required on respective site plan drawings as required.~~

~~Corresponding check sheets that will assist applicant in assuring all information required on site plan drawings are in section 6-45, site plan compliance manual.~~

~~Manual will be provided to applicant with receipt of application fee.~~

~~Number of and size of site plan drawings that must be provided with application and completed are provided within site plan manual for each type of site plan review.~~

Table 8

~~(The below check sheet provides list of information required on respective type of site plan drawings)~~

| Topic  | Type 1 | Type 2 | Type 3 | Type 4 |
|--|--------|--------|--------|--------|
| Scale: (not greater than 1" = 20ft, not less than 1" = 200')   |        |        | X      | X      |
| North Arrow  |        |        | X      | X      |
| Name of business   | X      | X      | X      | X      |
| Name of business owner   | X      | X      | X      | X      |
| Name of developer  |        |        | X      | X      |
| Name of designer   |        |        | X      | X      |
| Date (on each sheet)   | X      | X      | X      | X      |
| Seal is only required on first sheet   |        |        | X      | X      |
| Boundary dimensions (Include bearings if description is meters and bounds)                           |        |        |        | X      |
| Lot area   |        |        | X      | X      |
| Existing topography taller than two foot   |        |        |        | X      |
| Existing natural features  |        |        |        | X      |
| A grading plan showing finished contours at a maximum of two feet correlated with existing contours. |        |        |        | X      |
| Concerning adjacent properties   |        |        |        | X      |
| Identify   |        |        |        | X      |
| Proposed use group   | X      | X      | X      | X      |
| Existing zoning classification   | X      | X      | X      | X      |
| Vicinity map   |        |        | X      | X      |
| Location of open recreation areas  |        |        |        | X      |

| Topic   | Type 1 | Type 2 | Type 3 | Type 4 |
|---|--------|--------|--------|--------|
| Location of landscaped areas  |        |        |        | X      |
| Existing deed restrictions  |        |        |        | X      |
| Numbers of residential equivalent units. (REUs)   |        |        | X      | X      |
| Current use   | X      | X      | X      | X      |
| Intended use  | X      | X      | X      | X      |
| Hours of operation  | X      | X      | X      | X      |
| Number of off-street parking spaces existing and required   |        | X      | X      | X      |
| Lot width   |        |        |        | X      |
| Front yard setback  |        |        |        | X      |
| Off-street loading  |        |        | X      | X      |
| Side yard set back  |        |        |        | X      |
| Rear yard setback   |        |        |        | X      |
| Height of existing structures if second story is to be added  |        |        | X      | X      |
| Transition strip  |        |        |        | X      |
| Adjacent streets  |        |        | X      | X      |
| Signage   | X      | X      | X      | X      |
| Surface type and width  |        |        |        | X      |
| Easements—location/size, purpose  |        |        |        | X      |
| Existing improvements to be remove  |        |        |        | X      |
| Type of electrical service serving site, including location of poles  |        |        |        | X      |
| Size of service three phase or single phase and voltage 120/220, 230/460 etc. 208/480 Location of transformer/generator |        |        |        | X      |
| Adjacent streets names  |        |        |        | X      |
| Right of way location   |        |        |        | X      |
| Building/structures new   |        |        |        |        |
| Locations new or existing address   |        |        | X      | X      |
| Dimensions  |        |        |        | X      |
| Distance between  |        |        |        | X      |
| Height  |        |        |        | X      |
| <b>STREET/DRIVES</b>  |        |        |        |        |
| Right of way  |        |        |        | X      |
| Surface width   |        |        |        | X      |
| Elevations, grades  |        |        |        | X      |
| Paving  |        |        |        | X      |
| Curbing   |        |        |        | X      |
| Adjacent streets  |        |        |        |        |
| Surface type and width  |        |        |        | X      |
| Easements—location/size, purpose  |        |        |        | X      |
| Existing improvements to be removed   |        |        |        | X      |
| <b>PARKING AREAS</b>  |        |        |        |        |
| Number of spaces  |        |        |        | X      |
| Parking calculations  |        |        |        |        |

| Topic   | Type 1 | Type 2 | Type 3 | Type 4 |
|---|--------|--------|--------|--------|
| -Dimensions   |        |        |        | -X     |
| Location  |        |        |        | -X     |
| Method of surfacing, i.e. pavement  |        |        |        | -X     |
| Wheel stops   |        |        |        | -X     |
| Curbing   |        |        |        | -X     |
| <b>LOADING AREAS</b>  |        |        |        |        |
| -Locations  |        |        |        | -X     |
| Size  |        |        |        | -X     |
| Paving  |        |        |        | -X     |
| <b>ENTRIES/EXITS</b>  |        |        |        |        |
| -Location of proposed   |        |        |        | -X     |
| Location and size of any easements or right ways, etc.  |        |        |        | -X     |
| Width   |        |        |        | -X     |
| Designation of fire lanes   |        |        |        | -X     |
| Elevations  |        |        |        | -X     |
| Dedicated roads or service drive locations  |        |        |        | -X     |
| Grades  |        |        |        | -X     |
| Signs size width and height   |        |        |        | -X     |
| Location of signs: Attached, free standing, projecting signs, or digital                        |        | -X     | X      | X      |
| Outside lighting photo metric plan  |        |        | -X     | X      |
| Showing location  |        |        |        | -X     |
| Showing intensity   |        |        |        | -X     |
| Showing type of fixture and detail  |        |        |        | -X     |
| Typical pavement cross sections   |        |        |        | -X     |
| Curve radii of streets/drives   |        |        |        | -X     |
| Location of existing sidewalks  |        |        |        | -X     |
| Required New Sidewalks Pedestrian ways see section 6-180 sidewalk construction and maintenance. |        |        |        | X      |
| Screening around property/structure   |        |        |        | -X     |
| Fences around property and type   |        |        |        | -X     |
| Trash storage location  |        |        | -X     | X      |
| Trash enclosure details   |        |        | -X     | X      |
| Control and maintenance provisions  |        |        |        | -X     |
| Open space conservation   |        |        |        | -X     |
| Landscaping—plant materials   |        |        |        |        |
| -Location   |        |        |        | -X     |
| Type  |        |        |        | -X     |
| Size or age   |        |        |        | -X     |
| Erosion control   |        |        |        |        |
| -Retaining walls:   |        |        |        |        |
| -Location   |        |        |        | -X     |
| Dimensions  |        |        |        | -X     |

| Topic   | Type 1 | Type 2 | Type 3 | Type 4 |
|---|--------|--------|--------|--------|
| Materials of walls  |        |        |        | -X     |
| Fill materials  |        |        |        | -X     |
| Typical cross section   |        |        |        | -X     |
| Utilities: water  |        |        |        |        |
| -Location   |        |        |        | -X     |
| Type  |        |        |        | -X     |
| Size of each line   |        |        |        | -X     |
| Well  |        |        |        | -X     |
| Utilities: water (Continued)                                  |        |        |        |        |
| -Location and size of well                                    |        |        |        | -X     |
| Fire hydrants with five-inch Storz Adaptors                   |        |        |        | -X     |
| Profiles  |        |        |        | -X     |
| Utilities—sanitary sewer                                      |        |        |        | -X     |
| Location of monitoring manhole for commercial/industrial DEV. |        |        |        |        |
| -Location lines   |        |        |        | -X     |
| Size of lines   |        |        |        | -X     |
| Inverts   |        |        |        | -X     |
| Profiles  |        |        |        | -X     |
| Location and detail of sewage lift station                    |        |        |        | -X     |
| Utilities natural gas   |        |        |        |        |
| -Location   |        |        |        | -X     |
| Size of lines   |        |        |        | -X     |
| Inverts   |        |        |        | -X     |
| Valves  |        |        |        | -X     |
| <b>STORM DRAINAGE UTILITIES</b>                               |        |        |        |        |
| -Location   |        |        |        | -X     |
| Size of lines   |        |        |        | -X     |
| Inverts   |        |        |        | -X     |
| Direction of flow   |        |        |        | -X     |
| Drainage pattern  |        |        |        | -X     |
| Detention/retention area calculations                         |        |        |        | -X     |
| Ditches—size elevation, slope                                 |        |        |        | -X     |
| Culverts, bridges   |        |        |        | -X     |
| Profiles  |        |        |        | -X     |
| Utilities—phone, electricity                                  |        |        |        |        |
| -Location of poles  |        |        |        | -X     |
| Underground wires   |        |        |        | -X     |
| Surface mounted equipment                                     |        |        |        | -X     |
| Emergency generator   |        |        |        | -X     |
| Location and size of generator and type of fuel source        |        |        |        | -X     |
| Commercial building structures                                |        |        |        |        |
| -Total floor area   |        |        |        | -X     |

| Topic  | Type 1 | Type 2 | Type 3 | Type 4 |
|--|--------|--------|--------|--------|
| Ground floor area  |        |        |        | X      |
| Lot coverage   |        |        |        | X      |
| Floor area ratio   |        |        |        | X      |
| Dimensions   |        |        | X      | X      |
| Distance between buildings   |        |        |        | X      |
| Natural features, tree, etc.                                       |        |        |        |        |
| To be removed  |        |        |        | X      |
| To be retained   |        |        |        | X      |
| Required setback lines   |        |        |        | X      |
| Development phase lines  |        |        |        | X      |
| For residential developments                                       |        |        |        |        |
| Density calculations by type of unit by bedroom counts;            |        |        |        | X      |
| Designation of units by type and number of units in each building; |        |        |        | X      |
| Carport locations and details where proposed;                      |        |        |        | X      |
| Specific amount, and location of recreation space.                 |        |        |        | X      |
| For commercial and industrial developments:                        |        |        |        |        |
| Loading/unloading areas;   |        |        |        | X      |
| Gross and useable floor areas;                                     |        |        | X      | X      |
| Number of employees in peak usage                                  |        |        | X      | X      |

8-05.

#### Amendments to approved site plans.

~~It shall be the responsibility of the applicant to notify the zoning administrator of any changes to an approved site plan, prior to such change being made by the applicant. Any proposed changes which would result in a material alteration of the approved site plan are subject to the ASPR process and may require resubmittal to the planning commission or the zoning administrator. The planning commission or zoning administrator may require the applicant to correct the changes made without authorization to conform to the approved site plan.~~

~~The zoning administrator has the authority to approve a minor amendment to site plan to Type 1, Type 2, Type 3, or Type 4 site plans. However, the zoning administrator may determine (even though proposed amendment to site plan is minor) to send the proposed amendment to planning commission for final approval or rejection, as deemed necessary.~~

~~The zoning administrator may approve major or minor amendments to approved Type 1 or Type 2 ASPR site plans without planning commission oversight, provided the amendments do not alter the initial determination by the zoning administrator as to the appropriateness of the original site plan type. However, the zoning administrator shall immediately report said decision to the planning commission chair, the project manager, and the building inspector.~~

~~All request for major modifications to and approved Type 3 or Type 4 ASPR site plan shall be referred to the planning commission for resolution. The zoning administrator may approve a major or minor change to a Type 1 or Type 2 ASPR site plan, provide the change does not modify the initial classification of the site plan type, as determined by the sole discretion of the zoning administrator.~~

~~The zoning administrator may approve a minor amendment to a Type 3 or Type 4 ASPR site plan, without planning commission approval. However, the zoning administrator shall immediately report said decision to the planning commission chair, the project manager, and the building inspector.~~

~~The planning commission shall approve or deny requested amendment at the next regular scheduled planning commission meeting. The applicant can request the scheduling of a special planning commission meeting but shall be responsible for all cost associated with the request.~~

~~If a requested amendment to an approved site plan results in additional funding being required, no decision shall be issued by the zoning administrator or planning commission unless additional funds are approved in advance for said proposed change results in additional funding for the project.~~

~~For purposes of record. All amendments shall be shown in the approved final site plan by way of the applicant submitting a revised final site plan drawing(s) showing such minor/major changes. This is required to establish an official record of the amendment.~~

~~Significance of final site plan approval. A project approved by the zoning administrator or planning commission authorizes issuance of a building permit subject to compliance with all applicable construction codes or issuance of zoning compliance certificate subject to penalties and actions that may be taken as described elsewhere in this chapter for a modification request, failure to complete the project exceeds the expiration limits of approval or acts outside of the approved site plan.~~

~~Expiration of final site plan approval. Any Type 1, Type 2, Type 3 or Type 4 ASRP site plan approved by either the planning commission or the zoning administrator, as required above, shall expire and be of no effect on the earlier of 1) one year following the date of approval unless substantial construction has begun on the property in conformance with the approved site plan or 2) 180 days following the date of approval unless a building permit shall have been taken issued by the appropriate building official, if required.~~

~~Violations. The approved site plan shall regulate development of the property and any violation of this article, including any improvement not in conformance of the approved final site plan, shall be deemed a violation of this chapter as provided in article 26, and shall be subject to all penalties therein.~~

~~Variance request and site plan approval. Request for variance to zoning board of appeals from the provisions of this chapter, shall be handled as outlined in section 6-310 of this zoning ordinance.~~

~~Special land use applications and site plan approval.~~

~~Where a site plan approval is conditional upon approval of a special land use application. The applicant shall apply for special land use permit as required by section 6-44 of this chapter.~~

~~The planning commission may proceed with the section 6-45, site plan approval process in conjunction with the completing of the section 6-44, special use application review and approval process.~~

~~Site plan fees and escrow policy. The village shall establish all site plan review fees and any fee escrow policy in the rates resolution.~~

~~(Ord. No. 2022-12-05.002, § 3, 12-5-2022)~~

## **8-05. ~~Sec. 6-44.~~ Special Land Use Approval procedures.**

- (a) **Intent.** The development and execution of this Ordinance is based upon the division of the Village into zoning districts within which the uses of land and Buildings and the bulk and location of Buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special land uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and the public need for the particular use or the particular location.
- (b) **Applications.** Applications for special land use permits authorized in this chapter shall be submitted to the zoning administrator on a form provided by the village.

- (1) **Sketch plan.** In addition to a complete application form, [the applicant is required to submit a preliminary sketch plan showing all relevant information, including any information required for a site plan review under Section 8.04, and any other information requested by the Zoning Administrator.](#)
  - (2) **Applicant Statement.** The applicant shall present a statement indicating how the proposed use will conform to the Standards for Special Use approval described below.
  - (3) **Fee.** The application shall be accompanied by a fee to be established by resolution of the Village Council to cover the expense of public hearings.
  - (4) **Application Completeness.** The zoning administrator will review the materials submitted to ensure all information required by the ordinance has been provided. If the application is incomplete, the zoning administrator will send a notice within 14 days with a detailed list of deficiencies to the applicant.
- (c) **Public Hearing.** If the site plan, including all required additional or related information is determined to be complete, the zoning administrator shall cause the submittal to be placed on the agenda of the planning commission meeting as a public hearing in accordance with the procedures herein:
- (1) **Publication and Notification.** Pursuant to the Michigan Planning Enabling Act of 2006, as amended, once a complete application for special land use approval has been received, notice shall be provided through the following not less than 15 days before the date the application will be considered.:
    - (i) Notice shall be published in at least one newspaper of general circulation within the village.
    - (ii) A notice sent by certified mail or personal delivery to the owners of the property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet.
  - (2) **Contents of Public Hearing Notice.** The notice shall:
    - (i) Describe the nature of the special land use request;
    - (ii) Indicate the property which is the subject of the special land use request;
    - (iii) State when and where the special land use request will be considered;
    - (iv) Indicate when and where written comments will be received concerning the request;
    - (v) Indicate that a public hearing on the special land use request has been requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special use, and that a public hearing shall be held pursuant to notice as required in this paragraph before a decision is made on the request for a special land use.
- (d) **Determination.** After the public hearing, the planning commission may deny, approve, or approve with **conditions** a request for a special land use. The decision of the planning commission shall be incorporated in a statement of conclusions relative to the special land use under consideration. Any decision which denies a request or imposes conditions upon its approval shall specify the basis for the denial or the conditions imposed.
- (e) **Conditions.** The planning commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the purposes of this chapter and the general spirit and purpose of the district in which the special use is proposed will be observed.
- (f) **Basis of Decision.** The planning commission shall review the proposed special use in terms of the standards stated within this chapter and shall establish that such use and the proposed location:
- (1) Will be harmonious and in accordance with the general objectives or any specific objectives of the master plan.

- (2) Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
  - (3) Will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future.
  - (4) Will be an improvement in relation to property in the immediate vicinity and to the village, as a whole.
  - (5) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
  - (6) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the village.
  - (7) Will be consistent with the intent and purposes of this chapter.
- (g) **Expiration of Approval.** Unless otherwise specified by the planning commission, any special land use permit granted under this section shall be null and void unless the development proposed shall have its first building inspection within one year from the date of the granting of the permit. The zoning administrator shall give notice by certified mail to the holder of a permit before voidance is declared. Said notice shall be mailed to the permit holder at the address indicated on said permit. Within 30 days of receipt of notice of voiding of the permit, the applicant shall have the right to request an extension of the permit from the planning commission, which may grant an extension thereof for good cause for a period not to exceed one year.
- (h) **Revocation of approval.** The zoning administrator may suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued erroneously due to incorrect information supplied by the applicant or his agent, and/or is in violation of any of the provisions of this chapter or of any other ordinances or regulations of the village.
- (i) **Reapplication after Denial.** No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the planning commission.

## 8-06. Rezoning and ~~Zoning Ordinance~~-Text Amendments

### (a) Amendment Procedures.

1. **Zoning amendment initiation.** An amendment to the zoning district boundaries contained on the official zoning district map (rezoning) and to the text of this chapter may be initiated by:
  - 1) The village council or the planning commission.
  - 2) The owner or owners of property that is the subject of the proposed rezoning.
  - 3) One or more residents or property owners of the village.
2. **Application.** An amendment to the official zoning district map or this chapter, except those initiated by the village council or planning commission, shall be initiated by submission of a complete application on a form supplied by the village, including an application fee, which shall be established from time to time by resolution of the village council. Said application shall explicitly describe the proposed amendment and shall be signed by the applicant. In the case of an amendment to the official zoning district map (rezoning), the following information shall accompany the application.

- 4) A sketch plan ~~Information~~ to indicate the dimensions, location and size of the subject property ~~such as a sketch plan~~, property identification number, a legal description, street address of the subject property, a map identifying the subject property in relation to surrounding properties, or other method required by the planning commission.
  - 5) The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.
  - 6) The existing and proposed zoning district designation of the subject property.
  - 7) A written description of how the requested rezoning meets section 6-330, criteria for amendment of the official zoning district map (rezoning).
  - 8) At the planning commission's discretion, the following additional information may be required ~~prior to making a final recommendation to the Planning Commission~~:
    - a) A ~~site analysis~~ site plan illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, steep slopes, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
    - b) A conceptual plot plan to scale demonstrating that the site could be developed with representative uses permitted in the requested zoning district ~~and meet meeting~~ requirements for setbacks, wetland buffers, access, spacing, any requested service drives, and other site design factors.
    - c) A traffic impact analysis, if any use permitted in the requested zoning district could generate 100 or more peak-hour directional trips, or 1,000 or more vehicle trips per day. The traffic study should contrast the daily and peak hour trip generation rates for representative uses in the current and requested zoning district; the determination of representative uses shall be made by the planning commission with input from village staff and consultants.
    - d) The site ~~shall to~~ be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.
3. **Public hearing.** Upon initiation of a rezoning, zoning ordinance text amendment or master plan amendment, a public hearing on the proposed amendment shall be scheduled before the planning commission. Notice of the hearing shall be given by one publication in a newspaper of general circulation in the village, not less than 15 days before the date of the hearing, and in accordance with the provisions of Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended.
  4. **Planning commission review and recommendation.** Following the public hearing, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the village council. ~~The Planning Commission shall recommend approval or denial by considering the Criteria for Amendment of the Zoning Ordinance described in this Section. In the case of an amendment to the official zoning district map (rezoning), the planning commission shall consider the criteria contained in section 6-330, Criteria for amendment of the official zoning district map (rezoning), below, in making its finding and recommendation.~~
  5. **Village council review and action.** Following receipt of the findings and recommendation of the planning commission, the village council shall consider the proposed ordinance map or text amendment. In the case of an amendment to the text of this zoning ordinance, the village council may modify or revise the proposed amendment as recommended by the planning commission, prior to enactment. In the case of an amendment to the official zoning district map (rezoning), the village council shall approve or deny the amendment. ~~In the case of a denial, the decision must~~

include a statement of findings describing how the application failed to meet the requirements of the Ordinance and the Criteria in subsection (b) below.. ~~which may be based on consideration of the criteria contained in section 6-330, Criteria for amendment of the official zoning district map (rezoning).~~

6. **Notice of adoption.** Following adoption of a zoning text or map amendment the village council, a notice will be published in accordance with Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended.
7. **Resubmittal.** No petition for rezoning or zoning ordinance text amendment that has been denied by the village council shall be resubmitted for a period of one year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all the reasons noted for the denial found to be valid by the planning commission.

(b) **Criteria for amendments to the Zoning Ordinance. [NOTE: Discuss Criteria as a group]**

1. **~~Sec. 6-330.~~ Criteria for amendment of the official zoning district map (rezoning).** In considering any petition for an amendment to the official zoning map (rezoning), the planning commission and the village council shall consider the following criteria in making its findings, recommendations and decision.
  - 1) Consistency with the goals, policies and Future Land Use Map of the Village of Stockbridge Master Plan, including all applicable sub-area and corridor studies. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area.
  - 2) Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
  - 3) Evidence the applicant cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning.
  - 4) The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
  - 5) The capacity of village infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the village.
  - 6) The apparent demand for the types of uses permitted in the requested zoning district in the village in relation to the amount of land in the village currently zoned to accommodate the demand.
  - 7) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.
2. **~~Sec. 6-331.~~ Criteria for amendment of the official zoning ordinance text.**
  - 1) The planning commission and village council shall, at minimum, consider the following before acting on any proposed amendment.
  - 2) Compatibility with the basic intent and purpose of the zoning ordinance.
  - 3) Consistency with the goals and objectives and future land use map of the Village of Stockbridge Master Plan, including any subarea or corridor studies.
  - 4) The requested amendment will correct an error in current appropriate documentation.

- 5) The requested amendment will resolve an inequitable situation created by the zoning ordinance and does not grant special privileges.
  - 6) The requested amendment will not result in unlawful exclusionary zoning.
  - 7) There is documentation from village staff or the zoning board of appeals indicating problems and conflicts in implementation or interpretation of specific sections of the ordinance.
  - 8) The requested amendment will address changes in state legislation, other village ordinances, or federal regulations.
  - 9) The requested amendment will resolve potential legal issues or administrative problems with the zoning ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
3. **Sec. 6-332. Conditional rezoning of land.** As an alternative to a rezoning amendment as described in section 6-327, the village may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended. It is recognized that, in certain instances, it would be an advantage to both the village and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the village, could be proposed as part of a petition for rezoning. ~~Conditional rezoning of land must follow the standards and procedures as noted below.~~ In addition to the procedures as noted in this Section ~~above~~ for amendments to the Zoning Ordinance, ~~in section 6-324~~, the following specific ~~procedures, standards, and~~ requirements apply to all proposed conditional rezoning requests:
- ~~1) The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to section 6-324.~~
  - 1) A conditional rezoning request must be voluntarily offered by an owner of land within the village.
    - a) All offers must be made in writing and must provide the specific conditions to be considered by the village as a part of the rezoning request.
    - b) All offers shall be in the form of a written agreement approvable by the village and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.
  - 2) Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
  - 3) Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e., parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezoning shall not grant zoning variances of any kind. Any zoning variance must follow the provisions for variances in Section 8.07 of article XIII.
  - 4) Conditional rezoning shall not grant conditional land use approval. The process for review and approval of conditional land uses must follow the provisions for special land uses in Section 8.05 of article VIII.
  - 5) All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.
  - ~~6) In addition to the informational requirements provided for in section 6-328(b) the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this article, that may show the location, size, height or other~~

~~measures for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the village. A conditional rezoning site plan shall not replace the requirement under this article for site plan review and approval, or subdivision or site condominium approval.~~

**(c) Time limits and reversion of land to previous district.**

4. If the proposed conditions of rezoning are acceptable to the village, the village may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment application provisions as provided in this Section section 6-328.
  5. Unless a reversion of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assigns, and transferees.
  6. Upon approval of a conditional zoning, a copy of the written agreement between the property owner and village shall be filed with the Ingham County Register of Deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the village.
  7. The village may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.
  8. The time limits specified and approved by the village may be extended upon the application of the landowner and approval of the village.
- (a) ~~Sec. 6-333.~~ **Amendments required to conform to court decree.** Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the village council and published, without necessity of a public hearing.

## 8-07. Zoning Board of Appeals

- (a) **Creation and authority.** The village zoning board of appeals shall perform all the duties and have the powers prescribed by (hereinafter referred to as the ZBA) ~~is hereby created pursuant to the~~ Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3101 et seq., as amended. The ZBA, in addition to the general powers and duties conferred upon it by said Act, in specific cases and subject to appropriate conditions and safeguards, shall interpret and determine the application of the regulations established under this article in harmony with their purpose and intent as hereinafter set forth.
- (b) **Members.** The ZBA shall consist of three members who shall be appointed by the village president, with the concurrence of four or more council members.
- (1) **Members of Board.** One regular member shall also be a member of the planning commission. The remaining members and any alternate members shall be selected from the electors of the village. One member may also be a member of the council, but that member shall not serve as the chairperson of the ZBA. An employee or contractor of the council may not serve as a member of the ZBA.
  - (2) **Alternate members.** The council may appoint not more than two (2) alternate members for the same term as regular members to the ZBA. An alternate member may be called to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend one or more

meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made and shall have the same voting rights as a regular member of the ZBA.

- (3) **Reimbursement.** A ZBA member may be paid a reasonable per diem and reimbursed for expenses incurred in the discharge of his or her duties, [at the discretion of the Village Council](#).
- (4) **Length of Term.** The terms of office for members appointed to the ZBA shall be for three years, except for members serving because of their membership on the planning commission or council, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
- (5) **Removal of Member.** A member of the ZBA may be removed by the council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

**(c) Procedures.**

- (1) **Meetings.** Meetings of the ZBA shall be held at the call of the chairperson and at other times a quorum of the Board may determine. The chairperson or, in his or her absence, the acting chairperson may administer meetings.
- (2) **Quorum Required.** The ZBA shall not conduct business unless a majority of the regular members are present.
- (3) **Powers of the Board.** The Board has the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and require the production of books, papers, files, and other evidence pertinent to the matters before it.
- (4) **Records.** All hearings are open to the public. The ZBA shall ~~maintain a record of its~~ keep minutes of its proceedings, [showing the vote of each member in question, or if absent, or failing to vote, indicating such fact; minutes](#) shall be filed in the office of the clerk. All meetings shall be noticed and recorded in accordance with the Open Meetings Act, 1976 PA 567, MCL 15.261 et seq., as amended. (Ord. No. 2018.10-1, 10-1-2018)
- (5) **Majority or Two-Thirds Vote.** The concurring vote of a majority of the members of the ZBA is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the ZBA is required to pass under the zoning and land use ordinance, or to grant a nonuse variance from the strict provisions of this chapter. The concurring vote of two-thirds of the members of the ZBA is necessary to grant a use variance.

**(d) ~~Sec. 6-309.~~ Powers of the ZBA.** The ZBA shall have such powers and duties as are granted by the statutes of the state and this Code, including, but not limited to, those powers and duties provided for in 2006 PA 110, MCL 125.3101 et seq., as amended.

- (1) **Interpretation.** The ZBA shall hear and decide questions that arise in the administration of this chapter, including the interpretation of this chapter or the zoning map by the zoning administrator, and may adopt rules to govern its procedures. The ZBA shall also hear and decide on matters referred to it or upon which it is required to pass under this chapter.
- (2) **Appeal of an Administrative Decision.** The ZBA shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by any administrative official or body charged with enforcement of this chapter.
- (3) **Variations.** The ZBA is authorized to grant a variance from the strict provisions of this chapter if there is unnecessary hardship for use variances as provided in subsection (1) or if there are practical difficulties for nonuse variances as provided in subsection (2), so that the spirit of the zoning and land

use ordinance is observed, public safety secured, and substantial justice done. [There are two types of variances: use variances and dimensional variances \(also referred to as non-use variances\).](#)

- (i) **Use variance.** To obtain a use variance, the applicant must present evidence to show that if this chapter is applied strictly, unnecessary hardship to the applicant will result, and that all four of the following requirements are met:
  - (a) That the property could not be reasonably used for the purposes permitted in that zone;
  - (b) That the appeal results from unique circumstances peculiar to the property and not from general neighborhood conditions;
  - (c) That the use requested by the variance would not alter the essential character of the area; and
  - (d) That the alleged hardship has not been created by any person presently having an interest in the property.
- (2) **Nonuse variance.** To obtain a nonuse variance, the applicant must present evidence to show that if this chapter is applied strictly, practical difficulties will result to the applicant and:
  - (a) That the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose;
  - (b) That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners;
  - (c) That the plight of the landowner is due to the unique circumstances of the property; and
  - (d) That the alleged hardship has not been created by any person presently having an interest in the property.

**(e) [Sec. 6-340. Procedures for appeal.](#) [NOTE: Discuss removing “use variances”]**

- (1) **Eligible Appellant.** An appeal to the ZBA may be taken by a person aggrieved or by an officer, department, board, or bureau of the state or village, and such appeal shall commence upon filing a notice of appeal, on the form supplied by the village, accompanied by such fee as determined by the council, and all plans, studies and any other information and data as applicable, all of which shall be made a part of the record.
- (2) **Time Limit.** Every appeal to the ZBA shall be made by the applicant within 30 days of the date of the order, requirement, decision, or determination of the administrative official or body charged with enforcement of this chapter. The administrative official or body from whom the appeal is taken shall immediately transmit to the ZBA, all required documents constituting the record upon which the action appealed from was taken.
- (3) **Notice of Appeal Application.** The Notice of Appeal application shall specify the grounds for the appeal by submitting the required information specified on the application form. Submittal information includes, but is not limited to:
  - (i) A plot plan, sketch plan, or site plan for the project which was used to determine the need for a variance.
  - (ii) The specific section from which a variance is being sought, an interpretation is being requested or is the subject of an administrative review.
  - (iii) For dimensional variances, a signed and sealed survey prepared by a licensed professional surveyor shall be submitted which clearly illustrates the existing conditions, proposed

improvements, dimensioned location of required setback or standard, the dimensioned location of existing/proposed improvement and the needed variance.

- (4) **Stay of Proceedings.** An appeal to the ZBA stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the ZBA after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the ZBA or a circuit court.
- (5) **Public Hearing.** Upon receipt of a written request for a variance, the ZBA shall fix a reasonable time for the hearing of the request and give notice as provided in 2006 PA 110, MCL 125.3103, as amended.
- (i) **Notice of Public Hearing.** Upon receipt of a written request seeking an interpretation of this chapter or an appeal of an administrative order, requirement, decision or determination, a notice stating the time, date, and place of the public hearing shall be published:
- (1) In a newspaper of general circulation within the village and shall be sent to the person requesting the interpretation or appeal not less than 15 days before the public hearing.
  - (2) In addition, if the request for an interpretation or appeal involves a specific parcel, written notice stating the nature of the request or appeal and the time, date, and place of the public hearing on the request or appeal shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.
- (ii) **Representation.** At the public hearing, a party may appear in person or be represented by an agent or attorney and present any evidence in support of their appeal. The ZBA shall have the power to require the attendance of witnesses, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the ZBA.
- (iii) **Procedures of Determination.** The ZBA may not decide an appeal until after a public hearing, and may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.
- (1) The ZBA may impose conditions with any decision. Any conditions imposed shall meet all the following requirements:
    - (a) Be designed to protect natural resources, public health, safety, or welfare, and the social and economic wellbeing of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
    - (b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
    - (c) Be necessary to meet the intent and purpose of the zoning and land use ordinance, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
    - (d) Violations of any conditions imposed by the ZBA shall be deemed a violation of this chapter, enforceable as such, and/or may be grounds for revocation or reversal of such decision.
  - (2) **Reporting Decisions.** All decisions of the ZBA shall be in writing and so far as is practicable, in the form of a general statement or resolution reciting the conditions, facts, and findings of the ZBA. The applicant shall be advised of the decision after the public hearing unless the ZBA moves for a continuation of such hearing.

- (3) **Validity of Evidence.** Any decision favorable to an applicant shall remain valid only if the information or data relating thereto are found to be correct, and the conditions upon which the decision was based are maintained.
- (f) **Expiration of Decision for a nonuse variance.** No order of the ZBA permitting the erection or alteration of a building shall be valid for a period of longer than one year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- (g) **Expiration of Decision for a use variance.** No order of the ZBA permitting a use of a building or premises shall be valid for a period of longer than one year, unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

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

## 8-08. ~~Sec. 6-42~~ Zoning Administrator

### The zoning administrator shall:

- (a) Receive and review for completeness all applications for Zoning Review as assigned in the Zoning Approval Processes Table (8.02).
- (b) For Application Types subject to Final Determination by the Zoning Administrator as assigned in the Table in Section 8.02, the Zoning Administrator shall complete Administrative Zoning Permits as described in Section 8.03.
- (c) If the Application Type requires further approval, the Zoning Administrator shall write a Staff Report, addressed to the relevant Approving Authorities, outlining the applications compliance with applicable Zoning requirements, outlines the relevant determinations that should be considered by the approving authorities, and may recommend to those bodies specific conditions for approval, when appropriate.
- (d) The Zoning Administrator may make periodic site inspections of the Village to determine compliance with this Chapter, and respond to complaints about violations of the Zoning Ordinance.
- ~~a) Review and rule upon the meaning and interpretation of all sections of the zoning ordinance.~~
- ~~b) Receive and review for completeness all applications for site plan review and special use permits which the planning commission are required to decide under this chapter and refer such applications to the planning commission and village council for determination.~~
- ~~c) Receive and review for completeness all applications for appeals, variances, or other matters which the zoning board of appeals is required to decide under this chapter and refer such applications to the zoning board of appeals for determination.~~
- ~~d) Receive and review for completeness all applications for amendments to this chapter and refer such applications to the planning commission and village council for determination.~~
- ~~e) Make periodic site inspections of the village to determine chapter compliance, and answer complaints on zoning ordinance violations.~~
- ~~f) Implement the decisions of the planning commission and village council.~~
- ~~g) Utilize the administrative site plan review process wherever possible. To review and approve specific types of site plan applications and drawings, authorize minor changes, authorize specific change of~~

~~permitted use, emergency changes, that prevent a hazard, issue certificates of zoning compliance, as is listed in section 6-45 in addition to any other ordinance required duties.~~

## 8-09. Procedures after Plan Approval

- (a) **Final Approved Plan.** The applicant must submit a final approved zoning plan with the changes required by the Zoning Administrator and the Planning Commission and list any conditions as a note on the plan, before receiving a work permit or submitting construction drawings. The final plan is a requirement of the planning process, and no project can move forward without an authorized final plan. Final plans are authorized by the Zoning Administrator.
- (b) **Approval Expiration.** The approval of a zoning plan shall be effective for a period of 12 months from the date of such approval. Approval dates are the date the site plan was approved, either with or without conditions, by the Planning Commission (if it is a site plan) or by the Zoning Administrator (if it is an administrative zoning permit). If a building permit has been obtained, construction has commenced, and an extension is requested by the applicant during the initial 12-month approval period, and if the extension is granted pursuant to subsection (c), the zoning permit approval may be extended for up to 12 months, otherwise the zoning permit shall be null and void. In such a case, the applicant shall be required to obtain a new zoning permit approval as specified in this Article.
- (c) **Approval Extensions.** Administrative zoning approvals shall not be granted an extension. An extension of up to 12 months for an approved planning commission site plan may be granted by the planning commission. An extension may be granted provided the approved site plan continues to adequately represent current conditions on and surrounding the site, and that the site plan conforms to the standards of the village regulations in affect at the time of the applicant's request for an extension.
- (d) **Site Maintenance after Approval.**
1. It is the responsibility of the owner of a property for which zoning plan approval has been granted to maintain the property in accordance with the approved plans, including all site design elements and improvements, on a continuing basis until the property is razed, new zoning regulations supersede the regulations upon which plan approval was based, or a new plan is approved.
  2. Any property owner who fails to maintain an approved zoning plan in full compliance with approvals granted by the Village according to the provisions of these regulations, is in violation of these regulations and required to return the site conditions consistent with the approved plans or they will lose their zoning plan approval and risk the loss of their certificate of occupancy and business license.
- (e) **Revocation.** Any approved zoning plans may be revoked by the Planning Commission if construction on the site is not completed or is not progressing in a manner consistent with the approved plans. In such a case, the plan will be placed on the agenda of a Planning Commission meeting for consideration. The Village must give written notice to the applicant at least 10 days prior to the meeting. The Zoning administrator, other Village staff, the applicant, and other interested persons shall be allowed to present information and testimony to the Planning Commission. If the Planning Commission finds that an inconsistency or violation of the approved site plan exists at the time of the hearing, then, by a majority vote of attending members, the Planning Commission may revoke the approval of the plan and order the site returned to its original condition by a date certain. Failure to comply with such an order is a violation of these regulations and may result in enforcement action by the Village.

- (f) **Modification to Approved Plan.** A previously approved plan may be subsequently modified, subject to the review and approval requirements of this article based on the scope of the proposed modifications. It is up to the Zoning Administrator to decide if a revised zoning plan must receive administrative or Planning Commission approval.

## Section 8.10 Planning Commission

### (a) **Creation and Membership.**

1. The Planning Commission is designated as the commission specified in the Michigan Planning Enabling Act (PA 33 of 2008), as amended, and performs the duties of such commission as provided in the statute and the Village Code of Ordinances, as amended.
2. **Appointments.** The Council shall, by a majority of all of its members, appoint a Planning Commission of seven citizens chosen because of their interest in and knowledge of City Planning.
3. **Terms.** Of the members first appointed, one shall be appointed for a term of one year, two for a term of two years, and one for a term of three years, two for a term of four years, and one for a term of five years, from and after the first day of January following appointment. Their successors shall be appointed for a term of five years.
4. **Vacancy.** If a vacancy occurs, otherwise than by expiration of term, it shall be filled by appointment of some suitable person to fill the place for the unexpired term.
5. **Officers.** At the first Commission meeting of the calendar year, the members must elect a Chair, a Vice Chair, Secretary, and such other officers as it deems necessary for the ensuring year (by resolution). The terms of all officers are for 2 years; officers may be reelected.
6. **Attorney.** The Village Attorney acts as Attorney for the Commission.
7. **Removal.** Any member of the Commission may be removed per the adopted bylaws and Village of Stockbridge Code of Ordinances.

### (b) **Jurisdiction and Powers.** The Commission is responsible for the following key duties:

1. **Formulation of the Zoning Ordinance and Amendments.** Formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding public hearings, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Village Council.
2. **Development Review.** Review of applications for site plan approval in accordance with Article (this includes Planned Unit Development reviews, special land use reviews and holding any required public hearings).
3. **Master Plan.** The Commission formulates, adopts, and ensures review at least every 5-years to the Master Plan for land use to guide the future development of Wayne, in accordance with the Michigan Planning Enabling Act (PA 33 of 2008), as amended.
4. **Annual Report on Operations.** The Commission must annually prepare and submit a report for the Village Council on the status of the Zoning Ordinance, the Master Plan, and all relevant planning and zoning matters, including recommendations as to the enactment of amendments to the Zoning Ordinance.

### (c) **Meetings and Procedures.**

1. **Regular Meetings.** The Commission must hold at least four regular public meetings within a calendar year, on such date and at such time and place as may be established by resolution.
2. **Special Meetings.** Special meetings may be called, as established by the bylaws.

3. **Bylaws.** The Commission may adopt such rules for the transaction of its business as it may by resolution determine.
4. **Records.** The Village must keep a written or printed public record of the Commission's resolutions, findings, and determinations.

(d) **Quorum and Majority Vote.** A majority vote of those present and voting is required for a motion.

## Section 8.11 Public Hearing Procedures

- (a) The purpose of this Article shall be to provide uniform notification requirements for public hearings where such public hearings are required under the Michigan Zoning Enabling Act, PA 110 of 2006. Except as otherwise provided in the Zoning Enabling Act where the Village is required to provide notice of hearing, such notice shall be provided as follows:
  - (b) A notice shall be published in a newspaper of general circulation at least 15 days before the hearing.
  - (c) At least 15 days before the hearing, notices shall be mailed or hand delivered to:
    1. The owners of property for which approval is being considered and to the applicant, if different than the owner(s) of the property,
    2. To all persons or firms to whom real property is assessed within 300 feet of the subject property, and
    3. To all occupants of structures which are within 300 feet of the subject property.
  - (d) Notices shall be provided regardless of whether property within 300 feet of the property under consideration is inside the Village. If the name of an occupant is not known, the term "occupant" may be used in making notification.
  - (e) Notice under subsection c2 and c3 need not be given where the request involves eleven (11) or more adjacent properties, or where the request does not involve any specific parcels of property. The notices shall:
    1. Describe the nature of the request.
    2. Identify any property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. If there are no street addresses, other means of identification may be used.
    3. State when and where the request will be considered.

### ~~Sec. 6-47.~~ 8.12 Use of consultants.

From time to time, the village council and/or planning commission may employ planning, engineering, legal, traffic or other special consultants to assist in the review of special use permits, site plans, rezonings or other matters related to the planning and development of the village. The cost of such services shall be the responsibility of the applicant, by placing money in an escrow account.

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

### ~~Sec. 6-48.~~ **8.13 Performance guarantee.**

In the interest of insuring compliance with the zoning ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the village and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the planning commission shall require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this chapter, including, but not limited to, streets, lighting, utilities, sidewalks, drainage, fences, screens, walls, and landscaping.

- (a) Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the village. The village shall be authorized to employ the village engineering consultant to review cost estimates and conduct periodic inspection of the progress of improvements.
- (b) Where the planning commission requires a performance guarantee, said performance guarantee shall be deposited with the village prior to the issuance of a building permit for the development and use of the land. Upon the deposit of the performance guarantee the village shall issue the appropriate building permit.
- (c) The approval shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- (d) The zoning administrator, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
- (e) Upon the satisfactory completion, as determined by the village, of the improvement for which the performance guarantee was required, the village shall return to the applicant the performance guarantee deposited and any interest earned thereon. However, the village is not required to deposit the performance guarantee in an interest-bearing account.
- (f) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the village, the village shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically, the right to enter upon the subject property to make the improvements.
- (g) If the performance guarantee is not sufficient to allow the village to complete the improvements, the applicant shall be required to pay the village any of the additional costs of completing the improvements. Should the village use the performance guarantee, or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the village's

administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.

- (h) If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the village to ensure completion of an improvement the applicant shall not be required to deposit with the village a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the village and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the village regarding the performance guarantee. (Ord. No. 2018.10-1, 10-1-2018)

### ~~Sec. 6-49.~~ **8.14 Fees.**

The village council shall establish a schedule of fees, charges, and expenses, and a collection procedure, for building permits, certificates of occupancy, appeals, and other matters pertaining to the chapter. The village shall have the authority to include fees for the use of engineering, planning, legal or other special consultants. The schedule of fees shall be posted in the village offices and may be altered or amended only by the village council. No permit, certificate, special use on approval, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the board of appeals, unless or until preliminary charges and fees have been paid in full. (Ord. No. 2018.10-1, 10-1-2018)

### ~~Sec. 6-50.~~ **8.15 Violations and penalties.**

- (a) Any person, partnership, LLC, corporation, association or other entity who creates or maintains a nuisance per se or who violates or fails to comply with this chapter or any permit issued pursuant to this chapter shall be responsible for a municipal civil infraction and shall be subject to a fine of \$250.00. Every day that such violation continues constitutes a separate and distinct offense under the provisions of this chapter. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.
- (b) The zoning administrator shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to the ensure compliance with the plans and conditions of the zoning permit or approved site plan.
- (c) The zoning administrator is hereby designated as the authorized official to issue municipal civil infraction citations directing alleged violators of this chapter to appear in court. The council may also designate from time to time other officials to issue municipal infraction citations on behalf of the village in connection with alleged violations of this chapter.
- (d) In addition to or in lieu of enforcing this chapter, as a municipal civil infraction, the village may initiate proceedings in the any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this chapter.

### ~~Sec. 6-46.~~ **8.16 Site condominium project regulations.**

- (a) Intent. Pursuant to the authority conferred by section 141 of the Condominium Act (Act 59, Public Acts of 1978, as amended), site plans shall be regulated by the provisions of this chapter and subject to the review by the planning commission.
- (b) General requirements.

1. Each condominium lot shall be located within a zoning district that permits the proposed use.
  2. Each condominium lot shall front on and have direct access to a public street approved by the village.
  3. Each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.
  4. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use except in a planned unit development (PUD) district. Required yards shall be measured from the boundaries of a condominium lot.
- (c) **Site plan approval requirements.** Approval of the site plan and condominium documents by the planning commission shall be required as a condition to the right to construct, expand or convert a site condominium project. No permits for erosion control, building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a site plan has been approved by the planning commission and is in effect.

#### 1. Approval.

- 1) The applicant shall submit a site plan pursuant to the standards and procedures set forth in section 8.04 ~~6-45~~. In addition to the site plan, the condominium documents shall be submitted to the village for the review by the village attorney and other appropriate staff and consultants. The condominium documents shall be reviewed with respect to all matters subject to regulation by the village including, without limitation: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common area; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities.
- 2) The applicant shall also submit engineering plans in sufficient detail for the village, to determine compliance with applicable laws, ordinances and design standards for construction of the project. The village shall submit engineering plans to the village engineer for review.
- 3) Upon completion of the review of the condominium documents and engineering plans and receipt of the recommendations and findings from the village attorney, engineer and planner, the site plan shall be submitted to the planning commission for review.
- 4) If the site plan, condominium documents and/or engineering plans conform in all respects to applicable laws, ordinances and design standards, final approval shall be granted by the planning commission.
- 5) If the site plan, condominium documents and/or engineering plans fail to conform, approval shall be denied by the planning commission.
- 6) In the interest of insuring compliance with this article and protecting the health, safety and welfare of the residents of the village, the planning commission, as a condition of final approval of the site plan, shall require the applicant to deposit a performance guarantee as set forth in section 8.13 ~~6-48~~ for the completion of improvements associated with the proposed use.

#### 2. Required improvements.

- 1) All design standards and required improvements that apply to a subdivision, under the subdivision regulations adopted by the planning commission, shall apply to any condominium development.
  - 2) Each condominium unit shall be connected to the village water, sanitary and storm sewers. Utility standards stated in chapter 22, water service, and chapter 23, sewer service, shall apply to all condominium units. Furthermore, the utility provisions stated in chapter 52, subdivision regulations, shall apply to all condominium units proposed for location on property which is not subdivided and recorded, or property which is to be further subdivided. Each individual condominium unit shall be considered a residential equivalent unit as defined in chapters 22 and 23.
  - 3) Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.
  - 4) The village may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the village clerk cash, a certified check, or an irrevocable bank letter of credit running to the village, whichever the developer selects, in an amount as determined from time to time by resolution of the village council. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the village council shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not-to-exceed the amount of the security deposit.
  - 5) Road rights-of-way shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall declare easements to the village for all public water and sanitary sewer lines and appurtenances.
  - 6) All improvements in a site condominium shall comply with the design specifications as adopted by the village council and any amendments thereto.
- (b) **Information required prior to occupancy.** Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the zoning administrator:
1. A copy of the recorded condominium documents (including exhibits).
  2. A copy of any recorded restrictive covenants.
  3. A copy of the site plan on laminated photostatic copy or mylar sheet.
  4. Evidence of completion of improvements associated with the proposed use including two copies of an "as-built survey."
- (c) **Revision of site condominium plan.** If the site condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the planning commission before any building permit may be issued, where such permit is required.
1. **Amendment of condominium documents.** Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the village attorney and planning commission before any building permit may be issued, where such permit is

required. The planning commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the site plan.

- 2. Relocation of boundaries.** Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in section 48 of the Condominium Act (Act 59, Public Acts of 1978, as amended), shall comply with all regulations of the zoning district in which located and shall be approved by the zoning inspector. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- 3. Subdivision of condominium lot.** Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in section 49 of the Condominium Act (Act 59, Public Acts of 1978, as amended), shall comply with all regulations of the zoning district in which located, and shall be approved by the zoning inspector. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

## ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

### 8-01 Responsibilities of Administrative Entities and Officials.

The Village Manager, or their duly authorized representative as specified in this article, is hereby charged with the duty of enforcing the provisions of the Zoning Ordinance. Furthermore, administrative responsibilities are vested in the following Village entities:

- (a) Village Council. The Village Council shall have the following responsibilities and authority in addition to any other responsibilities outlined in this Ordinance:
1. **Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purposes of this Ordinance, and pursuant to the authority conferred by the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), the Village Council shall have the authority to adopt this Ordinance, as well as amendments previously considered by the Planning Commission or Village Council at a public hearing or as decreed by a court of competent jurisdiction.
  2. **Setting of Fees.** The Village Council shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In absence of specific action taken by the Village Council to set a fee for a specific permit or application, the appropriate Village administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
  3. **Approval of Planning Commission Members.** In accordance with the Michigan Planning Enabling Act, Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Village President with the approval of the Village Council.
  4. **Final Approval. Where specified in this Ordinance,** the Village Council shall serve as the final approval authority for special land uses, planned unit developments, and any other approvals designated in this Ordinance.
  5. **Hear appeals for the denial of a Special Transitory Unit.** Per Section (Reference), the Village Council may hear appeals of any application for a Special Transitory Unit which is denied by the Village Manager, when complying with the process described in (**Current Sec. 6-80**).
- (b) Planning Commission. The Planning Commission is designated as the Commission specified in Public Act No. 33 of 2008, as amended. The Planning Commission is hereby designated as the succeeding body of the Zoning Commission specified in Public Act 110 of 2006, as amended, and shall perform the duties of said Commission as provided in the statute.
- (c) Zoning Board of Appeals. The Zoning Board of Appeals (ZBA) is created pursuant to Article VI of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended). The ZBA's membership, organization, and duties are hereby established as cited in (**Reference new ZBA section**) in this Ordinance.
- (d) Zoning Administrator. The zoning administrator, or such deputies, shall be appointed by the Village Council and designated to administer and enforce the provisions of this article by receiving and reviewing applications for compliance with this Ordinance.

## 8-02 Zoning Approval Processes Table

(a) The following chart demonstrates the Zoning Approval processes and approving bodies for various types of applications under this Ordinance. Following Zoning Approval, a Building Permit shall be required prior to construction, as described in **Section 8.XX**, Procedures after Plan Approval.

(b) Zoning Approval Processes Table.

| Application Types   | Approving Authorities   |   |                     |                         |
|---|---|---|---------------------|-------------------------|
|   | Zoning Administrator  | Planning Commission                                       | Village Council     | Zoning Board of Appeals |
| Exempt Accessory Buildings and Structures (See subsection c)    | No Zoning Permit Required<br><br>Standards Enforced Upon Complaint    | -   | -                   | -                       |
| Non-Exempt Accessory Structures or Buildings (See Subsection c) | Final Determination OR Refer to Planning Commission with Staff Report | Final Determination (if Referred by Zoning Administrator) | -                   | Appeal                  |
| Sign  | Final Determination OR Refer to Planning Commission with Staff Report | Final Determination (if Referred by Zoning Administrator) | -                   | Appeal                  |
| Fence   | Final Determination   |   |                     | Appeal                  |
| Home Occupation   | No Zoning Permit Required<br><br>Standards Enforced Upon Complaint    |   |                     | Appeal                  |
| Cottage Industry – Requires Special Use Approval                | Staff Report  | Public Hearing Recommendation                             | Final Determination | -                       |
| Outdoor Dining  | Final Determination + ROW Permit may be required. See <b>Sec. XXX</b> |   |                     | Appeal                  |
| Change in Use to a Permitted Use (including Temporary Uses)     | Final Determination and Staff Report                                  | Receive Report  | -                   | Appeal                  |
| New Single-Family Home  | Final Determination   |   |                     | Appeal                  |
| Expansion or Alteration of Single-Family Home                   | Final Determination   |   |                     | Appeal                  |

| Application Types   | Approving Authorities   |   |                     |                         |
|---|---|---|---------------------|-------------------------|
|   | Zoning Administrator  | Planning Commission                                       | Village Council     | Zoning Board of Appeals |
| New Principal Building (other than single-family)   | Staff Report  | Final Determination                                       |                     | Appeal                  |
| Expansion / Alteration of Principal Building less than or equal to 500 square feet or 10% of building square footage, whichever is lower (other than single family homes) | Final Determination   |   |                     | Appeal                  |
| Expansion / Alteration of Principal Building >500 square feet or 10% of building square footage, whichever is lower (other than single family homes)                      | Final Determination OR Refer to Planning Commission with Staff Report | Final Determination (if Referred by Zoning Administrator) |                     | Appeal                  |
| Special Land Use  | Staff Report  | Public Hearing<br>Recommendation to Village Council       | Final Determination | -                       |
| Rezoning (Zoning Map Amendment)   | Staff Report  | Public Hearing<br>Recommendation to Village Council       | Final Determination | -                       |
| Conditional Rezoning  | Staff Report  | Public Hearing<br>Recommendation to Village Council       | Final Determination | -                       |
| Text Amendment  | Staff Report  | Public Hearing<br>Recommendation to Village Council       | Final Determination |                         |
| Variance  | Staff Report  | Receive Report  |                     | Final Determination     |
| Appeal  | Staff Report  | Receive Report  |                     | Final Determination     |

(c) **Exempt Accessory Structures.** The construction of a new accessory building or structure shall require a Zoning Permit, except for accessory buildings and structures that meet *all* of the following criteria, which shall be classified as “exempt”:

- (1) The building or structure does not have a permanent foundation.
- (2) The building or structure is not fully enclosed, and cannot be used for the indoor storage of vehicles, materials, or household goods.

- (3) The building or structure has a footprint under 200 square feet.

### 8-03. Zoning Permit.

- (a) **Zoning Applications.** Zoning applications that require approval by the Zoning Administrator and no other body shall be called Zoning Permits.
- (b) **Zoning Permits.** Zoning Permits are subject to approval by the Zoning Administrator, based on their compliance with the requirements of this Section and all applicable requirements laid out in this Chapter.
- (c) **Applications for a zoning permit** shall be submitted to the Village to ensure compliance with this Chapter and other applicable regulations. Application for a permit shall be made using forms provided by the Zoning Administrator. If additional information or materials are required to be submitted with the application form, those items will be listed on the application form along with any additional approvals that may be required. The Village Council shall establish a required fee to accompany a Zoning Permit application.
- (d) **Required Materials.** The Zoning Administrator may require any of the information listed as required for Site Plan Approval to use in reviewing a Zoning Permit.
- (e) **Appeals of Zoning Administrator.** An applicant or aggrieved party may appeal a Zoning Administrator's determination to the Zoning Board of Appeals following the process specified in **Section 8-07**. The appeal application shall stay action on any permit issuance.

### 8-04. Site plan review.

- (a) **Application Procedure.** Requests for formal Site Plan Review shall be made by filing with the Zoning Administrator the following:
- (1) The application shall be accompanied by a fee to be established by resolution of the Village Council to cover the cost of processing the review. The Zoning Administrator may provide a checklist to applicants summarizing the generally required information. If an application is incomplete, the zoning administrator shall provide a list of deficiencies within 14 days of the application's submittal.
  - (2) Six (6) copies of a completed application form to contain, as a minimum, the following:
    - i) Name and address of the applicant.
    - ii) Legal description of the subject parcel of land.
    - iii) Area of the subject parcel of land stated in acres, or if less than one acre, in square feet.
    - iv) Present zoning classification of the subject parcel.
    - v) A general description of the proposed uses of buildings and site improvements. Include an estimated number of employees, if applicable.
  - (3) Six (6) physical copies of the proposed site plan, and one electronic copy, shall contain the elements listed below:

- i) The plan shall be drawn to scale so that of not greater than 1 inch equals 20 feet (1" = 20') for a development of not more than three (< 3) acres and a scale of not less than 1 inch equals 100 feet (1" = 100') for a development in excess of three (> 3) acres.
  - ii) The plan shall show an appropriate descriptive legend, north arrow, scale, date of preparation, and name and address of the individual or firm preparing the same.
  - iii) The property shall be identified by Lot Lines and general location together with dimensions, angles, and size correlated with the legal description of the property.
  - iv) The topography of the site with at least two-foot contour intervals and all natural features such as wood lots, streams, rivers, lakes, wetlands, unstable soils, and similar features shall be shown.
  - v) Existing man-made features upon the site and within 100 feet of the site shall be indicated.
  - vi) The location, proposed finish floor and Grade line Elevations, size of proposed main and accessory Buildings, the relationship of Buildings to one another and to any existing structures on the site, the height of all Buildings and square footage of floor space therein shall be indicated. Site plans for multi-family residential development shall also include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the unit type and number of each such unit.
  - vii) All proposed and existing streets, driveways, sidewalks, and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown, together with the location, size, and number of parking spaces in Off-Street Parking areas, service lanes thereto, and service parking and delivery or loading areas.
  - viii) The location, use, and size of open spaces together with Landscaping, Screening, Fences, walls, and proposed alterations of topography or other natural features shall be indicated.
  - ix) The proposed operations on the site shall be described in sufficient detail to indicate the effect, if any, upon adjoining lands and their occupants, together with any special features which are proposed to relieve any adverse effects to adjoining lands and their occupants. Any potential demands for future community services will also be described, together with any special features which will assist in satisfying such demands.
  - x) On-site lighting, surface water drainage for the site, and proposed sanitary sewage disposal and water supply shall be included in the plans.
  - xi) Such other information as may be determined to be necessary by the Zoning Administrator or Planning Commission because of any peculiar features of the proposed development, including, but not limited to, noise, fire hazard, subsidence, vibration, and impact on sensitive natural features. Additional information necessary to ensure compliance with the provisions of this Ordinance.
  - xii) Any specific conditions imposed on the property by Planning Commission, or Village Council that will be applicable to the requirements for Site Plan Review.
- (4) The Zoning Administrator or Planning Commission may waive any of the required elements listed herein when such requirement(s) will not be a significant factor(s) in the Site Plan Review process for that particular use.

(b) Action on Application and Plans.

- (1) The application materials will be transmitted to the Zoning Administrator and reserve up to seven (7) copies for the Planning Commission.
  - (2) If the Application Type requires, the Zoning Administrator shall place the application on the agenda of the next regularly scheduled Planning Commission meeting. The applicant shall be notified of the date, time, and place of the review of his application not less than three days prior to such date, unless the applicant has waived such three-day notice.
  - (3) Following review, the Zoning Administrator or Planning Commission shall have the authority to approve, disapprove, modify, or alter the proposed plans.
    - i) Any required modification or alteration, together with the reasons for such modification, shall be stated in writing and delivered to the applicant.
    - ii) The Planning Commission may approve the plans including any alterations or modifications, or the Committee may require a further review after the applicant has submitted a revised plan.
  - (4) **Final Site Plan.** Two copies of the approved final site plan, including any required modifications or alterations shall be maintained as part of the Village records for future review or enforcement. One copy shall be returned to the applicant.
    - i) Each copy shall be signed by the chair of the Planning Commission for identification of the final approved plans.
    - ii) If any variances from this Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the Variance duly signed shall also be filed with the Village records as a part of the site plan and delivered to the applicant for his information and direction.
- (c) **Criteria for Review.** In reviewing the site plan and determining whether to approve it, deny it, or request modifications, the Planning Commission shall be governed by the following standards:
- (1) There is a proper relationship between the existing streets and highways in the vicinity further defined as: Deceleration lanes, service drives, entrance and exit driveways, and parking areas to ensure the safety and convenience of pedestrian and vehicular traffic.
  - (2) The buildings and structures proposed to be located on the premises are so situated as to minimize adverse effects upon owners and occupants of adjacent properties, in relationship to lighting, loading activities, motorized vehicle circulation, and site access.
  - (3) As many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.
  - (4) Any adverse effects of the proposed development and activities emanating therefrom which affect adjoining residents or owners shall be minimized by appropriate Screening, fencing, Landscaping, Setback and location of Buildings, structures, and entryways.
  - (5) The layout of Buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.
  - (6) All provisions of this Ordinance are complied with unless an appropriate Variance therefrom has been granted by the Zoning Board of Appeals.

- (d) **Optional Sketch Plan Review.** Preliminary sketches of proposed site and development plans may be submitted for review to the Zoning Administrator prior to formal application. The purpose of such procedure is to allow discussion between an owner or developer and Village staff on the acceptability of their proposed plans prior to the development of a detailed site plan requiring extensive engineering and other costs. The Village shall not be bound by any tentative approval given at this time. Such a sketch plan shall include as a minimum the following:
- (1) Name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership.
  - (2) Address of the property.
  - (3) Sketch drawings showing tentative site and development plans.
  - (4) A description of the tentative proposed uses and site improvements

## 8-05. Special Land Use Approval

- (a) **Intent.** The development and execution of this Ordinance is based upon the division of the Village into zoning districts within which the uses of land and Buildings and the bulk and location of Buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special land uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and the public need for the particular use or the particular location.
- (b) **Applications.** Applications for special land use permits authorized in this chapter shall be submitted to the zoning administrator on a form provided by the village.
- (1) **Sketch plan.** In addition to a complete application form, the applicant is required to submit a preliminary sketch plan showing all relevant information, including any information required for a site plan review under **Section 8.04**, and any other information requested by the Zoning Administrator.
  - (2) **Applicant Statement.** The applicant shall present a statement indicating how the proposed use will conform to the Standards for Special Use approval described below.
  - (3) **Fee.** The application shall be accompanied by a fee to be established by resolution of the Village Council to cover the expense of public hearings.
  - (4) **Application Completeness.** The zoning administrator will review the materials submitted to ensure all information required by the ordinance has been provided. If the application is incomplete, the zoning administrator will send a notice within 14 days with a detailed list of deficiencies to the applicant.
- (c) **Public Hearing.** If the site plan, including all required additional or related information is determined to be complete, the zoning administrator shall cause the submittal to be placed on the agenda of the planning commission meeting as a public hearing in accordance with the procedures herein:
- (1) **Publication and Notification.** Pursuant to the Michigan Planning Enabling Act of 2006, as amended, once a complete application for special land use approval has been received, notice shall be provided through the following not less than 15 days before the date the application will be considered.:

- (i) Notice shall be published in at least one newspaper of general circulation within the village.
  - (ii) A notice sent by certified mail or personal delivery to the owners of the property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet.
- (2) **Contents of Public Hearing Notice.** The notice shall:
- (i) Describe the nature of the special land use request;
  - (ii) Indicate the property which is the subject of the special land use request;
  - (iii) State when and where the special land use request will be considered;
  - (iv) Indicate when and where written comments will be received concerning the request;
  - (v) Indicate that a public hearing on the special land use request has been requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special use, and that a public hearing shall be held pursuant to notice as required in this paragraph before a decision is made on the request for a special land use.
- (d) **Determination.** After the public hearing, the planning commission may deny, approve, or approve with **conditions** a request for a special land use. The decision of the planning commission shall be incorporated in a statement of conclusions relative to the special land use under consideration. Any decision which denies a request or imposes conditions upon its approval shall specify the basis for the denial or the conditions imposed.
- (e) **Conditions.** The planning commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the purposes of this chapter and the general spirit and purpose of the district in which the special use is proposed will be observed.
- (f) **Basis of Decision.** The planning commission shall review the proposed special use in terms of the standards stated within this chapter and shall establish that such use and the proposed location:
- (1) Will be harmonious and in accordance with the general objectives or any specific objectives of the master plan.
  - (2) Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
  - (3) Will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future.
  - (4) Will be an improvement in relation to property in the immediate vicinity and to the village, as a whole.
  - (5) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
  - (6) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the village.
  - (7) Will be consistent with the intent and purposes of this chapter.
- (g) **Expiration of Approval.** Unless otherwise specified by the planning commission, any special land use permit granted under this section shall be null and void unless the development proposed shall have its first building inspection within one year from the date of the granting of the permit. The zoning administrator shall give notice by certified mail to the holder of a permit before voidance is declared. Said notice shall be mailed to the permit holder at the address indicated on said permit. Within 30 days of receipt of notice of voiding of the permit, the applicant shall have the right to

request an extension of the permit from the planning commission, which may grant an extension thereof for good cause for a period not to exceed one year.

- (h) **Revocation of approval.** The zoning administrator may suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued erroneously due to incorrect information supplied by the applicant or his agent, and/or is in violation of any of the provisions of this chapter or of any other ordinances or regulations of the village.
- (i) **Reapplication after Denial.** No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the planning commission.

## 8-06. Rezoning and Text Amendments

### (a) Amendment Procedures.

1. **Zoning amendment initiation.** An amendment to the zoning district boundaries contained on the official zoning district map (rezoning) and to the text of this chapter may be initiated by:
  - 1) The village council or the planning commission.
  - 2) The owner or owners of property that is the subject of the proposed rezoning.
  - 3) One or more residents or property owners of the village.
2. **Application.** An amendment to the official zoning district map or this chapter, except those initiated by the village council or planning commission, shall be initiated by submission of a complete application on a form supplied by the village, including an application fee, which shall be established from time to time by resolution of the village council. Said application shall explicitly describe the proposed amendment and shall be signed by the applicant. In the case of an amendment to the official zoning district map (rezoning), the following information shall accompany the application.
  - 4) A sketch plan to indicate the dimensions, location and size of the subject propertyproperty identification number, a legal description, street address of the subject property, a map identifying the subject property in relation to surrounding properties, or other method required by the planning commission.
  - 5) The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.
  - 6) The existing and proposed zoning district designation of the subject property.
  - 7) A written description of how the requested rezoning meets section 6-330, criteria for amendment of the official zoning district map (rezoning).
  - 8) At the planning commission's discretion, the following additional information may be required prior to making a final recommendation to the Planning Commission:

- a) A site plan illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, steep slopes, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
  - b) A conceptual plot plan to scale demonstrating that the site could be developed with representative uses permitted in the requested zoning district and meet requirements for setbacks, wetland buffers, access, spacing, any requested service drives, and other site design factors.
  - c) A traffic impact analysis, if any use permitted in the requested zoning district could generate 100 or more peak-hour directional trips, or 1,000 or more vehicle trips per day. The traffic study should contrast the daily and peak hour trip generation rates for representative uses in the current and requested zoning district; the determination of representative uses shall be made by the planning commission with input from village staff and consultants.
  - d) The site shall ~~to~~ be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.
3. **Public hearing.** Upon initiation of a rezoning, zoning ordinance text amendment or master plan amendment, a public hearing on the proposed amendment shall be scheduled before the planning commission. Notice of the hearing shall be given by one publication in a newspaper of general circulation in the village, not less than 15 days before the date of the hearing, and in accordance with the provisions of Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended.
  4. **Planning commission review and recommendation.** Following the public hearing, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the village council. The Planning Commission shall recommend approval or denial by considering the Criteria for Amendment of the Zoning Ordinance described in this Section.
  5. **Village council review and action.** Following receipt of the findings and recommendation of the planning commission, the village council shall consider the proposed ordinance map or text amendment. In the case of an amendment to the text of this zoning ordinance, the village council may modify or revise the proposed amendment as recommended by the planning commission, prior to enactment. In the case of an amendment to the official zoning district map (rezoning), the village council shall approve or deny the amendment. In the case of a denial, the decision must include a statement of findings describing how the application failed to meet the requirements of the Ordinance and the Criteria in subsection (b) below.
  6. **Notice of adoption.** Following adoption of a zoning text or map amendment the village council, a notice will be published in accordance with Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended.
  7. **Resubmittal.** No petition for rezoning or zoning ordinance text amendment that has been denied by the village council shall be resubmitted for a period of one year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all the reasons noted for the denial found to be valid by the planning commission.
- (b) **Criteria for amendments to the Zoning Ordinance. [NOTE: Discuss Criteria as a group]**
1. **Criteria for amendment of the official zoning district map (rezoning).** In considering any petition for an amendment to the official zoning map (rezoning), the planning commission and the village council shall consider the following criteria in making its findings, recommendations and decision.

- 1) Consistency with the goals, policies and Future Land Use Map of the Village of Stockbridge Master Plan, including all applicable sub-area and corridor studies. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area.
- 2) Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
- 3) Evidence the applicant cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning.
- 4) The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- 5) The capacity of village infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the village.
- 6) The apparent demand for the types of uses permitted in the requested zoning district in the village in relation to the amount of land in the village currently zoned to accommodate the demand.
- 7) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

**2. Criteria for amendment of the official zoning ordinance text.**

- 1) The planning commission and village council shall, at minimum, consider the following before acting on any proposed amendment.
- 2) Compatibility with the basic intent and purpose of the zoning ordinance.
- 3) Consistency with the goals and objectives and future land use map of the Village of Stockbridge Master Plan, including any subarea or corridor studies.
- 4) The requested amendment will correct an error in current appropriate documentation.
- 5) The requested amendment will resolve an inequitable situation created by the zoning ordinance and does not grant special privileges.
- 6) The requested amendment will not result in unlawful exclusionary zoning.
- 7) There is documentation from village staff or the zoning board of appeals indicating problems and conflicts in implementation or interpretation of specific sections of the ordinance.
- 8) The requested amendment will address changes in state legislation, other village ordinances, or federal regulations.
- 9) The requested amendment will resolve potential legal issues or administrative problems with the zoning ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.

**3. Conditional rezoning of land.** As an alternative to a rezoning amendment as described in section 6-327, the village may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended. It is recognized that, in certain instances, it would be an advantage to both the village and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied

upon by the village, could be proposed as part of a petition for rezoning. In addition to the procedures as noted in this Section for amendments to the Zoning Ordinance, the following specific requirements apply to all proposed conditional rezoning requests:

- 1) A conditional rezoning request must be voluntarily offered by an owner of land within the village.
  - a) All offers must be made in writing and must provide the specific conditions to be considered by the village as a part of the rezoning request.
  - b) All offers shall be in the form of a written agreement approvable by the village and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.
- 2) Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
- 3) Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e., parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezoning shall not grant zoning variances of any kind. Any zoning variance must follow the provisions for variances in Section 8.07.
- 4) Conditional rezoning shall not grant conditional land use approval. The process for review and approval of conditional land uses must follow the provisions for special land uses in Section 8.05.
- 5) All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.

**(c) Time limits and reversion of land to previous district.**

4. If the proposed conditions of rezoning are acceptable to the village, the village may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment application provisions as provided in this Section section 6-328.
5. Unless a reversion of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assigns, and transferees.
6. Upon approval of a conditional zoning, a copy of the written agreement between the property owner and village shall be filed with the Ingham County Register of Deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the village.
7. The village may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.
8. The time limits specified and approved by the village may be extended upon the application of the landowner and approval of the village.

- (d) **Amendments required to conform to court decree.** Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the village council and published, without necessity of a public hearing.

## 8-07. Zoning Board of Appeals

- (a) **Creation and authority.** The village zoning board of appeals shall perform all the duties and have the powers prescribed by (hereinafter referred to as the ZBA) Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3101 et seq., as amended. The ZBA, in addition to the general powers and duties conferred upon it by said Act, in specific cases and subject to appropriate conditions and safeguards, shall interpret and determine the application of the regulations established under this article in harmony with their purpose and intent as hereinafter set forth.
- (b) **Members.** The ZBA shall consist of three members who shall be appointed by the village president, with the concurrence of four or more council members.
- (1) **Members of Board.** One regular member shall also be a member of the planning commission. The remaining members and any alternate members shall be selected from the electors of the village. One member may also be a member of the council, but that member shall not serve as the chairperson of the ZBA. An employee or contractor of the council may not serve as a member of the ZBA.
  - (2) **Alternate members.** The council may appoint not more than two (2) alternate members for the same term as regular members to the ZBA. An alternate member may be called to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made and shall have the same voting rights as a regular member of the ZBA.
  - (3) **Reimbursement.** A ZBA member may be paid a reasonable per diem and reimbursed for expenses incurred in the discharge of his or her duties, at the discretion of the Village Council.
  - (4) **Length of Term.** The terms of office for members appointed to the ZBA shall be for three years, except for members serving because of their membership on the planning commission or council, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
  - (5) **Removal of Member.** A member of the ZBA may be removed by the council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- (c) **Procedures.**
- (1) **Meetings.** Meetings of the ZBA shall be held at the call of the chairperson and at other times a quorum of the Board may determine. The chairperson or, in his or her absence, the acting chairperson may administer meetings.
  - (2) **Quorum Required.** The ZBA shall not conduct business unless a majority of the regular members are present.
  - (3) **Powers of the Board.** The Board has the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and require the production of books, papers, files, and other evidence pertinent to the matters before it.

- (4) **Records.** All hearings are open to the public. The ZBA shall keep minutes of its proceedings, showing the vote of each member in question, or if absent, or failing to vote, indicating such fact; minutes shall be filed in the office of the clerk. All meetings shall be noticed and recorded in accordance with the Open Meetings Act, 1976 PA 567, MCL 15.261 et seq., as amended. (Ord. No. 2018.10-1, 10-1-2018)
- (5) **Majority or Two-Thirds Vote.** The concurring vote of a majority of the members of the ZBA is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the ZBA is required to pass under the zoning and land use ordinance, or to grant a nonuse variance from the strict provisions of this chapter. The concurring vote of two-thirds of the members of the ZBA is necessary to grant a use variance.
- (d) **Powers of the ZBA.** The ZBA shall have such powers and duties as are granted by the statutes of the state and this Code, including, but not limited to, those powers and duties provided for in 2006 PA 110, MCL 125.3101 et seq., as amended.
- (1) **Interpretation.** The ZBA shall hear and decide questions that arise in the administration of this chapter, including the interpretation of this chapter or the zoning map by the zoning administrator, and may adopt rules to govern its procedures. The ZBA shall also hear and decide on matters referred to it or upon which it is required to pass under this chapter.
- (2) **Appeal of an Administrative Decision.** The ZBA shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by any administrative official or body charged with enforcement of this chapter.
- (3) **Variations.** The ZBA is authorized to grant a variance from the strict provisions of this chapter if there is unnecessary hardship for use variances as provided in subsection (1) or if there are practical difficulties for nonuse variances as provided in subsection (2), so that the spirit of the zoning and land use ordinance is observed, public safety secured, and substantial justice done. There are two types of variances: use variances and dimensional variances (also referred to as non-use variances).
- (i) **Use variance.** To obtain a use variance, the applicant must present evidence to show that if this chapter is applied strictly, unnecessary hardship to the applicant will result, and that all four of the following requirements are met:
- (a) That the property could not be reasonably used for the purposes permitted in that zone;
  - (b) That the appeal results from unique circumstances peculiar to the property and not from general neighborhood conditions;
  - (c) That the use requested by the variance would not alter the essential character of the area; and
  - (d) That the alleged hardship has not been created by any person presently having an interest in the property.
- (2) **Nonuse variance.** To obtain a nonuse variance, the applicant must present evidence to show that if this chapter is applied strictly, practical difficulties will result to the applicant and:
- (a) That the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose;
  - (b) That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners;
  - (c) That the plight of the landowner is due to the unique circumstances of the property; and
  - (d) That the alleged hardship has not been created by any person presently having an interest in the property.
- (e) **Procedures for appeal.** [NOTE: Discuss removing “use variances”]

- (1) **Eligible Appellant.** An appeal to the ZBA may be taken by a person aggrieved or by an officer, department, board, or bureau of the state or village, and such appeal shall commence upon filing a notice of appeal, on the form supplied by the village, accompanied by such fee as determined by the council, and all plans, studies and any other information and data as applicable, all of which shall be made a part of the record.
- (2) **Time Limit.** Every appeal to the ZBA shall be made by the applicant within 30 days of the date of the order, requirement, decision, or determination of the administrative official or body charged with enforcement of this chapter. The administrative official or body from whom the appeal is taken shall immediately transmit to the ZBA, all required documents constituting the record upon which the action appealed from was taken.
- (3) **Notice of Appeal Application.** The Notice of Appeal application shall specify the grounds for the appeal by submitting the required information specified on the application form. Submittal information includes, but is not limited to:
  - (i) A plot plan, sketch plan, or site plan for the project which was used to determine the need for a variance.
  - (ii) The specific section from which a variance is being sought, an interpretation is being requested or is the subject of an administrative review.
  - (iii) For dimensional variances, a signed and sealed survey prepared by a licensed professional surveyor shall be submitted which clearly illustrates the existing conditions, proposed improvements, dimensioned location of required setback or standard, the dimensioned location of existing/proposed improvement and the needed variance.
- (4) **Stay of Proceedings.** An appeal to the ZBA stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the ZBA after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the ZBA or a circuit court.
- (5) **Public Hearing.** Upon receipt of a written request for a variance, the ZBA shall fix a reasonable time for the hearing of the request and give notice as provided in 2006 PA 110, MCL 125.3103, as amended.
  - (i) **Notice of Public Hearing.** Upon receipt of a written request seeking an interpretation of this chapter or an appeal of an administrative order, requirement, decision or determination, a notice stating the time, date, and place of the public hearing shall be published:
    - (1) In a newspaper of general circulation within the village and shall be sent to the person requesting the interpretation or appeal not less than 15 days before the public hearing.
    - (2) In addition, if the request for an interpretation or appeal involves a specific parcel, written notice stating the nature of the request or appeal and the time, date, and place of the public hearing on the request or appeal shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.
  - (ii) **Representation.** At the public hearing, a party may appear in person or be represented by an agent or attorney and present any evidence in support of their appeal. The ZBA shall have the power to require the attendance of witnesses, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the ZBA.
  - (iii) **Procedures of Determination.** The ZBA may not decide an appeal until after a public hearing, and may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

- (1) The ZBA may impose conditions with any decision. Any conditions imposed shall meet all the following requirements:
    - (a) Be designed to protect natural resources, public health, safety, or welfare, and the social and economic wellbeing of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
    - (b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
    - (c) Be necessary to meet the intent and purpose of the zoning and land use ordinance, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
    - (d) Violations of any conditions imposed by the ZBA shall be deemed a violation of this chapter, enforceable as such, and/or may be grounds for revocation or reversal of such decision.
  - (2) **Reporting Decisions.** All decisions of the ZBA shall be in writing and so far as is practicable, in the form of a general statement or resolution reciting the conditions, facts, and findings of the ZBA. The applicant shall be advised of the decision after the public hearing unless the ZBA moves for a continuation of such hearing.
  - (3) **Validity of Evidence.** Any decision favorable to an applicant shall remain valid only if the information or data relating thereto are found to be correct, and the conditions upon which the decision was based are maintained.
- (f) **Expiration of Decision for a nonuse variance.** No order of the ZBA permitting the erection or alteration of a building shall be valid for a period of longer than one year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- (g) **Expiration of Decision for a use variance.** No order of the ZBA permitting a use of a building or premises shall be valid for a period of longer than one year, unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

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

## 8-08. Zoning Administrator

### The zoning administrator shall:

- (a) Receive and review for completeness all applications for Zoning Review as assigned in the Zoning Approval Processes Table (8.02).
- (b) For Application Types subject to Final Determination by the Zoning Administrator as assigned in the Table in Section 8.02, the Zoning Administrator shall complete Administrative Zoning Permits as described in Section 8.03.
- (c) If the Application Type requires further approval, the Zoning Administrator shall write a Staff Report, addressed to the relevant Approving Authorities, outlining the applications compliance with applicable Zoning requirements, outlines the relevant determinations that should be considered by the approving authorities, and may recommend to those bodies specific conditions for approval, when appropriate.

- (d) The Zoning Administrator may make periodic site inspections of the Village to determine compliance with this Chapter, and respond to complaints about violations of the Zoning Ordinance.

## 8-09. Procedures after Plan Approval

- (a) **Final Approved Plan.** The applicant must submit a final approved zoning plan with the changes required by the Zoning Administrator and the Planning Commission and list any conditions as a note on the plan, before receiving a work permit or submitting construction drawings. The final plan is a requirement of the planning process, and no project can move forward without an authorized final plan. Final plans are authorized by the Zoning Administrator.
- (b) **Approval Expiration.** The approval of a zoning plan shall be effective for a period of 12 months from the date of such approval. Approval dates are the date the site plan was approved, either with or without conditions, by the Planning Commission (if it is a site plan) or by the Zoning Administrator (if it is an administrative zoning permit). If a building permit has been obtained, construction has commenced, and an extension is requested by the applicant during the initial 12-month approval period, and if the extension is granted pursuant to subsection (c), the zoning permit approval may be extended for up to 12 months, otherwise the zoning permit shall be null and void. In such a case, the applicant shall be required to obtain a new zoning permit approval as specified in this Article.
- (c) **Approval Extensions.** Administrative zoning approvals shall not be granted an extension. An extension of up to 12 months for an approved planning commission site plan may be granted by the planning commission. An extension may be granted provided the approved site plan continues to adequately represent current conditions on and surrounding the site, and that the site plan conforms to the standards of the village regulations in affect at the time of the applicant's request for an extension.
- (d) **Site Maintenance after Approval.**
1. It is the responsibility of the owner of a property for which zoning plan approval has been granted to maintain the property in accordance with the approved plans, including all site design elements and improvements, on a continuing basis until the property is razed, new zoning regulations supersede the regulations upon which plan approval was based, or a new plan is approved.
  2. Any property owner who fails to maintain an approved zoning plan in full compliance with approvals granted by the Village according to the provisions of these regulations, is in violation of these regulations and required to return the site conditions consistent with the approved plans or they will lose their zoning plan approval and risk the loss of their certificate of occupancy and business license.
- (e) **Revocation.** Any approved zoning plans may be revoked by the Planning Commission if construction on the site is not completed or is not progressing in a manner consistent with the approved plans. In such a case, the plan will be placed on the agenda of a Planning Commission meeting for consideration. The Village must give written notice to the applicant at least 10 days prior to the meeting. The Zoning administrator, other Village staff, the applicant, and other interested persons shall be allowed to present information and testimony to the Planning Commission. If the Planning Commission finds that an inconsistency or violation of the approved site plan exists at the time of the hearing, then, by a majority vote of attending members, the Planning Commission may revoke the approval of the plan and order the site returned to its original condition by a date certain. Failure to

comply with such an order is a violation of these regulations and may result in enforcement action by the Village.

- (f) **Modification to Approved Plan.** A previously approved plan may be subsequently modified, subject to the review and approval requirements of this article based on the scope of the proposed modifications. It is up to the Zoning Administrator to decide if a revised zoning plan must receive administrative or Planning Commission approval.

## Section 8.10 Planning Commission

### (a) Creation and Membership.

1. The Planning Commission is designated as the commission specified in the Michigan Planning Enabling Act (PA 33 of 2008), as amended, and performs the duties of such commission as provided in the statute and the Village Code of Ordinances, as amended.
2. **Appointments.** The Council shall, by a majority of all of its members, appoint a Planning Commission of seven citizens chosen because of their interest in and knowledge of City Planning.
3. **Terms.** Of the members first appointed, one shall be appointed for a term of one year, two for a term of two years, and one for a term of three years, two for a term of four years, and one for a term of five years, from and after the first day of January following appointment. Their successors shall be appointed for a term of five years.
4. **Vacancy.** If a vacancy occurs, otherwise than by expiration of term, it shall be filled by appointment of some suitable person to fill the place for the unexpired term.
5. **Officers.** At the first Commission meeting of the calendar year, the members must elect a Chair, a Vice Chair, Secretary, and such other officers as it deems necessary for the ensuring year (by resolution). The terms of all officers are for 2 years; officers may be reelected.
6. **Attorney.** The Village Attorney acts as Attorney for the Commission.
7. **Removal.** Any member of the Commission may be removed per the adopted bylaws and Village of Stockbridge Code of Ordinances.

### (b) Jurisdiction and Powers. The Commission is responsible for the following key duties:

1. **Formulation of the Zoning Ordinance and Amendments.** Formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding public hearings, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Village Council.
2. **Development Review.** Review of applications for site plan approval in accordance with Article (this includes Planned Unit Development reviews, special land use reviews and holding any required public hearings).
3. **Master Plan.** The Commission formulates, adopts, and ensures review at least every 5-years to the Master Plan for land use to guide the future development of Wayne, in accordance with the Michigan Planning Enabling Act (PA 33 of 2008), as amended.
4. **Annual Report on Operations.** The Commission must annually prepare and submit a report for the Village Council on the status of the Zoning Ordinance, the Master Plan, and all relevant planning and zoning matters, including recommendations as to the enactment of amendments to the Zoning Ordinance.

**(c) Meetings and Procedures.**

1. **Regular Meetings.** The Commission must hold at least four regular public meetings within a calendar year, on such date and at such time and place as may be established by resolution.
2. **Special Meetings.** Special meetings may be called, as established by the bylaws.
3. **Bylaws.** The Commission may adopt such rules for the transaction of its business as it may by resolution determine.
4. **Records.** The Village must keep a written or printed public record of the Commission's resolutions, findings, and determinations.

**(d) Quorum and Majority Vote.** A majority vote of those present and voting is required for a motion.

## Section 8.11 Public Hearing Procedures

- (a) The purpose of this Article shall be to provide uniform notification requirements for public hearings where such public hearings are required under the Michigan Zoning Enabling Act, PA 110 of 2006. Except as otherwise provided in the Zoning Enabling Act where the Village is required to provide notice of hearing, such notice shall be provided as follows:
  - (b) A notice shall be published in a newspaper of general circulation at least 15 days before the hearing.
  - (c) At least 15 days before the hearing, notices shall be mailed or hand delivered to:
    1. The owners of property for which approval is being considered and to the applicant, if different than the owner(s) of the property,
    2. To all persons or firms to whom real property is assessed within 300 feet of the subject property, and
    3. To all occupants of structures which are within 300 feet of the subject property.
  - (d) Notices shall be provided regardless of whether property within 300 feet of the property under consideration is inside the Village. If the name of an occupant is not known, the term "occupant" may be used in making notification.
  - (e) Notice under subsection c2 and c3 need not be given where the request involves eleven (11) or more adjacent properties, or where the request does not involve any specific parcels of property. The notices shall:
    1. Describe the nature of the request.
    2. Identify any property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. If there are no street addresses, other means of identification may be used.
    3. State when and where the request will be considered.

## 8.12 Use of consultants.

From time to time, the village council and/or planning commission may employ planning, engineering, legal, traffic or other special consultants to assist in the review of special use permits, site plans, rezonings or other matters related to the planning and development of the village. The cost of such services shall be the responsibility of the applicant, by placing money in an escrow account.

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

## 8.13 Performance guarantee.

In the interest of insuring compliance with the zoning ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the village and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the planning commission shall require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this chapter, including, but not limited to, streets, lighting, utilities, sidewalks, drainage, fences, screens, walls, and landscaping.

- (a) Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the village. The village shall be authorized to employ the village engineering consultant to review cost estimates and conduct periodic inspection of the progress of improvements.
- (b) Where the planning commission requires a performance guarantee, said performance guarantee shall be deposited with the village prior to the issuance of a building permit for the development and use of the land. Upon the deposit of the performance guarantee the village shall issue the appropriate building permit.
- (c) The approval shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- (d) The zoning administrator, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
- (e) Upon the satisfactory completion, as determined by the village, of the improvement for which the performance guarantee was required, the village shall return to the applicant the performance guarantee deposited and any interest earned thereon. However, the village is not required to deposit the performance guarantee in an interest-bearing account.
- (f) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the village, the village shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements

through contract or otherwise, including specifically, the right to enter upon the subject property to make the improvements.

- (g) If the performance guarantee is not sufficient to allow the village to complete the improvements, the applicant shall be required to pay the village any of the additional costs of completing the improvements. Should the village use the performance guarantee, or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the village's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.
- (h) If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the village to ensure completion of an improvement the applicant shall not be required to deposit with the village a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the village and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the village regarding the performance guarantee. (Ord. No. 2018.10-1, 10-1-2018)

### **8.14 Fees.**

The village council shall establish a schedule of fees, charges, and expenses, and a collection procedure, for building permits, certificates of occupancy, appeals, and other matters pertaining to the chapter. The village shall have the authority to include fees for the use of engineering, planning, legal or other special consultants. The schedule of fees shall be posted in the village offices and may be altered or amended only by the village council. No permit, certificate, special use on approval, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the board of appeals, unless or until preliminary charges and fees have been paid in full. (Ord. No. 2018.10-1, 10-1-2018)

### **8.15 Violations and penalties.**

- (a) Any person, partnership, LLC, corporation, association or other entity who creates or maintains a nuisance per se or who violates or fails to comply with this chapter or any permit issued pursuant to this chapter shall be responsible for a municipal civil infraction and shall be subject to a fine of \$250.00. Every day that such violation continues constitutes a separate and distinct offense under the provisions of this chapter. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.
- (b) The zoning administrator shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to the ensure compliance with the plans and conditions of the zoning permit or approved site plan.
- (c) The zoning administrator is hereby designated as the authorized official to issue municipal civil infraction citations directing alleged violators of this chapter to appear in court. The council may also designate from time to time other officials to issue municipal infraction citations on behalf of the village in connection with alleged violations of this chapter.
- (d) In addition to or in lieu of enforcing this chapter, as a municipal civil infraction, the village may initiate proceedings in the any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this chapter.

## 8.16 Site condominium project regulations.

- (a) Intent. Pursuant to the authority conferred by section 141 of the Condominium Act (Act 59, Public Acts of 1978, as amended), site plans shall be regulated by the provisions of this chapter and subject to the review by the planning commission.
- (b) General requirements.
1. Each condominium lot shall be located within a zoning district that permits the proposed use.
  2. Each condominium lot shall front on and have direct access to a public street approved by the village.
  3. Each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.
  4. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use except in a planned unit development (PUD) district. Required yards shall be measured from the boundaries of a condominium lot.
- (c) **Site plan approval requirements.** Approval of the site plan and condominium documents by the planning commission shall be required as a condition to the right to construct, expand or convert a site condominium project. No permits for erosion control, building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a site plan has been approved by the planning commission and is in effect.
- 1. Approval.**
- 1) The applicant shall submit a site plan pursuant to the standards and procedures set forth in section 8.04. In addition to the site plan, the condominium documents shall be submitted to the village for the review by the village attorney and other appropriate staff and consultants. The condominium documents shall be reviewed with respect to all matters subject to regulation by the village including, without limitation: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common area; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities.
  - 2) The applicant shall also submit engineering plans in sufficient detail for the village, to determine compliance with applicable laws, ordinances and design standards for construction of the project. The village shall submit engineering plans to the village engineer for review.
  - 3) Upon completion of the review of the condominium documents and engineering plans and receipt of the recommendations and findings from the village attorney, engineer and planner, the site plan shall be submitted to the planning commission for review.
  - 4) If the site plan, condominium documents and/or engineering plans conform in all respects to applicable laws, ordinances and design standards, final approval shall be granted by the planning commission.
  - 5) If the site plan, condominium documents and/or engineering plans fail to conform, approval shall be denied by the planning commission.

- 6) In the interest of insuring compliance with this article and protecting the health, safety and welfare of the residents of the village, the planning commission, as a condition of final approval of the site plan, shall require the applicant to deposit a performance guarantee as set forth in section 8.13 for the completion of improvements associated with the proposed use.

**2. Required improvements.**

- 1) All design standards and required improvements that apply to a subdivision, under the subdivision regulations adopted by the planning commission, shall apply to any condominium development.
  - 2) Each condominium unit shall be connected to the village water, sanitary and storm sewers. Utility standards stated in chapter 22, water service, and chapter 23, sewer service, shall apply to all condominium units. Furthermore, the utility provisions stated in chapter 52, subdivision regulations, shall apply to all condominium units proposed for location on property which is not subdivided and recorded, or property which is to be further subdivided. Each individual condominium unit shall be considered a residential equivalent unit as defined in chapters 22 and 23.
  - 3) Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.
  - 4) The village may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the village clerk cash, a certified check, or an irrevocable bank letter of credit running to the village, whichever the developer selects, in an amount as determined from time to time by resolution of the village council. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the village council shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not-to-exceed the amount of the security deposit.
  - 5) Road rights-of-way shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall declare easements to the village for all public water and sanitary sewer lines and appurtenances.
  - 6) All improvements in a site condominium shall comply with the design specifications as adopted by the village council and any amendments thereto.
- (b) **Information required prior to occupancy.** Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the zoning administrator:
1. A copy of the recorded condominium documents (including exhibits).
  2. A copy of any recorded restrictive covenants.
  3. A copy of the site plan on laminated photostatic copy or mylar sheet.
  4. Evidence of completion of improvements associated with the proposed use including two copies of an "as-built survey."
- (c) **Revision of site condominium plan.** If the site condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by

the planning commission before any building permit may be issued, where such permit is required.

- 1. Amendment of condominium documents.** Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the village attorney and planning commission before any building permit may be issued, where such permit is required. The planning commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the site plan.
- 2. Relocation of boundaries.** Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in section 48 of the Condominium Act (Act 59, Public Acts of 1978, as amended), shall comply with all regulations of the zoning district in which located and shall be approved by the zoning inspector. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- 3. Subdivision of condominium lot.** Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in section 49 of the Condominium Act (Act 59, Public Acts of 1978, as amended), shall comply with all regulations of the zoning district in which located, and shall be approved by the zoning inspector. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

# ARTICLE V. DEVELOPMENT STANDARDS

## Sec. 6-176. Landscaping Purpose.

**Purpose and Intent.** Screening and land use buffers are necessary for the protection and enhancement of the Village and to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening elements enhance the visual environment; preserve natural features; protect property values; alleviate the impact of noise, traffic, and more intensive land uses; and minimize visual impacts of parking lots, loading areas and storage areas. Screening and buffering also contribute to a healthy development pattern and increase the level of privacy for residential uses in the Village.

The purpose of these landscape standards is to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials; to establish reasonable standards for the screening of uses of a significantly different scale or character; and buffering of parking lots, storage areas, and similar activities from street rights-of-way and adjacent lots. It is the intent of this Chapter that required screening and buffering elements shall be immediately effective in achieving the purpose of this Chapter and shall maintain that effectiveness as the plant materials mature. Sec. 6-177. Landscaping Plan Compliance.

- (a) **Application of requirements.** The landscape standards of this article shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of this Ordinance that are subject site plan review, subdivision plat review or planned unit development review. A separate Landscape Plan sheet or sheets, distinct from the site plan, shall be provided with each plan set submitted for review. Uses and activities exempt from site plan approval shall be exempt from the requirements of this Chapter. No Type 4 site plan, planned unit development plan, site condominium plan, or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth herein.
- (b) **Landscape plan requirements.** A separate detailed landscape plan shall demonstrate that all requirements of this article are met and shall include, but not necessarily be limited to, the following items:
- (1) Location, spacing, size, root type and descriptions for each plant type.
  - (2) Typical straight cross section including slope, height, and width of berms.
  - (3) Typical construction details to resolve specific site conditions, such as landscape walls and tree wells used to preserve existing trees or maintain natural grades.
  - (4) Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
  - (5) Identification of existing trees and vegetative cover to be preserved.
  - (6) Identification of grass and other ground cover and method of planting.
  - (7) Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this chapter.
  - (8) A plant material list identifying the quantities, species, and size for all existing and proposed plant material.

- (c) **Minimum Required Standards.** The landscaping standards of this Article shall be considered the minimum necessary to achieve the purposes of this Article and Ordinance. No provision of this Article shall preclude a developer and the Village from agreeing to more extensive landscaping or screening. Where existing sites have been developed without adequate screening or buffering, the purposes of this Article shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other site improvements.
- (d) **Modifications to Standards.** The Planning Commission may reduce or waive the specific landscaping standards of this Chapter, upon determination that the screening requirements and purposes of this Article have been satisfied by existing topography, vegetation or other means acceptable to the Planning Commission.

## Sec. 6-178. Landscaping Layout, Installation and Maintenance Standards.

The following standards shall apply to all landscaping and screening elements required by provisions of this Ordinance or determined necessary by the Planning Commission as part of the cited plan reviews of Sec. 6-177.

### (a) Layout Requirements and Components

- (1) **Clear Vision Area.** Landscaping, screening materials and their location or placement on a site shall conform to the requirements of [Section 6-XXX](#) and shall not conflict with visibility for motorists or pedestrians.
- (2) **Plantings near utility lines and fire hydrants.** Required plant materials and screening shall be arranged to avoid conflicts with underground and overhead utility lines and access to or visibility of fire hydrants. The anticipated height at maturity of trees planted near overhead utility lines shall not exceed the line height above grade.
- (3) **Landscape Area Protection.** Where pavement and landscape areas interface, raised concrete curbing or similar measures shall be provided to protect plants from vehicle encroachment.
- (4) **Irrigation.** To assist in maintaining plant materials in a healthy condition, all landscaped areas shall be provided with an automatic, underground, or drip irrigation system, subject to the following:
  - a. The Planning Commission may approve an alternative form of irrigation for a particular site or may waive this requirement upon determining that underground irrigation is not necessary for the type of proposed plant materials.
  - b. All automatic irrigation systems shall be designed to minimize water usage and shall be manually shut off during water emergencies or water rationing periods.

### (b) Installation.

All screening shall be installed in a manner consistent with the standards of the American Horticulture Industry Association (AmericanHort), or its successor agency, the approved site plan, and the following:

- (1) **Deadline for installation.** Installation of required screening elements and plant materials shall be completed prior to certification of occupancy.
- (2) **Extension.** The Building Official in coordination with the Zoning Administrator may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.
- (3) **Performance Guarantee.** The Building Official or their designee may require the submission of a performance guarantee, per [Article XXX](#) to cover the cost of installing required screening elements and plant materials. After installation has been completed, the Building Official or Code Enforcement Officer shall conduct an inspection of the plant materials before the guarantee may be released.
- (4) **Replacement of Dead or Diseased Plant Materials.** Any plant materials which die within two (2) years of installation shall be replaced with the same or approved similar plantings.

### (c) Maintenance.

- (1) **Landscape Plan Requirements.** Maintenance procedures and frequencies to be followed shall be specified on the landscape plan. Such procedures shall note that plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris, and refuse. Tree stakes, guy wires, and tree wrap shall be

removed after one (1) year. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.

- (2) **Continuous Maintenance.** Property owners shall be required to install and maintain all screening elements, plant materials and associated improvements in accordance with the approved site plan. Failure to maintain required screening, including the replacement or removal of plant materials inconsistent with an approved site plan shall be a violation of this Ordinance. The Village may direct an inspection be performed by qualified Village staff or outside consultant to determine if a violation of an approved landscape plan has occurred.

## Sec. 6-179. Landscaping Plant Material Standards.

(a) **General.** The following shall apply to all plant materials:

- (1) To ensure the highest quality of plants installed in the Village, the techniques for measuring plants, the size specifications, relationship between height and caliper and all other industry standards for all plant material shall conform to the sizes, descriptions and standards set forth in the current edition of “American Standard for Nursery Stock” sponsored by the American Horticulture Industry Association (AmericanHort), or its successor agency, and approved by the American National Standards Institute, Inc. (ANSI Z60.1), as amended and updated, or other equivalent source accepted by the Village.
- (2) All plant material shall be true to name in conformance to the current edition of Standardized Plant Names established by the American Joint Committee on Horticultural Nomenclature, or other equivalent source accepted by the Village.
- (3) All plant material shall be nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack. All plant materials shall be appropriate for the hardiness zone of the Village as identified in the most recent U.S. Department of Agriculture’s Plant Hardiness Zone Map, as amended.
- (4) Artificial plant material shall be prohibited within required screening areas.

(b) **Groundcovers.** The following shall apply to all groundcover materials:

- (1) Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or hydro-seeded, provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease. Sod shall be provided for all lawn areas located within the road right-of-way.
- (2) The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass shall be planted to present a finished appearance after one (1) complete growing season.
- (3) Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.

(c) **Mulch.** Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep and shall be pulled one (1) inch away from tree trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.

(d) **Topsoil.** A minimum of four (4) inches of topsoil shall be provided for all lawn areas, ground covers, and planting beds.

(e) **Plant Material Sizes.** Shrubs and trees shall comply with the following schedule for minimum sizes at planting:

| Screening Materials        | Minimum Size at Installation                         |
|----------------------------|--|
| Street Trees               | 4.0 caliper-inches diameter                          |
| Deciduous Shade Trees      | 3.5 caliper-inches diameter                          |
| Evergreen Trees            | 6.0 feet overall height                              |
| Deciduous Ornamental Trees | 2.0 caliper-inches diameter or 6 feet overall height |
| Shrubs                     | 36 inches in height or 30 inches in spread           |

- (f) **Plant Material Species.** The use of plant species native to Michigan is required to ensure the long term viability of the plantings while minimizing the negative impacts of invasive and non-native species. Applicants may reference the Michigan Department of Natural Resources' (MDNR) list of recommended and discouraged plantings to determine suitable plantings. The following table lists acceptable native species.

Additional species as recommended by the MDNR in addition to other organizations acceptable to the Planning Commission may be considered at the time of site plan application. The Village will maintain a supplemental list of recommended species which an applicant may reference. The supplemental list of recommended species may be periodically updated as needed and shall utilize information from the American Society of Landscape Architects, the National Association of Landscape Professionals, Michigan State University or other equivalent professional or academic organizations.

| Recommended Deciduous Tree Species |                         |
|------------------------------------|-------------------------|
| Common Name                        | Botanical Name          |
| Red Maple                          | Acer rubrum             |
| Sugar Maple                        | Acer saccharum          |
| Pawpaw                             | Asimina triloba         |
| Hornbeam/Musclewood/Blue Beech     | Carpinus caroliniana    |
| Bitternut Hickory                  | Carya cordiformis       |
| Pignut Hickory                     | Carya glabra            |
| Shagbark Hickory                   | Carya ovata             |
| Hackberry                          | Celtis occidentalis     |
| Yellowwood                         | Cladrastis kentukea     |
| Kentucky Coffeetree                | Gymnocladus dioicus     |
| Black Walnut                       | Juglans nigra           |
| American Tamarack                  | Larix laricina          |
| Sweetgum                           | Liquidambar styraciflua |
| Tulip Tree                         | Liriodendron tulipifera |
| Black Gum/Black Tupelo             | Nyssa sylvatica         |
| Hop-Hornbeam/Ironwood              | Ostrya virginiana       |
| American Plum                      | Prunus americana        |
| Canadian Plum                      | Prunus nigra            |
| Black Cherry                       | Prunus serotina         |
| White Oak                          | Quercus alba            |
| Swamp White Oak                    | Quercus bicolor         |
| Bur Oak                            | Quercus macrocarpa      |
| Sassafras                          | Sassafras albidum       |
| Baldcypress                        | Taxodium distichum      |
| American Linden/Basswood           | Tilia americana         |
| Nannyberry                         | Viburnum lentago        |
| Recommended Evergreen Tree Species |                         |
| Balsam Fir                         | Abies balsamea          |
| Eastern Redcedar                   | Juniperus virginiana    |

|                                  |                                  |
|----------------------------------|----------------------------------|
| White Spruce                     | <i>Picea glauca</i>              |
| Black Spruce                     | <i>Picea mariana</i>             |
| Jack Pine                        | <i>Pinus banksiana</i>           |
| Red Pine                         | <i>Pinus resinosa</i>            |
| Eastern White Pine               | <i>Pinus strobus</i>             |
| White Cedar/ Arborvitae          | <i>Thuja occidentalis</i>        |
| Eastern Hemlock                  | <i>Tsuga canadensis</i>          |
| <b>Recommended Shrub Species</b> |                                  |
| Red Chokeberry                   | <i>Aronia arbutifolia</i>        |
| Michigan Holly                   | <i>Ilex verticillata</i>         |
| Common Ninebark                  | <i>Physocarpus opulifolius</i>   |
| Arrowwood viburnum               | <i>Viburnum dentatum</i>         |
| New Jersey Tea                   | <i>Ceanothus americanus</i>      |
| Buttonbush                       | <i>Cephalanthus occidentalis</i> |
| Bush honeysuckle                 | <i>Diervilla lonicera</i>        |
| Shrubby cinquefoil               | <i>Potentilla fruticosa</i>      |

- (g) **Variety of Plant Materials.** To ensure adequate variety, and to avoid monotony and uniformity within a site, the total number of trees proposed in a landscape plan shall not include more than thirty percent (30%) of any single tree species. This standard shall also apply to the total number of shrubs proposed for planting and the total number of perennials proposed for planting.
- (h) **Prohibited Plant Materials.** The use of plant species which are subject to known diseases or infestations or have been designated as being invasive is prohibited. The Michigan Department of Natural Resources (MDNR) has identified the following species as undesirable species which are prohibited within the Village. Applicants shall confirm that all species proposed in a landscape plan have not been identified by the MDNR in their Tree Species List.

The Village will maintain a supplemental list of additional species which are prohibited that applicants shall comply with. The supplemental list of prohibited species may be periodically updated as needed and shall utilize information from the American Society of Landscape Architects, the National Association of Landscape Professionals, Michigan State University or other equivalent professional or academic organizations.

| <b>Prohibited Plant Species</b> |  |
|---------------------------------|--|
| <b>Common Name</b>              | <b>Botanical Name</b>                                      |
| Hedge Maple                     | <i>Acer campestre</i>                                      |
| Amur Maple                      | <i>Acer ginnala</i>  |
| Boxelder                        | <i>Acer negundo</i>  |
| Norway Maple                    | <i>Acer platanoides</i> (includes 'Crimson King' cultivar) |
| Sycamore Maple                  | <i>Acer pseudoplatanus</i>                                 |
| Silver Maple                    | <i>Acer saccharinum</i>                                    |
| Tatarian Maple                  | <i>Acer tataricum</i>                                      |
| Tree-of-Heaven                  | <i>Ailanthus altissima</i>                                 |
| Mimosa/Silk Tree                | <i>Albezia julibrissen</i>                                 |
| Black Alder                     | <i>Alnus glutinosa</i>                                     |
| Japanese Barberry               | <i>Berberis thunbergii</i>                                 |
| Butterfly bush                  | <i>Buddleja davidii</i>                                    |
| Chinese Fringetree              | <i>Chiananthus retusus</i>                                 |
| Autumn Olive                    | <i>Elaeagnus umbellate</i>                                 |
| Winged burning bush             | <i>Euonymus alatus</i>                                     |
| Ash                             | <i>Fraxinus spp.</i>                                       |

|                                 |   |
|---------------------------------|---|
| Goldenrain Tree                 | Koelreuteria paniculata                     |
| Common privet                   | Ligustrum vulgare                           |
| Japanese Honeysuckle            | Lonicera japonica                           |
| Amur Honeysuckle                | Lonicera maackii                            |
| Tartarian Honeysuckle           | Lonicera tatarica                           |
| Amur maackia                    | Maackia amurensis                           |
| Oregon grape                    | Mahonia aquifolium                          |
| White Mulberry                  | Morus alba                                  |
| Amur Corktree                   | Phellodendron amurense                      |
| Colorado Blue Spruce            | Picea pungens                               |
| Austrian Pine/ Black Pine       | Pinus nigra                                 |
| Scotch Pine/Scot's Pine         | Pinus sylvestris                            |
| Poplars/Aspens/Cottonwood       | Populus spp.                                |
| Sweet Cherry/ Mazzard Cherry    | Prunus avium                                |
| St. Lucie Cherry                | Prunus mahaleb                              |
| Wingnut                         | Pterocarya stenotera                        |
| Ornamental Pears- All Varieties | Pyrus spp.                                  |
| Common Buckthorn                | Rhamnus cathartica                          |
| Glossy Buckthorn                | Rhamnus frangula (including 'Angustifolia') |
| Black Locust                    | Robinia pseudoacacia                        |
| Multiflora Rose                 | Rosa multiflora                             |
| Rugosa rose                     | Rosa rugosa                                 |
| Japanese Tree Lilac             | Syringa reticulata                          |
| Japanese Yew                    | Taxus cuspidata                             |
| Lacebark Elm                    | Ulmus parvifolia                            |
| Siberian Elm                    | Ulmus pumila                                |
| Paperbark Maple                 | Acer griseum                                |

- (i) **Existing Plant Materials.** Healthy existing trees and other plant materials on a site may be used to satisfy specific landscaping standards of this Article, subject to Planning Commission approval and the following:
- (1) The location, size, and species of individual trees and other plant materials to be preserved shall be identified on the site plan.
  - (2) The Planning Commission may require Village inspection of existing plant materials prior to or as a condition of site plan approval to determine the health and desirability of such materials. Such inspections shall be performed by qualified Village staff or by a certified arborist or similar qualified consultant as selected by the Village.
  - (3) Where plant materials are to be saved, prior approval shall be obtained by the property owner from the Building Official or their designee prior to any delimiting, root pruning, or similar work.
  - (4) Protective fencing shall be placed at the drip-line of existing trees, and around the perimeter of other preserved plant materials, with details of protective measures noted on the site plan. No vehicle or other construction equipment shall be parked or stored within protected areas.
  - (5) In the event that trees or other plant materials identified to be preserved on an approved site plan are destroyed or damaged, as determined by the Building Official or their designee, the owner, developer or contractor shall replace the plant material with a comparable size, amount, and species.

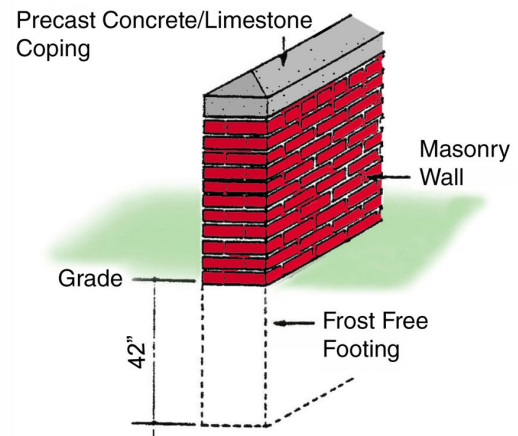
## Sec. 6-180. Landscaping Screening Standards.

### (a) Required Screening between districts and land uses.

Any parcel or lot located in the C-2 General Commercial, C-3 Highway Commercial and M-1 Light Industrial zoning district and any parcel or lot with an off-street parking lot, loading, storage and service area in any zoning district, and as required elsewhere in this ordinance, shall install a screening wall along any property line which is adjacent to a residential zoning district and any lot occupied by a residential use. A greenbelt buffer, berm, or evergreen screen may be utilized in place of a wall, subject to the review and approval of the Planning Commission.

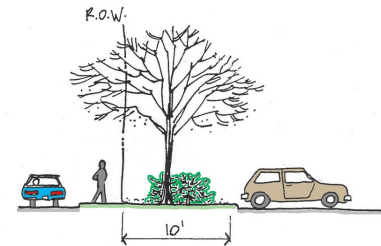
**(b) Screening Wall Standards.** A screening wall shall create a solid, year-round barrier and obscuring screen to effectively block noise, light, and other impacts between land uses of differing intensities. Such walls shall be subject to the following (see illustration):

- (1) Walls shall have a minimum height of four and one half (4½) feet and shall not exceed six (6) feet in height above grade unless a higher wall height is determined by the Planning Commission to be necessary to provide adequate screening. The wall shall have a minimum height of six (6) feet, and shall not exceed eight (8) feet in height above grade for the I-1 District, and for loading, storage and service areas in any zoning district.
- (2) The height of the wall shall be reduced to thirty (30) inches in height when located within 20 feet of a street right-of-way line, to allow for adequate visibility for entering and exiting vehicular and pedestrian traffic.
- (3) Required walls shall be located on the lot line except where underground utilities interfere with such location or where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall. Required walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Planning Commission in reviewing such request.
- (4) Vehicle bumper blocks to protect walls from accidental collisions by vehicles shall be installed in any parking space adjacent to a wall.
- (5) Wall materials shall be subject to approval by the Planning Commission. The Planning Commission shall determine whether or not the proposed materials are appropriate based on the following criteria:
  - a. The material is aesthetically compatible with the surroundings, especially the principal structure on the site.
  - b. The material is suitably durable for the proposed location.
  - c. The material provides adequate separation for nearby residents, and will prevent excess noise, dust, debris, and light from negatively impacting residential property.
  - d. The material provides an adequate safety barrier from trespass, vehicle crashes, and other dangers.
  - e. Trees and shrubs may be required by the Planning Commission to soften the appearance of the wall or to increase the effectiveness of the screening/buffering that the wall provides.

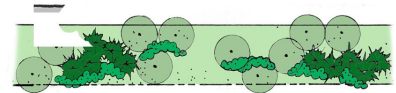


(c) **Greenbelt Buffer.** The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent street rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses (including uses that are adjacent across a street right-of-way) are less intense than the use of the subject site. Greenbelt buffers shall consist of the following:

- (1) Greenbelts shall have a minimum width of ten (10) feet and may be interrupted only to provide for pedestrian or vehicular access.
- (2) Greenbelts shall be sodded, hydro-seeded, or planted with appropriate groundcovers.
- (3) A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and three (3) shrubs per 15 linear feet of greenbelt length along a property line or street frontage.
  - a. Such required plant materials may be placed at uniform intervals, at random or in groupings.
  - b. The greenbelt length shall be measured along the centerline of the greenbelt for its entire length, inclusive of all driveways.



SECTION



PLAN

(d) **Berm.** The purpose of this method is to effectively screen visual and noise impacts using natural-appearing landforms. This method is intended to provide an obscuring screen to block noise and light from adjacent uses or street rights-of-way, or to create a buffer between developed and undeveloped areas of a site. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards:

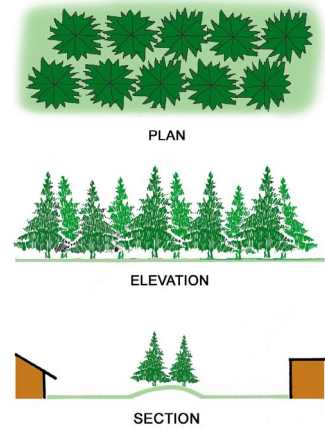
- (1) Berms shall have side slopes no steeper than four (4) feet horizontal to one (1) foot vertical (4:1 ratio).
- (2) Berms shall have a minimum height of three (3) feet above the grade elevation. Overall berm height shall be adequate for the intended screening function. Grade elevation shall be the ground elevation at the nearest lot line adjacent to the proposed berm.
- (3) The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace or similar means acceptable to the Planning Commission.
- (4) The berm shall be designed and graded to blend with existing topography and sodded, hydro-seeded or planted with appropriate groundcovers.
- (5) The Planning Commission may require greenbelt plantings on the berm, per Section 7.2.4B. For the purpose of determining any required plant materials, the length of any required berm shall be measured from one toe of the berm (the farthest point at one end of the berm's long dimension where the berm height equals the surrounding grade level) along the berm's centerline to the toe at the opposite end of the berm.



SECTION

- (e) **Evergreen Screen.** The purpose of this method is to create a dense obscuring screen that meets the objectives of this Chapter. This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.

This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of 15 feet apart in at least two (2) staggered rows.



## Sec. 6-181. Landscaping Standards for Specific Areas.

The following standards are intended to address the specific screening and buffering needs of particular areas or portions of a site, in accordance with the purpose and objectives of this Chapter:

### (a) Parking lot landscaping.

- (1) **Required landscaping within parking lots.** Separate landscape areas shall be provided within parking lots in accordance with the following requirements:
  - a. There shall be a minimum of one tree for every eight parking spaces, provided that a landscape island shall be provided for no more than 16 continuous spaces.
  - b. Landscaping shall be arranged in curbed islands within the parking lot which shall not be less than 50 square feet in area.
  - c. A minimum distance of three feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five feet from the back side of the curb and the proposed landscape plantings shall be provided.
  - d. The Planning Commission, at its discretion, may approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing.
- (2) **Required landscaping at the perimeter of parking lots.** Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements:
  - a. Parking lots which are adjacent to a conflicting land use as defined by this section may be required by the Planning Commission to meet the screening requirements set forth in Sec. 6-180.
  - b. Parking lots shall be screened from view with a solid wall at least three feet in height along the perimeter of those sides which are visible from a public road. The village, at its discretion, may approve alternative landscape plantings in lieu of a wall.

- (b) **Site landscaping.** In addition to any landscape greenbelt and/or parking lot landscaping required by this section, ten percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site-area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas and gardens and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air-conditioning units, and loading areas.

- (c) **Subdivision and site condominium landscaping.** Landscaping for single-family residential subdivisions and site condominiums shall be provided in accordance with the following requirements:

- (1) **Street trees.** The frontage of all internal public or private streets shall be landscaped with a minimum of one tree for every 50 lineal [linear] feet, or fraction thereof. Such street trees shall meet the minimum size and spacing requirements set forth in subsection (k).

- (2) **Screening between land uses.** Where a subdivision or site condominium contain uses which are defined as conflicting land uses by this section, the screening requirements set forth in subsection (d) shall be met.
- (3) **Screening from public roads.** Where a subdivision or site condominium abuts a public road right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in subsection (d) shall be met.
- (4) **Other site improvements.** A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping.

**(d) Screening of trash containers.**

- (1) Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development.
- (2) Containers shall be consolidated to minimize the number of collection sites and located to reasonably equalize the distance from the building they serve.
- (3) Containers and enclosures shall be located away from public view, whenever possible.
- (4) Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
- (5) Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six 30-gallon cans or more. Aprons shall be provided for loading of bins with a capacity of one and one-half cubic yards or more.
- (6) For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
- (7) Screening and gates shall be of a durable construction.

**(e) Loading, Storage, and Service Area Screening.** Loading, storage, and service areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers, generators, and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from street rights-of-way and adjacent uses in accordance with one of the screening methods identified in Section 6-180. Modifications to screening standards may be modified to ensure equipment can function, accessed by utility personnel and be serviced properly.

**(f) Rights-of-Way and Other Adjacent Public Open-Space Areas.** Public rights-of-way and other public open-space areas adjacent to required landscaped areas and development sites shall be landscaped in a manner that enhances the visual character of Village streets and minimizes adverse impacts of vehicular traffic on adjacent uses. Right-of-way landscaping shall be subject to the following:

- (1) **Street Trees.** Street tree plantings shall be required for all development projects along the margins of street rights-of-way in the Village, subject to the following:
  - a. Street trees shall consist of deciduous shade trees planted at a minimum concentration of one (1) street tree per fifty (50) linear feet of right-of-way. Required trees may be planted at regular intervals or in groupings.
  - b. Existing trees near or within street rights-of-way shall be preserved where feasible.
  - c. Permits may be required by the Village, or county or state road authorities for installation of street trees within rights-of-way under their jurisdiction. Where such plantings are not permitted within a street right-of-way, required street trees shall be planted within the front yard setback area, or at an alternative location approved by the Planning Commission.
- (2) **Groundcover Plantings Within Street Rights-Of-Way.** Street rights-of-way shall be planted with grass or other suitable similar ground cover.
- (3) **Maintenance of Right-Of-Way Landscaping.** Right-of-way landscaping shall be maintained by the owner of the abutting lot(s).

- (g) Stormwater Facilities Design and Screening.** All developments undergoing plan review shall comply with stormwater engineering design standards of the Village. All developments are encouraged to utilize one or more non-structural or structural Best Management Practice for channel protection volume control to the maximum extent practicable.

For any development requiring site plan approval and is not utilizing a structural or non-structural best management practice based on technical infeasibility, and is proposing the use of a standard detention or retention basin shall comply with the following:

- (1) To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
- (2) Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be subject to Planning Commission approval.
- (3) Basins shall be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.
- (4) A perimeter greenbelt buffer that creates a year round screen shall be provided in accordance with Section 6-180 and the following:
  - a. Plantings shall be clustered around the basin to achieve a variety of plant materials and to replicate a natural environment. Evergreen trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
  - b. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.
  - c. Deciduous trees may be incorporated but shall be located a sufficient distance to ensure fallen leaves do not impair the function of a basin.

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

## Sec. 6-182. Lighting Standards.

- (a) Purpose and Intent.** Lighting shall be provided to preserve, protect, and enhance the lawful nighttime use and enjoyment of properties in the Village through the use of appropriate lighting practices and systems. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass, minimize obtrusive light, conserve energy and resources, maintain safety, security and productivity, and prevent the degradation of the nighttime visual environment. The design and illumination standards of this section shall apply to all exterior lighting sources and other light sources visible from the public right-of-way, road easement, or adjacent lots, except where specifically exempted herein.
- (b) Compliance Requirement and Exemption.**
- (1) **Required Compliance.** The lighting standards of this article shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of this Ordinance except as otherwise noted in this section.
  - (2) **Installation of New or Replacement of Existing Light Fixtures.** The installation of any new light fixtures or the replacement of existing light fixtures shall require compliance with the standards of this section.
  - (3) **Exempt Uses.** The use of holiday decorations throughout the Village is exempt from these lighting requirements. Single family residential dwellings are exempt from the lighting requirements of this article, except that the Building Official may take steps to minimize glare, light trespass or light pollution impacts when it is determined to be necessary to protect the health, safety and welfare of the public. Single family residential lighting should not infringe upon a neighboring property. The use of full cut off light fixtures is highly encouraged on single family residential property.
- (c) Photometric Plans.**

- (1) Projects Requiring Photometric Plan Submittal. A photometric plan shall be submitted when a site plan review is required by the Planning Commission in accordance with Section 6-XXX.
- (2) Photometric Plan Requirements. The photometric plan shall include the location, mounting height and light levels for all existing and proposed light sources. Detailed cut sheets for all fixtures shall be submitted for fixtures in compliance with the standards of this section. The Zoning Administrator may request the submittal of a photometric plan and/or light fixture cut sheets for projects requiring administrative sketch plan review or plot plan review.

**(d) Required Lighting Levels and Areas.**

- (1) **Vehicle Areas.** All access driveways, parking lots, spaces and loading areas shall have an average minimum light intensity illuminance level of 2.0 footcandles at grade. The curb cut approach for each access driveway that intersects with a public street shall have a minimum illuminance level of 2.0 footcandle at grade. Light shall be allowed to trespass the property line to ensure the minimum illuminance level is provided and that vehicle drivers have a clear and visible view of the driveway and any vehicle in the driveway. The minimum illuminance level shall be maintained from dusk until dawn.
  - a. Vehicle areas located under a canopy, including but not limited to, vehicle fueling station canopies and drive-through service canopies, shall have illuminance levels not exceeding 20 footcandles.
- (2) **Pedestrian Areas.** All sidewalks, walkways, pedestrian paths and building entrances and exits shall have a minimum light intensity illuminance level of 2.0 footcandles at grade.
- (3) **Areas Adjacent to Residential Uses.** Lighting for vehicle and pedestrian areas adjacent to any lot used exclusively for a single family dwelling shall be designed and maintained such that illumination levels do not exceed 0.1 footcandle along any property line shared with the single family dwelling.
- (4) **Areas Adjacent to Rights-of-Way and Adjacent Property.** Lighting for vehicle and pedestrian areas may extend beyond any property line adjacent to any public right-of-way provided glare is not produced on adjacent private property. Lighting for vehicle and pedestrian areas adjacent to any non-residential lot shall be designed and maintained such that illumination levels do not exceed 0.5 footcandle along any shared property line.

**(e) Light Fixture Standards.**

- (1) **Height.** Light fixtures within parking areas shall not exceed a height of 25 feet. Light fixtures along and within nonvehicular pedestrian areas shall not exceed a height of 15 feet. All light fixtures located within 50 feet of any structure with a residential use or any residentially used or zoned lot shall not exceed a height of 15 feet. Light fixture height shall be measured from the ground level to the bottom edge of the light source.
- (2) **Fully Shielded Fixtures Required.** All light fixtures shall be shielded by having a light source that is located behind or within an opaque barrier such that light from the fixture does not emit above the horizontal plane of the opaque barrier, i.e. 90 degrees from nadir where nadir is the angle pointing directly downward from the fixture. Figure V-A shows examples of unshielded fixtures which are prohibited and fully shielded fixtures that are acceptable. The fixtures shown in Figure V-A are merely shown to demonstrate options and are not regulatory in and of itself.
- (3) **Fixture Direction.** All light fixtures shall be pointed and directed downward to the ground, i.e. towards nadir.
- (4) **Fixture Mounting.** All light fixtures shall be mounted to a wall or pole with a fixed bracket that does not allow the fixture to be tilted or angled. Building or wall mounted light fixtures shall not project above the fascia or roof line of the building. Light fixtures mounted within or underneath a canopy area, including but not limited to, vehicle fueling station canopies and drive-through service canopies, shall be recessed into the canopy structure. All light fixture components, including but not limited to the lens covers, shall be flush with the bottom canopy surface and provide a fully shielded light distribution.
- (5) **Required Sensors and Controls.** All light fixtures shall be installed with photocells and an automated power control dimming module that will automatically adjust the light levels and turn on and off the light fixture based on ambient outdoor light conditions.
- (6) **Correlated Color Temperature Standards.** All light fixtures shall not exceed a color temperature of five-thousand (5,000) kelvins.

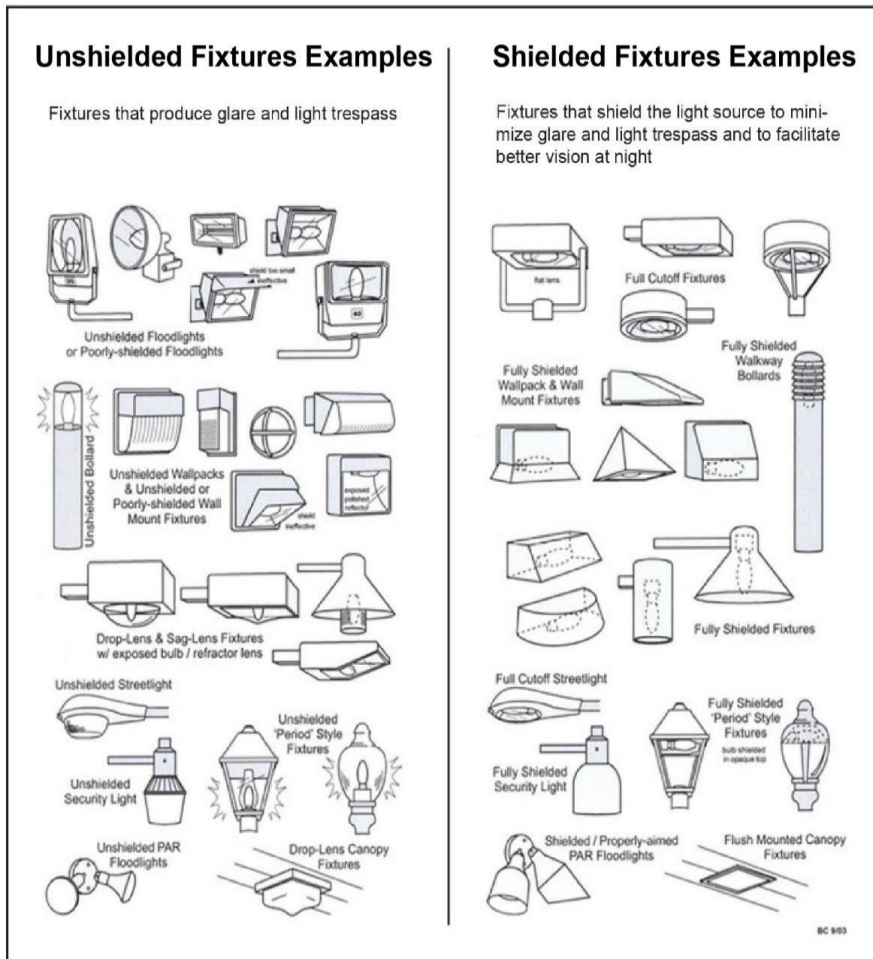


Figure 6-181.A - Examples of Light Fixtures

a.

- (f) **Lighting Design and Glare.** Exterior lighting sources shall be designed, constructed, located and maintained in a manner that does not cause off-site glare on neighboring properties or for vehicles traveling in adjacent streets. In general, the light source or light emitting element of any light fixture should not be directly visible from a neighboring property, as this is the primary cause of glare. Light fixtures shall be located to direct forward light away from adjacent dwellings and into the interior of a site. Light fixtures shall use backlight glare shields to further reduce high and very high backlight from fixtures.
- (g) **Prohibited Lighting.**
- (1) Flashing, pulsating, moving, chasing, or strobing lights, or any other lights that move or simulate movement, are prohibited.
  - (2) Rope lighting, tube lights and strips/ribbons of LED lighting are prohibited, including those located on the interior of a building but designed to be visible through a window.
  - (3) Searchlights and other similar high-intensity narrow beam fixtures are prohibited.
  - (4) Metal halide, mercury vapor and sodium vapor light sources are prohibited.

**(h) Exceptions.** It is recognized by the Village that there are certain uses or circumstances not otherwise addressed in this section, such as sports fields, street lighting, or lighting for monuments and flags, that may have special exterior lighting requirements. The Building Official, or the Planning Commission when site plan or special land use review by the Commission is required, may waive, or modify specific provisions of this section for a particular use or circumstance upon determining that all of the following conditions have been satisfied.

- (1) The waiver or modification is necessary because of safety or design factors unique to the use, circumstance, or site.
- (2) The minimum possible light intensity is used that would be adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation, and to minimizing light pollution, off-site glare and light trespass on to neighboring properties or street rights-of-way.
- (3) For lighting related to streets or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs or other passive means.
- (4) Additional conditions or limitations may be imposed by the review authority to protect the public health, safety or welfare, or to fulfill the purpose of this chapter.

# ARTICLE VI. USE STANDARDS

## Sec. 6-266. 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. 6-267 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. 6-268. 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. 6-269. 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 three (3) 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) The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast. Such list shall be available for inspection by the zoning administrator.
- (f) **Minimum Number of Bathrooms.** One bathroom for every three sleeping rooms shall be provided, with a minimum of two bathrooms.
- (g) **Parking.** One off-street parking space shall be provided in the side or rear yard area, for each bed and breakfast bedroom.
- (h) **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. 6-270. 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.** Group Child Care Homes and Child Care Centers shall provide and maintain for each child cared for a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than 1,200 square feet. Said play area shall be fenced and screened from any adjoining lot in any residential district. Said play areas shall not be located in any front yard or required side yard. A public park that meets the State requirements for being located within an acceptable distance from the child care facility may meet this requirement with approval provided from the state.
- (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. 6-271. 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. 6-272. 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.
- The business shall not have employees, other than members of the primary household of the dwelling where the business is taking place.
  - 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.
  - The business does not engage 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.
  - 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 that does not go beyond the typical activity of a single-family neighborhood.
  - On-site lessons, such as fine arts or athletics, to no more than 3 students at any given time, may be provided.
  - 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. 6-273 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.(??) 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. 6-274 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.

- (d) **Noise.** An event/banquet hall shall comply with all applicable general village ordinances including, but not limited to, the Village noise ordinance.

## Sec. 6-275 Kennels

- (a) **Veterinary Offices.** Veterinary offices that utilize crates, kennels or rooms for animals undergoing procedures that require overnight stays shall not be required to comply with the following standards provided all animals are housed inside a closed structure.
- (b) **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.
- (c) **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 8:00 p.m. and 8:00 a.m.
- (d) **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.
- (e) **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.
- (f) **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 100 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. 6-276 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 Zoning Administrator in compliance with Section X: Zoning Plan Reviews.

1. Once initial approval of the outdoor dining has been granted by the Zoning Administrator, 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. The Zoning Administrator may defer a decision on renewal of the outdoor dining approval to the Village Council, 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 Permit. Outdoor dining that extends into areas located within the public right-of-way shall require approval by the Village Council 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 additional insureds shall be considered to be excess and noncontributing with this insurance and shall include an endorsement providing for a 30-day advance written notice of cancellation or non-renewal to be sent to the Zoning Administrator.
  2. A permit 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. 6-277. 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. 6-278. 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 security fence shall not be located in any required yard (front, side, or rear setback area). The fence must be a minimum of six feet in height.
- (d) **Lot and Setback Requirements.**
  - (1) All setbacks for front, side and rear yards shall be a minimum of 50 feet.
  - (2) The minimum lot size shall be two acres.
  - (3) Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street and 75 feet from the nearest edge of any other driveway.
  - (4) 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) A buffer or greenbelt shall be installed in accordance with section 6-176 for the protection of adjoining residentially zoned land. The greenbelt shall be continuous and maintained in good condition. A buffer or greenbelt shall also be installed within the front required setback in accordance with section 6-176 having 80 percent opacity to screen the use from the general public. The greenbelt shall be continuous and maintained in good condition.
- (f) The hours of operation may be limited in the special use permit to protect nearby residential uses.
- (g) In no case shall a special use permit be required by the owner of any lot in any district for a propane tank of 1,000 gallons or less on that site that is used for heating or other fueling needs and does not involve commercial and/or retail sales and/or services from said tank. The placement of any tank, however, must be compliant with NFPA Table 8.4.1.2 Distances.
- (h) As a condition of any special use permit, any liquid propane, oils, and refined fuel storage, sales, and service shall be compliant with all state and federal regulations regarding same and the violation of those regulations may result in good cause for the village to terminate a special use permit issued under this section.
- (i) The proposed site must otherwise comply with the site plan review requirements of article III, section 6-45 of this zoning ordinance.

## Sec. 6-279. 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 shall be required to fully screen the storage material from the view with no opacity and 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. 6-280. 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. 6-281. 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. 6-282. 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 Section 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. 6-283. 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. 6-284. 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. 6-285. 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. 6-286. 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:

- (a) **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.
- (b) **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.
- (c) **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.
- (d) **Undercarriage.** Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis. eq
- (e) **Sewage disposal or water supply.** Each such dwelling unit shall be connected to public sewer and water.
- (f) **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, whichever shall be less.
- (g) **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.

- (h) **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.
- (i) **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.
- (j) **Building permit.** All construction required herein shall be commenced only after a building permit has been obtained.

- (k) 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)

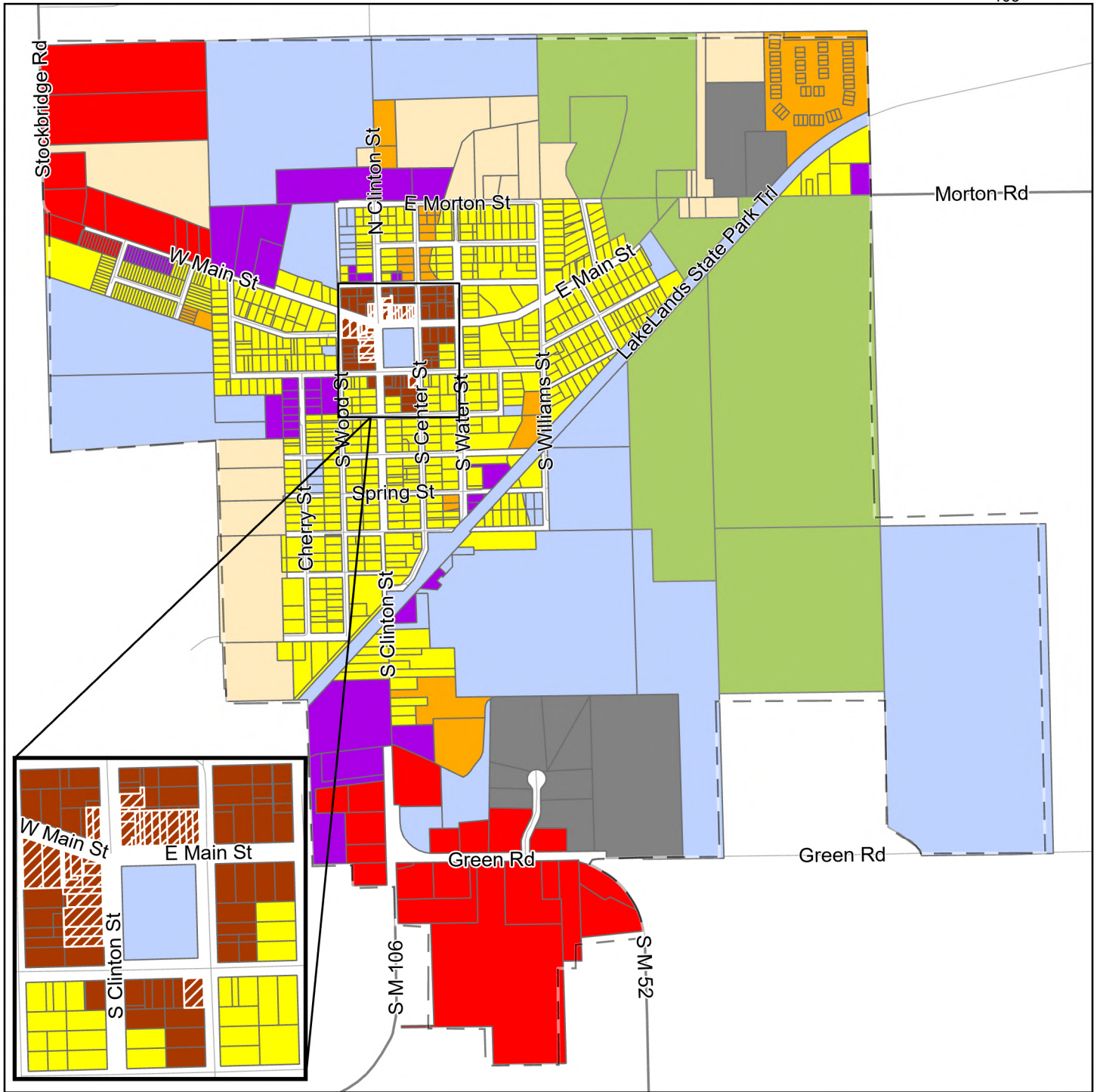
## **Sec. 6-142. Manufactured home park requirements.**

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)



# Draft Proposed Zoning Map

Village of Stockbridge, Ingham County, MI

March 3, 2025 - Draft

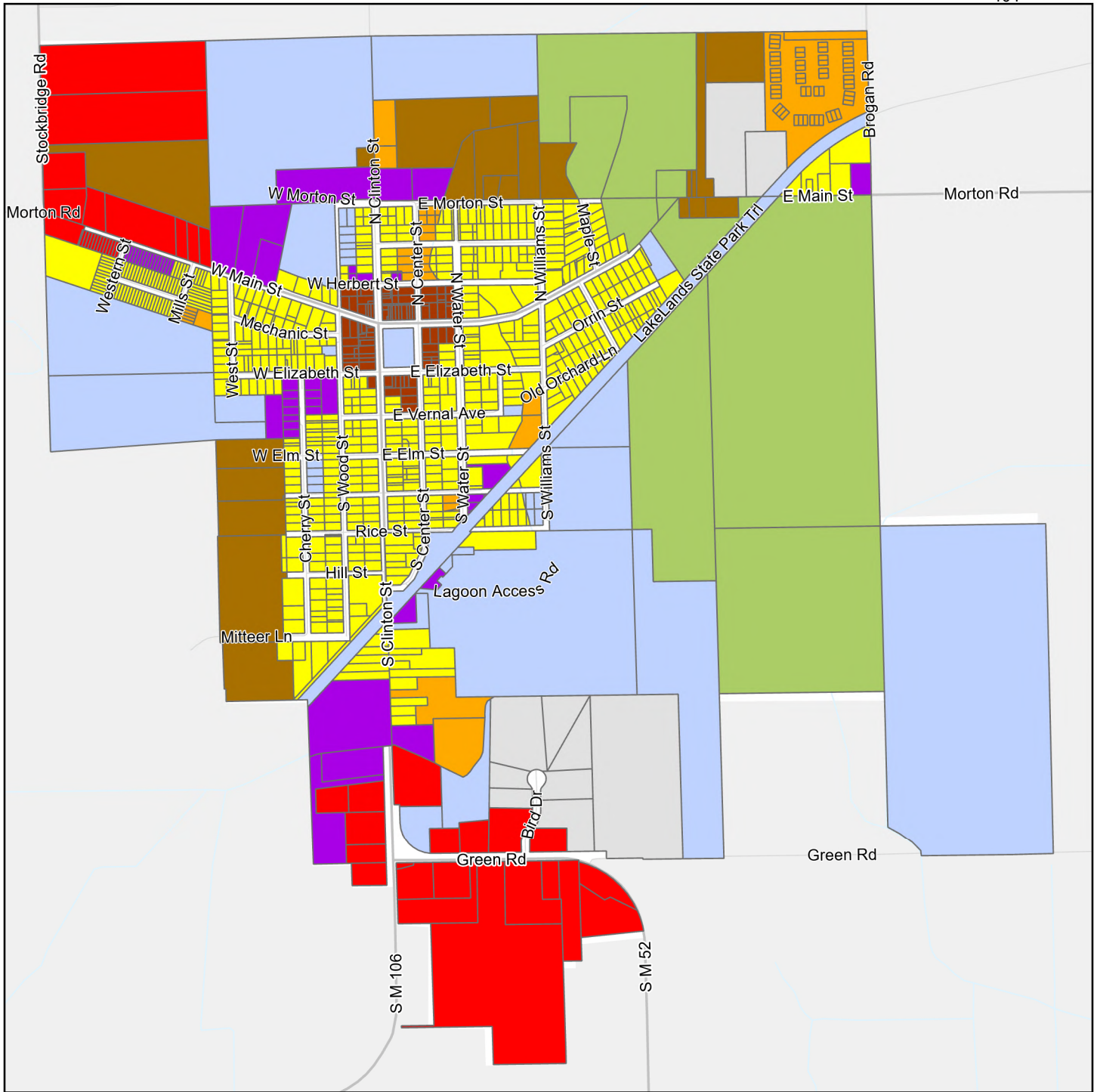
## LEGEND

- 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.














# Current Zoning Map

Village of Stockbridge, Ingham County, MI

## LEGEND

-  Public
-  Multi-Family Residential
-  Light Industrial
-  Single-Family Village Residential
-  Single-Family Suburban Residential
-  Open Space Conservation
-  General Commercial
-  Highway Commercial
-  Central Business District



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



## Village of Stockbridge New Zoning Ordinance

### **Reorganization Table: Existing Articles and Proposed New Article Structure**

| Current Articles   | Proposed Articles and new/moved Sections  |
|--|---|
| Article I. Title, purpose, rules applying to text, and definitions | <u>Article I: Title, Purpose, and Scope</u>   |
| Article II: Reserved   | <u>Article II: Definitions</u>  |
| Article III: Administration and Enforcement                        | <i>Moved to new Article IX and Create New:<br/><u>Article III: Districts and Uses</u><br/>Text establishing the districts including a Use by District table</i>   |
| Article IV: Zoning and District Regulations                        | <i>Moved to new Article III and Create New:<br/><u>Article IV: General Provisions</u><br/>Those development standards that apply throughout the Village</i>   |
| Article V: Land Division For Unplatted Property                    | <i>Moved to new Article IX and Create New:<br/><u>Article V: Development Standards</u><br/>Standards that apply to specific site improvements including</i> <ul style="list-style-type: none"> <li>• <i>Parking</i></li> <li>• <i>Landscaping</i></li> <li>• <i>Lighting</i></li> <li>• <i>Signage</i></li> </ul> |
| Article VI: Subdivision Control                                    | <i>Moved to new Article IX and Create New:<br/><u>Article VI: Use Standards</u><br/>Standards that have specific standards for how certain uses shall be developed</i>  |
| Article VII: General and Special Provisions                        | <i>Moved to new Article IV or VI and Create New:<br/><u>Article VII: Nonconformities</u></i>  |
| Article VIII: Environmental Protection and Design Provisions       | <i>Moved to new Article IV and Create New:<br/><u>Article VIII: Administration and Enforcement</u><br/>Specifies how the ordinance shall be administered including site plan process, special use review, public hearing requirements, ZBA authority, text amendments and rezoning of property</i>                |
| Article IX: PUD Planned Unit Development District                  | <i>Create New:<br/><u>Article IX: Land Development Standards and Alternatives</u><br/>Combines the standards for divisions of unplatted land, subdivision control standards and PUD option</i>  |
| Article X: Signs   | <i>Moved to new Article V</i>   |
| Article XI: Off-Street Parking and Loading                         | <i>Moved to new Article V</i>   |
| Article XII: Non-conforming Uses, Structures and Lots              | <i>Moved to new Article VII</i>   |
| Article XIII: Zoning Board of Appeals                              | <i>Moved to new Article VIII</i>  |
| Article XIV: Rezoning and Zoning Ordinance Text Amendments         | <i>Moved to new Article VIII</i>  |