

Chapter 6 - ZONING AND LAND USE

Footnotes:

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Editor's note— *Ord. No. 2018.10-1, adopted Oct. 1, 2018, amended Ch. 6 in its entirety to read as herein set out. Former Ch. 6, §§ 6-1—6-333, pertained to similar subject matter and derived from Ord. No. 05-06-01, § 1, 6-6-2005; Ord. No. 08-01-2, § 1, 1-7-2008; Ord. No. 08-11-01, § 1, 11-3-2008; Ord. No. 2012-002, 2-6-2012; Ord. No. 2012-004, 11-5-2012; Res. of 9-11-2014, § 1 (1.1—1.4); Ord. No. 2015.0202.001, §§ 1, 2, 2-2-2015.*

ARTICLE I. - TITLE, PURPOSE, RULES APPLYING TO TEXT, AND DEFINITIONS

Sec. 6-1. - Title.

This chapter shall be known and cited as the Village of Stockbridge zoning ordinance.

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

Sec. 6-2. - Purpose.

The purpose of this chapter is to promote, protect, regulate, restrict and provide for the use of land and buildings within the Village of Stockbridge; to meet the needs of the state's residents for places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

The village is divided into districts which include regulations designating land uses or activities that shall be permitted or subjected to special regulations.

It is also the purpose of this article to provide for the establishment of a board of appeals and its powers and duties; to provide for the administration and enforcement hereof and for penalties for its violation; and to provide for the repeal of any and all ordinances inconsistent herewith.

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

Sec. 6-3. - Rules applying to text.

For the purposes of this chapter, certain terms are defined to clarify the intent of the provisions of the ordinance. The following rules shall apply, except, when clearly indicated otherwise.

- (a) The particular shall control the general.
- (b) In case of any difference of meaning or implication between the text of this chapter and any caption, the text shall control.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Words used in the present tense shall include the future, words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- (e) The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- (f) Any word or term not defined herein shall be used with a meaning of common or standard utilization.

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

Sec. 6-4. - Savings clause.

Nothing contained in this article shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected upon the adoption of this article.

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

Sec. 6-5. - Definitions.

For the purpose of this chapter, certain words and terms are herewith defined.

Accessory buildings and structures - A supplementary building or structure on the same lot or parcel of land as the principal building, occupied by or devoted exclusively to an accessory use.

Accessory use - A use reasonably and customarily incidental and subordinate to, the principal use of the premises.

Adult book or supply store - An establishment having 20 percent or more of its stock in trade or its sales devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, digital files, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Adult cabaret - An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees, or any other form of nude or partially nude service or entertainment.

Adult foster care facility - A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701 et seq., as amended. The following additional definitions shall apply in the application of this chapter:

- (a) *Adult foster care small group home* - An owner-occupied facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- (b) *Adult foster care large group home* - A facility with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week, and for two or more consecutive weeks.
- (c) *Adult foster care family home* - A private residence with the approved capacity to receive six or fewer adults to be provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- (d) *Adult foster care congregate facility* - An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

Adult motion picture theater - An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

Adult motion picture theater, adult live stage performing theater - An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, description or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

Animal hospital - A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to shortterm boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan.

Artificial pool - A body of water in an artificial or semiartificial receptacle or other container, used or intended to be used for private, public, or semipublic landscaping or swimming by adults or children, and includes all structures, equipment, and appliances appurtenant to and intended for the operation and maintenance of the pool, and also all artificial pools operated and maintained in conjunction with or by motels, hotels, schools, clubs, fraternal organizations, societies, university groups, or community associations.

Assessor - That person, either employee or contractor, performing the assessing function for the Village of Stockbridge.

Automobile repair - General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rust proofing.

Automobile service station - A place that is used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including sale of accessories and services, such as: polishing, washing, cleaning, greasing, undercoating, and minor repairs, but not including bumping, painting, or refinishing thereof. In addition to automobile service, convenience stores and carry out restaurants may be included.

Automobile car washes - A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

Basement - That portion of a building having more than one-half of its height below finished grade. (See Figure 1)

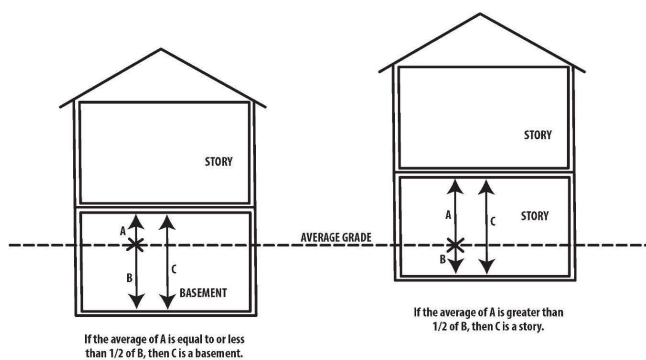


Figure 1—Definition of a Basement

The structure on the left has a basement. The one on the right does not.

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

Body-piercing - The perforation of human tissue other than an ear for a nonmedical purpose.

Body-piercing establishment - An establishment where the perforation of human tissue other than an ear for a nonmedical purpose is performed.

Brand or branding - The creation of a permanent mark made on human tissue by burning with a hot iron or other instrument.

Building - A structure having a roof supported by columns or walls.

Building, principal - A building in which is conducted the principal use of the premises on which it is situated. Building, Temporary - A nonpermanent structure which is permitted incidental to construction.

Building code - The currently adopted code or codes regulating building construction in the Village of Stockbridge.

Building height - The vertical distance measured from the finished grade level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, hip, and gambrel roofs. Where the building may be situated on sloping terrain, this height shall be measured from the average level of the finished grade at the building wall. (See Figure 2)

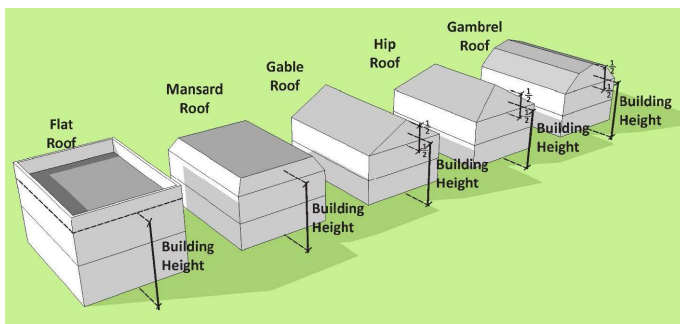


Figure 2 - Building Height

Buildings, with the indicated roof structures, in the context of defining building height.

Building setback line - The line established by the minimum required setbacks forming the area within a lot in which a building may be located.

Building official - The administrative official designated by the village council to enforce the building code. Clerk - The village clerk or his or her designated agent.

Clinic, human - A building where human patients are admitted for examination and treatment by a professional; such as, a physician, dentist, or the like, except that patients are not lodged therein overnight.

Clinic, veterinary - A building where domestic animals are admitted for examination, treatment and care by a licensed veterinarian, paraprofessional, or technician, and where such animals may be provided with overnight boarding for medical purposes.

Commercial use - The use of property for the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, and the maintenance or operation of offices.

Conditional rezoning - A rezoning that is based on conditions voluntarily offered by the property owner that impose added restrictions on the use and/or dimensional provisions of the proposed zoning district.

Conflicting nonresidential land use - Any nonresidential use, such as office, commercial, industrial, research, parking, etc., which abuts a residential land use.

Conflicting residential land use - Any residential land use developed at a higher density which abuts a residential land use developed at a lower density.

Convalescent or nursing home - A state-licensed facility for the care of children, of the aged or infirm, or a place of rest for those suffering bodily disorders. Said home shall conform and qualify for license under state.

Convenience grocery store - A retail business that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

Day care facilities - The following definitions shall apply in the application of this chapter:

- (a) *Family day care home* - A state-licensed, owner-occupied private residence in which one but not more than six minor children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.
- (b) *Group day care home* - A state-licensed, owner-occupied private residence in which seven but not more than 12 children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.
- (c) *Day care center* - A state-licensed facility, other than a private residence, receiving more than one or more children for care and supervision for periods less than 24 hours, and where the parents or guardians are not immediately available to the child.

District - A portion of the village within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

Division - The division, splitting, or separating of existing lots, parcels, or tracts of land to create a new lot, parcel or tract of land. In addition, division includes the combining or reconfiguration of existing lots, parcels to tracts of land to create a new lot, parcel or tract of land.

Dwelling - A building used exclusively as a residence. In no case shall a travel trailer, motor home, trailer coach, automobile chassis, tent or other portable building be considered a dwelling.

Dwelling, multiple-family - A building consisting of three or more dwellings.

Dwelling, single-family - A building designed for, or occupied exclusively by, one family.

Dwelling, two-family - A building consisting of two dwellings.

Easement - The right to use the property of another for purposes of ingress, egress, utilities, drainage and similar uses.

Erect - To build, construct, attach, hang, place, suspend or affix.

Essential services - Services that are erected, constructed, altered, or maintained by public utilities or municipal agencies of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, poles, and other similar equipment or accessories reasonably in connection therewith for the furnishing of adequate service by such public utilities or municipal agencies.

Extractive operation - The removal or excavation of rock, gravel, sand, topsoil or earth in excess of 50 cubic yards in any calendar year from any parcel.

Family - One or more persons living together as a single housekeeping unit and using common cooking facilities. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Fence - A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure.

Floor area - The sum of the gross horizontal areas of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

Garage - A structure which is accessory to a principal residential dwelling and which is used for the parking and storage of vehicles owned and operated by the residents thereof.

Grade - The degree of rise or descent of a sloping surface. (See Figures 3A and 3B).

Grade, finished - The final elevation of the ground surface after development.

Grade, natural - The elevation of the ground surface in its natural state before man-made alternations.

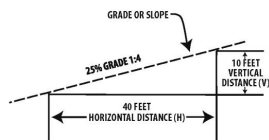


Figure 3A: The natural grade of the ground indicated by the dotted line as exemplified by a 1:4 slope.

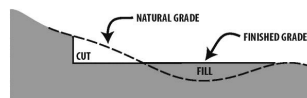


Figure 3B: A complex natural grade altered by human activity to a horizontal finished grade produced by a cut and fill.

Hard surface parking lots and driveways - Having asphalt or construction, except for the storage of recreation vehicles per [section 6-265](#) in which case only the hard surface may be ground asphalt millings or gravel.

Home occupation - An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Hospital - An institution providing health, medical or surgical care for the sick or injured (primarily as inpatients), including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hospital, veterinary - A place where animals are given medical care and their boarding is limited to short-term care incidental to the hospital use.

Incombustible material - Any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

Junk yard - A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials such as old iron or the metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, housing wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage or salvaged machinery and the processing of used, discarded, or salvaged materials, for any 30 consecutive days.

Kennel - A place or premises where three or more adult dogs, cats, or other domestic pets are maintained, boarded, bred, or cared for in return for remuneration.

Landscaping - The following definitions shall apply in the application of this chapter:

- (a) *Berm* - A landscaped mound of earth which blends with the surrounding terrain.
- (b) *Buffer* - A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
- (c) *Greenbelt* - A landscaped area, established at a depth of the minimum required front yard setback within a zoning district, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.
- (d) *Opacity* - The state of being impervious to sight.
- (e) *Plant material* - A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

Legal proof - The process of establishing the validity of a statement by legal opinion and/or affidavit.

Loading space - An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.

Lodging facility - Any establishment in which individual units are rented to transients for periods of less than 30 days for the purpose of sleeping accommodations. The term shall include hotels and motels but shall not include bed and breakfast operations, multiple-family dwellings or rooming houses.

Lot - A lot is a parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for use, coverage, lot area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) Any combination of complete and/or portions of lots of record;
- (d) A parcel of land described by metes and bounds.

(See Figure 4 for lot types)

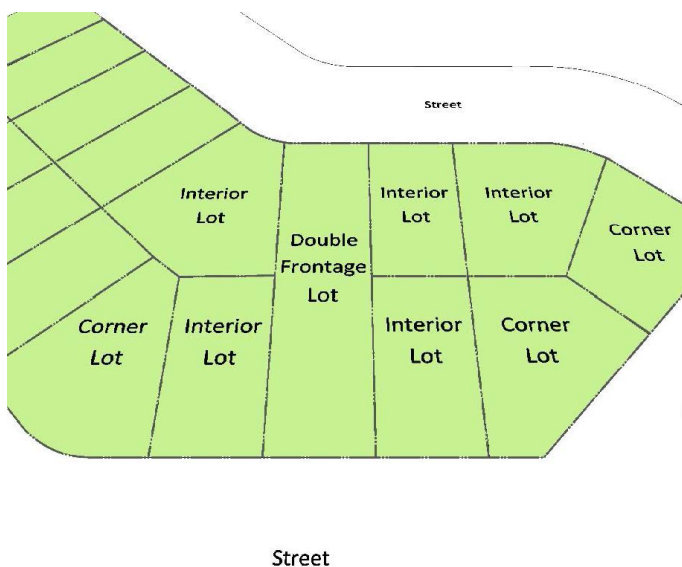


Figure 4: Various Types of Lots

Lot, area - The total area (typically calculated as square footage or acres) within the lot lines of a lot but excluding that portion within a street right-of-way. (See Figure 5)

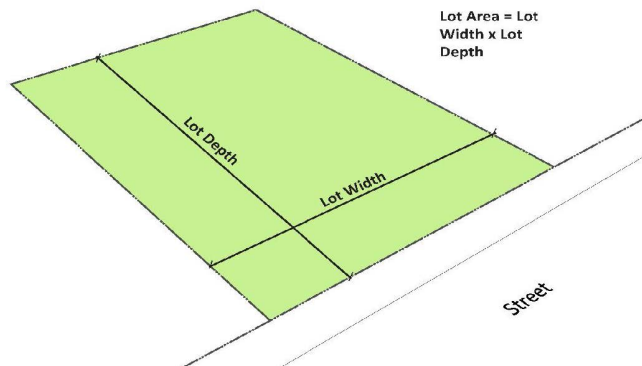


Figure 5 - Lot Area

The total horizontal surface of the lot typically determined by multiplying its width x length.

Lot, corner - A lot with frontage on two intersecting streets.

Lot, coverage - The percentage of the lot area covered by the building area.

Lot, depth - The mean horizontal distance from the front line to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the street frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear lot line.

Lot, double frontage - A lot other than a corner lot having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting both streets, the required front yard setback shall be observed on those streets where structures presently front.

Lot, interior - A lot other than a corner lot with only one lot line fronting on a street.

Lot, width - The required horizontal distance between the side lot lines measured at the two points where the required front yard setback line intersects the side lot lines.

Lot lines - Any line dividing one lot from another, or from a public right-of-way, and thus constitutes the property lines bounding a lot. (See Figure 6)

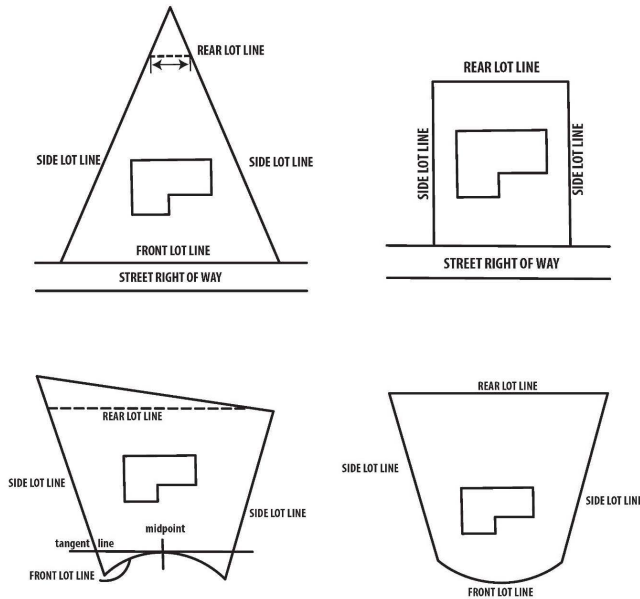


Figure 6

Lot lines as defined by different lot configurations, and used to determine the associated applicable setbacks

Lot of record - A lot of record is a lot, the dimensions of which are shown on a subdivision plat recorded in the Office of the Register of Deeds for Ingham County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or registered surveyor, so designated by the state, and said description so recorded or on file with the county.

Manufacturing - Land, buildings or structures used for manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale or other use of any goods, substance, article, thing or service.

Mezzanine - An intermediate floor in any story occupying but not to exceed more than one-third of the floor area of such story.

Manufactured housing - A detached portable single-family dwelling, prefabricated on its own chassis and intended for long-term occupancy. The unit contains sleeping accommodations, a flush toilet, a washbasin, a tub or shower, eating and living quarters. It is designed to be transported on its own wheels or flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and connected to existing utilities.

Manufactured housing park - Any parcel of land intended and designed to accommodate more than one mobile home for living use which is offered to the public for that purpose; and any structure, facility, area, or equipment used or intended for use incidental to that living use.

Microbrewery - A facility, equipment and premises for the brewing, production and sale of beers, including ales, meads and similar alcoholic beverages, operated by a micro-brewer licensed by the Michigan Liquor Control Commission to brew, produce and sell such alcoholic beverages in quantities not exceeding those permitted by the Michigan Liquor Control Code.

Nonconforming building - A building or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and which does not conform to the provisions of the chapter in the zoning district in which it is located.

Nonconforming use - A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Nuisance - An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristic of activity or use across a property line which can be perceived by or affect a person of reasonable sensibility.

Off-street parking area - A land surface or facility providing vehicular parking spaces along with adequate drives and aisles, with ingress and egress for than two automobiles.

Ordinary high-water mark - The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is distinguished from the upland as evidenced in the soil, the configuration of the surface of the soil and vegetation.

Parking space - One unit of a parking area provided for the parking of one vehicle, and shall be exclusive of driveways, aisles, or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

Park trees - Trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the village, or to which the public has free access as a park.

Planned unit development (PUD) - A form of development usually characterized by the flexible application of zoning district regulations and unified site design for a number of housing units, clustering buildings, providing common open space, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. It also refers to a process, mainly revolving around site-plan review, in which the village will have considerable involvement in determining the nature of the development.

Planning commission - The commission appointed by the village council under the provisions of Public Act 33 of 2008, the Michigan Planning Enabling Act.

Principal building or structure - The main building or structure in which the primary use is conducted.

Public utility - Any person, firm, corporation, or municipal agency authorized under federal, state, county or village regulations to furnish electricity, gas, communications, transportation, water, or sewer services.

Recreational vehicle - "Recreational vehicles" shall include the following:

- (a) *Boats and boat trailers* - Boats, floats, rafts, canoes, plus the normal equipment used to transport them on the highway.
- (b) *Folding tent trailer* - A canvas folding structure mounted on wheels and designed for travel and vacation use.
- (c) *Motor home* - A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- (d) *Other recreational equipment* - Includes snowmobiles, all-terrain or special-terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.
- (e) *Pickup camper* - A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- (f) *Travel trailer* - A portable vehicle on a chassis, not exceeding 36 feet in length or nine feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

Restaurant - Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below.

- (a) *Carry-out* - A restaurant whose method of operation involved sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- (b) *Fast-food* - A restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.
- (c) *Sit-down* - A restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- (d) *Bar/lounge/tavern* - A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Right-of-way - A legal right of passage over real property typically associated with roads and railroads.

Rooming house - A dwelling in which more than three persons either individually or as families are housed or lodged for hire without meals.

Screen - A structure providing enclosure, such as a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials such as trees and shrubs.

Setback - The minimum required horizontal distance between the building or structure and the front, side, and rear lot lines and natural features. (See Figure 7)

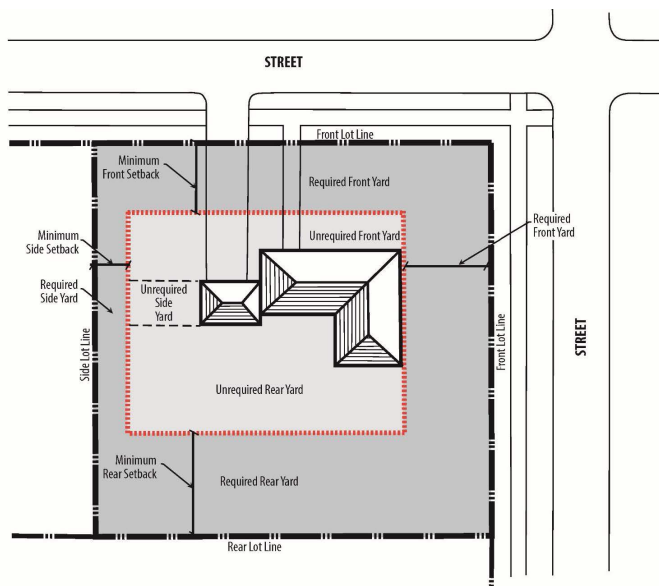


Figure 7 - Setbacks

Yard setbacks required to locate a building on a lot, as related to public streets

Shopping center - More than one commercial establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

Sign - Any announcement, declaration, display, illustration and insignia when designed and placed to attract general public attention. Such shall be deemed to be a single sign whenever the proximity, design, content or continuity reasonable [reasonably] suggest a single unit, notwithstanding any physical separation between parts. "Sign" shall include any banner, bulb or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not. The definition includes interior signs which are directed at persons outside the premises of the sign owners and exterior signs, but not signs primarily directed at persons within the premises of the sign owner. The definition does not include goods for sale displayed in a business window. The following additional definitions are provided: (See Figure 8)

- (a) *Billboard* - Any display sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located.
- (b) *Canopy sign* - Means a sign displayed and affixed flat on the surface of a canopy and does not extend vertically or horizontally beyond the limits off the canopy.
- (c) *Construction sign* - A ground or wall sign erected on a site designed on a building permit issued by the building inspector as the site for construction of a new building which advises the public on pertinent facts regarding the construction, management and leasing of the new building.
- (d) *Decorative sign* - A temporary display designated for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
- (e) *Freestanding sign* - A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary.
- (f) *Ground sign* - A sign erected on a freestanding frame, mast or pole and not attached to any building.
- (g) *Marquee sign* - A display attached to or hung from a marquee, canopy, or other structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.
- (h) *Portable sign* - A sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailer signs, tripod signs, ease signs, sandwich board signs, and inverted "T" signs.
- (i) *Portable temporary sign* - A single- or double-surface painted or poster-panel-type sign or some variation thereof, which is temporary in nature, easily movable, and not permanently attached to the ground or a building.
- (j) *Projecting sign* - A display sign which is affixed to any building or structure other than a marquee and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building wall.
- (k) *Public service information sign* - Any sign intended primarily to promote items of general interest to the community, such as time, temperature and date, atmospheric conditions, traffic control, etc.
- (l) *Roof sign* - A display sign which is erected, constructed and maintained above any portion of the roof or exterior wall of a building or structure or which is attached to any exterior wall at a height in excess of three feet above the horizontal plane of the roof abutting such wall.
- (m) *Sign structural trim* - The molding, battens, capping, nail strips, latticing and platforms which are attached to the sign structure.
- (n) *Sign surface* - That part of the sign upon, against or through which the message is displayed or illustrated. The "total surface area of a sign" is the same total of all exterior surfaces of the sign computed in square feet. In the case of a broken sign (a sign with open spaces between the letters) the total surface area shall be measured by

multiplying the height of the individual letters or combination of letters by the distance between the outer edges of the two furthestmost letters.

- (o) *Temporary sign* - A display sign, banner or other device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display, but not including decorative displays for holidays or public demonstrations.
- (p) *Wall sign* - Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. Any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.
- (q) *Window sign* - A sign installed inside a window and intended to be viewed from the outside.

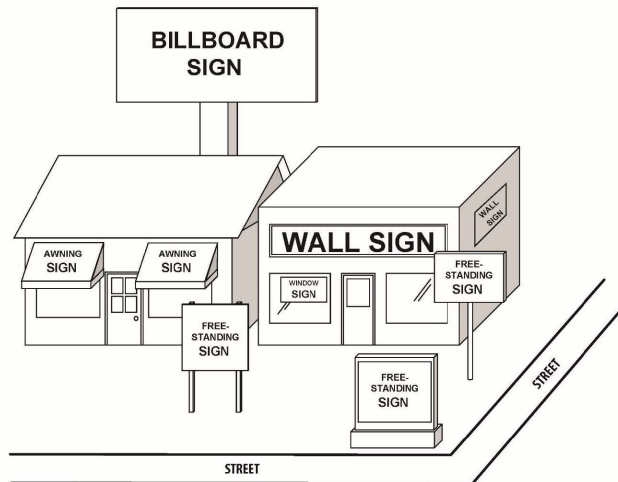


Figure 8 - Sign Types

Types of signs as defined and regulated in this chapter

Site condominium - A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- (a) *Condominium Act* - Act 59, Public Acts of 1978, as amended.
- (b) *Condominium documents* - The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- (c) *Condominium lot* - The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.
- (d) *Condominium unit* - The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- (e) *General common elements* - The common elements other than the limited common elements.
- (f) *Limited common elements* - A portion of the common elements reserved in the master deed for the exclusive use of less than of all the co-owners.

(g) *Master deed* - The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all information required by section 8 of the Condominium Act.

Site plan - A plan of a proposed project that shows all relevant features necessary to determine if it meets the requirements of this chapter.

Special use - A use which is subject to special approval by the village council. A special use may be granted only when there is a specific provision in this chapter. A special use is not considered to be a nonconforming use.

Specified anatomical areas - Includes any one or more of the following:

- (a) Less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- (b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities - Includes any one or more of the following:

- (a) The fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (b) Human sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, and sodomy;
- (c) Human masturbation, actual or simulated;
- (d) Human excretory functions as part of, or as related to, any one of the activities described above; and
- (e) Physical violence, bondage, mutilation, or rape, actual or simulated, as part of, or as related to, any of the activities described above.

Street trees - Trees, shrubs, bushes, and all other vegetation within the streets right-of-way, being land lying between property lines on either side of all streets, avenues or ways within the village improved and unimproved.

Story - That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

Story, one-half - A story under the gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story and the floor area shall not exceed two-thirds of the area of the floor below.

Street - A public or private thoroughfare which affords the principal means of access to abutting property.

Street line - The dividing line between the street right-of-way and the lot. When such right-of-way is not definable, a line shall be defined as 33 feet on either side of the center of the street.

Structure - Anything constructed or erected above ground level or which is attached to something located on the ground. Structures typically include such things as buildings, amateur radio towers, sheds, and decks.

Tattoo parlor - An establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.

Tattoo, tattooed, tattooing - A method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aid of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding.

Treasurer - That person, either employee or contractor, performing the treasurer function for the Village of Stockbridge.

Variance - A modification to the literal provisions of this chapter which the zoning board of appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty owing to circumstances unique to the individual property on which the variance is sought.

Warehouse - A building primarily used to store goods, materials and commodities including associated driveways and vehicle circulation and parking areas. A warehouse may include goods, materials and commodities stored on a wholesale basis before being distributed for retail sale and also a self-storage warehouse where customers deliver and store goods and remove them when storage is terminated.

Wireless communication facilities - Shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham amateur radio facilities; satellite dishes; and, governmental facilities which may be subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this chapter, the following additional terms are defined:

- (a) *Attached wireless communications facilities* - Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- (b) *Wireless communication support structures* - Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- (c) *Collocation* - The location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

Yard, front - A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the principal building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. In all cases, the front lot line is that portion of the lot which abuts a public road right-of-way or private road easement.

Yard, rear - A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building (see Figure 5).

Yard, side - A yard between any building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the principal building.

Zoning administrator - The person retained by the Village of Stockbridge to administer and enforce this zoning ordinance.

Zoning board of appeals - The zoning board of appeals appointed by the village council under the provisions of Public Act 110 of 2006, the Michigan Zoning Enabling Act.

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

ARTICLE II. - RESERVED

Secs. 6-21—6-41. - Reserved.

ARTICLE III. - ADMINISTRATION AND ENFORCEMENT

Sec. 6-42. - Zoning administration.

The zoning administrator, or such deputies, shall be appointed by the village council and designated to administer and enforce the provisions of this article.

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

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.

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

Sec. 6-44. - Special land use procedures.

- (a) Applications for special land use permits authorized in this chapter shall be submitted to the zoning administrator on a form provided by the village. In addition to a complete application form, the applicant is required to submit a preliminary site plan prepared in accordance with section 6-45, site plan review.
- (b) 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. 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.
- (c) Pursuant to the Michigan Planning Enabling Act of 2006, as amended, one notice that a request for special land use approval has been received, shall be published in at least one newspaper of general circulation within the village and 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. The notice shall be given not less than 15 days before the date the application will be considered.

- (d) The notice shall:
- (1) Describe the nature of the special land use request;
 - (2) Indicate the property which is the subject of the special land use request;
 - (3) State when and where the special land use request will be considered;
 - (4) Indicate when and where written comments will be received concerning the request;
 - (5) Indicate 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.
- (e) 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.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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.

- (j) No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions to be sufficient to justify reconsideration by the planning commission.

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

Sec. 6-45. - Site plan review procedures.

- (a) Prior to the issuance of building permits or commencement of construction for new structures and for additions that expand floor area, site plan review and approval is required in accordance with the following procedures.
- (1) Site plan review is required for all proposed uses and certain existing uses within the village where an alteration, addition, expansion, change or conversion constitutes an increase or reduction to the existing structure or use of more than 500 square feet or ten percent, whichever is less; or would require a variance from the provisions of this chapter, regardless of its size. Site plan review shall also be required prior to the paving of any off-street parking for any use for which off-street parking is required by this chapter.
 - (2) Site plan review shall not be required for individual single-family dwellings, or residential accessory storage buildings.
 - (3) The village shall not issue a building or an occupancy permit for such use until a final site plan has been approved and is in effect.
 - (4) No grading, removal of trees or other vegetation, landfilling or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and is in effect, except as otherwise provided in this article.
 - (5) Site plan review shall not be required for interior, accessory, and subordinate buildings that require no new or additional means of access thereto from adjoining public roads or highways and complying with all zoning ordinance requirements.
- (b) *Site plan approval.*
- (1) *Application.* Any applicant shall submit a request for site plan approval by filing with the zoning administrator completed forms, payment of the review fee, and 13 copies of the site plan drawing(s). The administrator, upon receipt of the application, shall transmit only complete submittals of the preliminary site plan drawings to the planning commission prior to its next regular meeting
 - (2) *Information required.* A site plan submitted for review and approval shall contain the following information:
 - a. Proprietors, applicants, and owner's names addresses and telephone numbers.
 - b. Date of preparation, including revisions
 - c. The sheet size shall be at least 24 inches x 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.
 - d. North arrow.
 - e. Location map drawn to a scale of one inch = 2,000 feet with north arrow indicated.
 - f. Architect, engineer, surveyor, landscape architect, or planner's seal.
 - g. Existing and proposed lot lines, building lines, structures, parking areas, etc., on the parcel and within 100 feet of the parcel.
 - h. Center line, and existing and proposed right-of-way lines of any street.
 - i. Zoning classification of the parcel and all abutting parcels.

- j. Gross acreage figure.
 - k. Acceleration, deceleration, passing lanes, and approaches.
 - l. Locations of existing and proposed service facilities above and below ground, including chemical and fuel storage tanks and containers, water supply facilities, sanitary sewage disposal facilities, stormwater facilities, and easements.
 - m. Location of all structures with setback and yard dimensions.
 - n. Dimensioned parking spaces, drives, and method of surfacing.
 - o. Parking calculations.
 - p. Exterior lighting locations and illumination patterns.
 - q. Location and description of all existing and proposed landscaping, berms, fencing, and walls.
 - r. Trash receptacle pad location and method of screening.
 - s. Transformer pad location and method of screening.
 - t. Dedicated road or service drive locations.
 - u. Entrance details, including sign locations and size.
 - v. Designation of fire lanes.
 - w. Existing topography with a maximum contour interval of two feet, including topography on the site and within 100 feet of the site in all directions.
 - x. A grading plan, showing finished contours at a maximum interval of two feet, correlated with existing contours to clearly indicate required cutting, filling, and grading.
 - y. Location of existing wetlands, and natural resource features, including woodlands and areas with slopes greater than ten percent (one foot of vertical elevation of every ten feet of horizontal distance).
 - z. For residential developments:
 - 1. Density calculations by type of unit by bedroom counts;
 - 2. Designation of units by type and number of units in each building;
 - 3. Carport locations and details where proposed;
 - 4. Specific amount, and location of recreation space.
 - aa. For commercial and industrial developments:
 - 1. Loading/unloading areas;
 - 2. Gross and useable floor areas;
 - 3. Number of employees in peak usage.
- (c) *Standards for review.* In reviewing the site plan, the planning commission shall determine whether the plan meets the following specifications and standards:
- (1) The plan conforms to all zoning ordinance regulations;
 - (2) All required information is provided;
 - (3) The proposed use will not be injurious to the surrounding neighborhood and protects the general health, safety, welfare and character of the village.
 - (4) 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.

- (5) 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.
 - (6) 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.
 - (7) 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.
 - (8) 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.
 - (9) 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.
 - (10) Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.
 - (11) The proposed use complies with all village ordinances and any other applicable laws.
- (d) *Planning commission action.* The planning commission shall approve with conditions or deny the site plan within 60 days of the date of the planning commission meeting at which the site plan is first heard. 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 before a site plan may be approved by the planning commission.
- (1) *Effect of approval.* 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.
 - (2) *Expiration of approval.* Approval of a site plan shall expire and be of no effect one year following the date of approval unless construction has begun on the property in conformance with the approved site plan. Approval shall also expire and be of no effect unless a building permit shall have been taken out within 180 days of the date of approval of the site plan.
- (e) *Amendment of approved site plan.* The zoning administrator shall have the authority to determine if a proposed change requires an amendment to an approved final site plan. A site plan may be amended upon application and in accordance with the procedure herein for a final site plan. The zoning administrator may approve minor changes in an approved final site plan, provided that a revised final site plan drawing(s) be submitted showing such minor changes, for purposes of record.
- (f) *Modification of plan during construction.* All improvements shall conform to the final site plan. It shall be the responsibility of the applicant to notify the zoning administrator of any such changes prior to such change being made. Any changes which result in a material alteration of the site plan approved by the planning commission shall require resubmittal to the planning commission. The planning commission, or zoning administrator may require the applicant to correct the changes to conform to the approved site plan.
- (g) *Phasing of development.* The applicant may, at his 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.

- (h) *Inspection.* The building inspector shall be responsible for inspecting all improvements for conformance with the approved 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 inspections.

The 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.

- (i) *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.

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

Sec. 6-46. - 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.*
 - a. The applicant shall submit a site plan pursuant to the standards and procedures set forth in section 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.

- b. The applicant shall also submit engineering plans in sufficient detail for the village, to determine compliance with laws, ordinances and design standards for construction of the project. The village shall submit engineering plans to an engineer for review.
- c. 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.
- d. 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.
- e. If the site plan, condominium documents and/or engineering plans fail to conform, approval shall be denied by the planning commission.
- f. 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 6-48 for the completion of improvements associated with the proposed use.

(d) *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.

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.

- (4) 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.
- (5) All improvements in a site condominium shall comply with the design specifications as adopted by the village council and any amendments thereto.

(e) *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."
- (f) *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.
- (g) *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.
- (h) *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.
- (i) *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.

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

Sec. 6-47. - 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. - 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. 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.

If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the village to insure 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. - 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. - 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.

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

Secs. 6-51—6-66. - Reserved.

ARTICLE IV. - ZONING DISTRICT REGULATIONS

Sec. 6-67. - District designations.

The Village of Stockbridge is hereby divided into the following zoning districts:

- R-1 Single-Family Village
- R-2 Single-Family Suburban
- R-3 Multi-Family
- CBD Central Business District
- C-2 General Commercial
- C-3 Highway Commercial
- M-1 Light Industrial
- OSC Open Space Conservation
- PUB Public Land
- PUD Planned Unit Development

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

Sec. 6-68. - Zoning district map.

- (a) *Identified.* The zoning districts as provided in section 6-67 are bounded and defined as shown on the map entitled "Zoning District Map of the Village of Stockbridge." The zoning district map, along with all notations, references, and other explanatory information, shall accompany and be made a part of this chapter.
- (b) *Authority.* Regardless of the existence of purported copies of the zoning district map which may be published, a true and current copy of the zoning district map available for public inspection shall be located in and maintained by the office of the village clerk. The clerk's copy shall be the final authority as to the current status of any land, parcel, lot, district, use, building, or structure in the village.
- (c) *Interpretation of district boundaries.* Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning district map, the following rules shall apply:
- (1) A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following such centerline.
 - (2) A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
 - (3) A boundary indicated as approximately following a municipal boundary line shall be construed as following such line.
 - (4) A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.
 - (5) A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
 - (6) The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.
 - (7) A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.
 - (8) Where an existing physical feature is at variance with that shown on the official zoning map or any other circumstances not covered by subsections one through seven preceding, the zoning board of appeals shall interpret the location of the zoning district boundary.

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

Sec. 6-69. - Required conformity of district regulations.

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district.

No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by appeal as herein described by this chapter. Wherever the requirements of this article are at variance with the requirements of any other adopted regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern. Except as hereinafter provided, district regulations shall be applied in the following manner.

- (a) *Uses in districts.*

- (1) *Permitted uses.* Permitted uses shall be permitted by right only if specifically listed as principal permitted uses in a zoning district or are similar to such listed uses.
 - (2) *Accessory uses and buildings.* Accessory uses are permitted only if such uses are clearly incidental to the permitted principal uses.
 - (3) *Special uses.* Special uses are permitted as listed or if similar to the listed special uses.
- (b) *Application of area and width regulations.*
- (1) The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
 - (2) Every parcel of land shall meet the minimum lot width requirements set forth in section 6-71, schedule of regulations, and shall have frontage on and direct access to a public street which has been accepted for maintenance by the village.
 - (3) Access to a single-family dwelling shall be limited to one individual driveway.
- (c) *Application of yard regulations.*
- (1) No part of a yard required for any building for the purposes of compliance with this article shall be included as a part of a yard or other open space similarly required for another building.
 - (2) All front yard setback lines shall be the minimum perpendicular distance measured from the right-of-way of the road upon which a lot or parcel fronts to the nearest point of the principal structure.
 - (3) All side and rear yard setback lines shall be the minimum perpendicular distance between the nearest point on the side or rear of the structure and the side or rear lot line parallel thereto.
 - (4) On corner lots, the required front yards shall be provided along both street frontages.
 - (5) No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way except for those improvements authorized by the village.
- (d) *Application of height regulations.*
- (1) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, as set forth in section 6-71, schedule of regulations.
 - (2) Exception to height regulations. Roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, and screens, flagpoles, chimneys, smokestacks, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure shall exceed by more than 15 feet the height limit of the district in which it is located.
 - (3) Communications towers shall be subject to the regulations set forth in section 6-158.
- (e) *Location and number of buildings on lot of record.*
- (1) Every building erected, altered, or moved shall be located on a lot of record as defined herein.
 - (2) There shall be only one single-family dwelling permitted per lot. Where there is more than one single-family dwelling located on a lot of record at the time of adoption of the ordinance from which this article was derived, said dwelling shall not be divided from the lot except in conformity with the requirements of this article.

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

(a) *R-1, single-family residential district.*

- (1) *Intent.* This district is intended to reasonably regulate the number of persons who can live in a residential dwelling unit. The village finds this necessary to provide density control; preserve and maintain the well-established character, scale and density of the single-family neighborhoods as stable and quiet places for citizens to live and raise families; protect safety and welfare; and maintain property values. Such limits are needed to insure adequate public and private facilities including off-street parking, utilities, and adequate lot size to accommodate residents without impairing the character of the neighborhood.
- (2) Located primarily within the village center, these older neighborhoods consist of detached single-family homes, often including historic structures. The recommended density in these areas should not exceed five dwelling units per acre. Development on vacant lots within this residential classification should only occur if the character, scale and development pattern of the new development is consistent and compatible with the older, existing structures and development patterns of these residential neighborhoods. The land use category is located in areas where the public services and infrastructure are adequate to accommodate the planned density. The natural features within this designation are somewhat limited; however, natural features such as existing trees and any relationship with wetlands or Portage Creek must be considered in new development or redevelopment of these areas.
- (3) *Permitted uses.*
 - a. A single-family dwelling and any use, building or structure accessory thereto.
 - b. Public parks and playgrounds.
 - c. Adult and child residential care facilities.
 - d. Cemeteries which lawfully occupy land at the adoption of this chapter.
- (4) *Special uses.*
 - a. Cluster housing subject to the provisions of section 6-137.
 - b. Golf courses, but not including driving ranges.
 - c. Country clubs, public swimming pools and recreation clubs, private parks and playgrounds.
 - d. Churches and other institutions for religious worship.
 - e. Public and private nursery schools and kindergartens.
 - f. Group day care homes and day care centers subject to the provisions of section 6-143.
 - g. Adult foster care facilities subject to the provisions of section 6-144.
 - h. Public and private elementary, middle, and high schools.
 - i. Bed and breakfast establishments subject to the provisions of section 6-156.
 - j. Public buildings.

(b) *R-2, single-family suburban.*

- (1) *Intent.* This district is intended to reasonably regulate the number of persons who can live in a residential dwelling unit. The village finds this necessary to provide density control; preserve and maintain the well-established character, scale and density of the single-family neighborhoods as stable and quiet places for citizens to live and raise families; protect safety and welfare; and maintain property values. Such limits are needed to insure adequate public and private facilities including off-street parking, utilities, and adequate lot size to accommodate residents without impairing the character of the neighborhood.
- (2) The primary purpose is to maintain and create a larger lot residential development pattern outside of the village

center and to provide direction for the development of vacant lands in a transitional manner that is still compatible with the village center. The designation is contained within three peripheral locations in the village. The recommended density in this area is three to four dwelling units per acre. The land use category is in areas where the public services and infrastructure are adequate to accommodate the anticipated density. The natural features outside of the village center vary. Natural features within these areas must be considered and preserved where possible including: wetlands, woodlands, slopes, flood plains, etc.

(3) *Permitted uses.*

- a. A single-family dwelling and any use, building or structure accessory thereto.
- b. Public parks and playgrounds.
- c. Adult and child residential care facilities.
- d. Cemeteries which lawfully occupy land at the adoption of this chapter.

(4) *Special uses.*

- a. Cluster housing subject to the provisions of section 6-137.
- b. Golf courses, but not including driving ranges.
- c. Country clubs, public swimming pools and recreation clubs, private parks and playgrounds.
- d. Churches and other institutions for religious worship.
- e. Public and private nursery schools and kindergartens.
- f. Group day care homes and day care centers subject to the provisions of section 6-143.
- g. Adult foster care facilities subject to the provisions of section 6-144.
- h. Public and private elementary, middle, and high schools.
- i. Bed and breakfast establishments subject to the provisions of section 6-156.
- j. Public buildings.

(c) *Multi-family (R-3).*

- (1) *Intent.* This district is intended to permit dwelling units to be arranged either side by side or one above the other in a low-density, multiple family fashion. Such developments are intended to provide sufficient open land area to make them compatible with surrounding land uses and to provide for their residents an environment that is more than merely physically safe and healthy.
- (2) The designation encompasses an area in the northeast corner of the village, off Brogan Road and areas off South Williams Street and South Clinton Street (M-52 and M-106). The anticipated density should not exceed approximately 15 dwelling units per acre. The intent of this land use category necessitates the availability of the public services and infrastructures, but much like the single-family residential village center designation, multiple-family residential is planned in areas where there would be minimal or no impact on any natural features that may be present.

(3) *Permitted uses.*

- a. All permitted uses allowed in the R-1 and R-2 districts.
- b. Two-family dwellings and any use, building or structure accessory thereto.
- c. Multiple-family dwellings and any use, building, or structure accessory thereto.

(4) *Special uses.*

- a. All special uses allowed in the R-1 and R-2 districts.
- b. Medical and dental clinics, when associated with a hospital or nursing home.

- c. Funeral establishments.
- d. Hospitals, nursing homes, and sanitariums.
- e. Manufactured or mobile home parks subject to the provisions set forth in section 6-142.

(d) *CBD, central business district.*

- (1) *Intent.* This district is intended to support the downtown as the village's traditional center. The downtown serves the region, and local residents, as a place to live, work, and take advantage of civic, cultural, educational, shopping, and entertainment opportunities. The downtown districts are intended to allow a mixture of land uses, dense urban development, pedestrian orientation, and unique residential opportunities. Development in these districts is designed to be accessible by a variety of modes of transportation.
- (2) The intensity of the development within the district tends to be higher than the rest of the village due to the smaller lot sizes. Parking cannot be accommodated on most sites, and the buildings cover most of the parcel. Uses customarily found in the central business district include municipal services, restaurants, banks (no drive through), personal services, comparison retail, offices, public spaces, single-family residences, and multiple family residences (second story).
- (3) The continued maintenance of the historical structures and encouraging new structures to maintain historical characteristics and character of the downtown are also essential within this area. This designation is centered on the Main Street, with Herbert Street on the north and Elizabeth Street on the south. The intent of this land use category necessitates the availability of the public services and infrastructure. While not integral to the designation, the proximity to Township Hall and other historical structures adds to the viability and sense of place of this area. Limited natural features exist within this area due to the increased density and intensity of the planned uses.
- (4) *Permitted uses.*
 - a. Office building for the use of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, or sales.
 - b. Medical or dental office, including clinics or medical laboratories.
 - c. Banks, credit unions, savings and loan associates (without drive through).
 - d. Publicly owned buildings, public utilities transformer stations and substations, telephone exchanges, and public utility offices.
 - e. Photographic studios.
 - f. Retail office supply, computer and business machine sales.
 - g. Business service establishments including printing and photocopying services, mail and packaging services, and typing and secretarial services.
 - h. Florist shops.
 - i. Personal service establishments such as barber or beauty shops, watch, clothing or shoe repair, locksmith, and similar establishments.
 - j. Outdoor display of products or materials for retail sale or rental when accessory to a principle permitted use subject to the requirements of section 6-154.
 - k. Food services including grocery, meat market, bakery, restaurant, delicatessen or fruit market, or similar self-service units.
 - l. Retail sales of prescription drug or health care products, hardware gifts, dry goods, notions, sporting goods, clothing, furniture, and appliances.

- (5) *Special uses.*
- a. Private service clubs, social organizations, or lodge halls.
 - b. Funeral homes.
 - c. Second floor multiple-family housing or apartment dwellings.
 - d. Drive through facilities.
 - e. Veterinary offices and hospitals including accessory boarding without outdoor exercise or pens.
 - f. Bed and breakfast established subject to the provisions of section 6-156.
- (e) *C-2, general commercial district.*
- (1) *Intent.* The intent of this district is to provide for certain types of commercial activities which have common characteristics. In this district, the customer usually comes directly to the establishment by automobile, making a separate stop for each errand. Comparison shopping activity is less than in the central business district. Since there is little essential interdependence of activities, establishments can be dispersed over an area with each establishment having its own automobile parking. Good automobile accessibility is essential to these districts. The uses permitted, because of their lack of intense pedestrian activity and their required contact with auto access would be incompatible in the central business district.
 - (2) The general commercial district is designed to accommodate commercial establishments that serve community-wide shopping and service needs, including motorists using US 23, M-52 and M-106. This district is intended to create cohesive commercial areas that take advantage of access provided by the cities roadway system but also provide convenient vehicular access between businesses in attractive settings, hereby ensuring motorists safety and discouraging the undesirable commercial development.
 - (3) *Permitted uses.*
 - a. All central business district (CBD) permitted uses.
 - (4) *Special uses.*
 - a. All central business district (CBD) special uses.
 - b. Indoor archery ranges, as provided for in section 6-161 of the zoning ordinance.
 - c. Self-storage facilities as provided for in section 6-150 of the zoning ordinance.
- (f) *C-3, highway commercial district.*
- (1) *Intent.* This district is intended to provide for those uses whose external effects are restricted to the site and do not adversely impact surrounding districts. The highway commercial district incorporates those commercial uses such as officer, research, business and retail uses that serve a larger market than the general commercial district, which includes the village and surrounding townships.
 - (2) This land use category is generally found on the south side of the village along Green Road, M-52 and M-106. Areas planned for highway commercial designation require good accessibility and visibility along arterial roadways. The presence of natural features has little effect on their existence.
 - (3) *Permitted uses.*
 - a. All permitted and special uses allowed in the C-2 district, excluding residential dwellings.
 - b. Radio, television, and electrical appliance repair, and shops of plumbers, electricians and other similar services and trades.
 - c. Restaurants with no drive-through.
 - d. Laundromats and dry-cleaning establishments.

- e. Planned shopping centers.
- f. Accessory uses, buildings, or structures.

(4) *Special uses.*

- a. Bar/lounge serving alcoholic beverages and/or providing entertainment.
- b. Any use or business with drive-through facilities.
- c. Hotels, motels or other lodging facilities.
- d. Outdoor sales of manufactured products subject to the requirements set forth in section 6-151.
- e. Sale of new and used automobiles, boats, mobile homes, farm machinery, and other vehicles provided outdoor sales comply with the requirements set forth in section 6-151.
- f. Automobile service stations and washes subject to the requirements set forth in section 6-153.
- g. Recreation and amusement services, including theatres, bowling alleys, roller and ice skating rinks, billiard halls and miniature golf.
- h. Farm supply and feed stores.
- i. Research, educational and design centers where said centers are intended for the development of pilot, prototype, and/or experimental products, using machine tooling (CNC), repairs, and product design, engineering, reverse engineering, and consulting to develop the pilot, prototype, or experimental products. Once developed, it is the intent of this use that the actual manufacturing of the pilot, prototype, or experimental product for wholesale and/or retail sales would not be done at this site. Said use shall include office buildings or suites for such centers where said offices are designed to accommodate executive, administrative, educational programs for youth training, professional, accounting, engineering, architectural, and support personnel. Said use shall comply with the requirements set forth in section 6-160.

(g) *M-1, light industrial district.*

- (1) *Intent.* This district is intended to accommodate industrial, storage, and other uses that generate a minimum of noise, glare, odors, dust, vibration, air and water pollution, fire and safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation or any other nuisance characteristics. It is the purpose of these regulations to permit development of the enumerated functions to protect surrounding areas from incompatible industrial activities, to restrict the intrusion of nonrelated uses such as residential, agricultural, business and commercial, and to encourage the discouraged uses presently existing in the district which is nonconforming by the type of use. To these ends, certain uses are excluded which would function more effectively in other districts and which would interfere with the operation of the uses permitted in this district.
- (2) All uses located within this district shall be so designed, constructed and operated that there is no production of sound discernible at the lot lines more than the average intensity of street and traffic noise at the lines, or any production of heat or glare discernible at the same point.
- (3) This designation is intended to allow the continued operation of the current industrial uses or their transition to other light industrial uses. The areas are located in the northeast corner of the village along M-106 and south of Stockbridge High School. Direct access to these areas is provided via M-106 and East Morton Street. Municipal sewer and water is available, and there are no natural features within proximity.

(4) *Permitted uses.*

- a. Research oriented and light industrial park uses.
- b. Printing, lithographic, blueprinting, commercial laundries, dry cleaning establishments, wholesale business, ice and cold storage plants, lumber, fuel and feed supply yards, and other similar uses.

- c. Light manufacturing, research, assembly, testing and repair of components, devices, equipment and systems of scientific and controlling instruments, photographic and optical goods, including the following:
 1. Communication, transmission and reception equipment such as coils, tubes, semiconductors, navigation control equipment and system guidance equipment.
 2. Data processing equipment and systems.
 3. Graphic and art equipment.
 4. Metering instruments.
 5. Optical devices, equipment, and systems.
 6. Stereo, audio units, radio equipment and systems.
 7. Photographic equipment.
 8. Radar, infrared and ultraviolet equipment and systems.
 9. Scientific and mechanical instruments such as calipers and transits.
 10. Testing equipment.
 - d. Light manufacturing, processing or assembling of the following:
 1. Biological products, drugs, medicinal chemicals, and pharmaceutical preparation.
 2. Electrical machinery, equipment and supplies, electronic equipment and accessories.
 3. Office, computing, and accounting machines.
 4. Quilts and other textiles manufacturing businesses, including the ancillary use of commercial sales to the public of the finished product and the materials used to manufacture the finished products, provided:
 - i. The retail building space is no more than 20 percent of the building's total foot print.
 - ii. The building provides enough parking to satisfy the parking requirements for both the industrial, manufacturing, or the establishments (G1) and retail store (C1) uses under section 6-261.
 - e. Research and design centers where said centers are intended for the development of pilot or experimental products, together with related office buildings for such research facilities where said offices are designed to accommodate executive, administrative, professional, accounting, engineering, architectural, and support personnel.
 - f. Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.
 - g. Warehousing, refrigerated and general storage, but not including self-storage facilities.
 - h. Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services.
 - i. Training and/or educational centers where such centers are designed and intended to provide training at the business, technical and/or professional level.
 - j. Florists, greenhouses, and similar uses.
- (5) *Special uses.*
- a. Restaurants and cafeteria facilities for employees.
 - b. Trucking and transit terminals.
 - c. Contractor establishments subject to the requirements set forth in section 6-152.
 - d. Metal fabrication, and tool and die shops.

- e. Automobile repair garages and paint shops for autos and other vehicles, construction and farm equipment sale:
 - f. Computer and business machine sales when conducted in conjunction with and accessory to a permitted principal use.
 - g. Self-storage facilities, subject to the requirement of section 6-150.
 - h. Liquid propane storage, sales, and services subject to the requirements of section 6-159.
- (h) *PUB, public district.*
- (1) *Intent.* This district is intended for governmental public utility and educational buildings and facilities, and other uses compatible with the public character of the district.
 - (2) Public designated uses such as existing and planned municipal buildings and facilities, parks, churches, cemeteries, public schools and other uses providing public or semi-public services within this category. This category provides for establishments that are purely governmental as well as joint public and private facilities. These facilities are scattered throughout the village. The location of these areas and the necessary utilities to service them and dependent on the function each facility serves.
 - (3) *Permitted uses.*
 - a. Buildings and facilities used by local governmental agencies for governmental purposes.
 - b. Public parks, playground and recreational facilities.
 - c. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters, and related structures.
 - d. Ambulance, police and fire stations.
 - e. Accessory buildings, structures and uses customarily incidental to the above permitted uses.
 - (4) *Special uses.*
 - a. Country club.
 - b. Golf course.
 - c. Children's day care center subject to section 6-149.
 - d. Public or private primary, middle or secondary schools.
 - e. Swimming pool, community.
 - f. Accessory buildings, structures and uses customarily incidental to the above special land uses.
 - g. Outdoor storage.
- (i) *OSC, open space conservation.*
- (1) *Intent.* This district is intended to preserve open space, provide a desirable environment, ensure that the benefits of open space, light, air and private recreational activities exist in well-planned locations throughout the village, and protect vacant lands until their appropriate land usage can be determined; and to control the proximity of these uses to other uses.
 - (2) Open space conservation areas are designed along Portage Creek and natural areas of the village that contain environmentally sensitive resources such as wetlands, woodlands, and sloped areas. These resources present constraints to development for which the use of land should be restricted or even precluded. The open space conservation areas are also meant to strengthen the edges or boundaries of the village and protect its character from surrounding new development. Therefore, development in the open space conservation areas should be discouraged to protect the environmental resources and to maintain the village character.
- (4) *Permitted uses.*

a. Public or private conservation areas.

b. Active or passive recreational uses.

(5) *Special uses.*

a. None.

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

Sec. 6-71. - Schedule of area, height, width and setback regulations.

Zoning District	Minimum Lot Size		Maximum Building Height Space	Minimum Yard Setback			Max. Lot Coverage	Footnotes
	Area (sq. ft.)	Lot width (ft.)		Height (ft.)	Front (ft.)	Side (ft.)		
Single-Family Village R-1	8,712	66 ft.	35	25	10	35	35%	(A, E, F and H)
Single-Family Suburban R-2	SF 8,712 2F 20,000	66 ft. 120 ft.	35 35	25 50	10 20	35 35	35% 35%	(A, C, D, E, F, H) (A, C, D, E, F, H)
Multiple-Family R-3	MF 5 Acres	300 ft.	35	50	20	50	35%	(A, C, D, E, F, H)
General Commercial C-2	5,000	50 ft.	35	25	10	20	35%	(A and E)
Highway Commercial C-3	20,000	100 ft.	35	35	10	20	25%	(A and E)
Central Business District CBD	—	—	45	—	—	—	—	(A, E, G)
Light Industrial M-1	1 acre	150 ft.	35	50	50	100	40%	(A and E)

Public District PUB	5000	50 ft.	35	20	10	20	50%	(A and E)
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SF: = Single-Family Dwellings

2F: = Two-Family Dwellings

MF: = Multiple-Family Dwellings

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

- (a) All dwelling units and occupied buildings shall be served with a public water supply system and a public sanitary sewer system.
- (b) *Lot area and density.* Every lot or parcel of land occupied by a low density (2F) multiple-family structure shall contain a minimum of 20,000 square feet and a total area of not less than the following:

Unit Type	Lot Area/Dwelling Unit
Efficiency	4,800 square feet
One-bedroom	6,000 square feet
Two-bedroom	6,700 square feet
Every additional bedroom	1,300 square feet

- (c) *Lot area and density.* Every lot or parcel of land occupied by a medium density (MF) multiple-family dwelling structure shall contain a minimum area of five acres and a total area of not less than the following:

Unit Type	Lot Area/Dwelling Unit
Efficiency	1,900 square feet
One-bedroom	2,300 square feet
Two-bedroom	3,000 square feet
Every additional bedroom	700 square feet

- (d) *Distance between buildings.* In addition to the required setbacks from property boundaries, the following minimum

distances shall be required between each multiple family structure:

- (1) Where buildings face front to front or front to rear, three times the height of the taller building, and not less than 70 feet.
 - (2) Where buildings are side to side, one and one-half times the height of the taller building, but not less than 20 feet.
 - (3) Where buildings are front to side, rear to side, or rear to rear, two times the height of the taller building but not less than 35 feet. In applying the above standards, the front of the building shall mean that the face of the building having greatest length and contains the primary entrance to the building; the rear is that face opposite the front. The side is the face having the smallest dimension.
- (e) The minimum distance of any principal building from the ordinary high-water mark shall be 50 feet.
- (f) Driveways to single-family dwellings shall be located in the greater side yard setback.
- (g) Any structure located within the CBD which abuts a dwelling located within the R-1 or R-2 district shall have a minimum setback from the common property line of ten feet.
- (h) The minimum floor area of dwelling units shall be as follows:

Type of dwelling:	Total Usable Floor Area (sq. ft.)
One-family	1,000
Two-family, per dwelling unit	800
Multiple-family:	
Efficiency unit	500
1-bedroom unit	700
2-bedroom unit	900
3-bedroom unit	1,100
4-bedroom unit	1,300
Each additional bedroom	90

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

Secs. 6-72—6-87. - Reserved.

ARTICLE V. - LAND DIVISION FOR UNPLATTED PROPERTY

Sec. 6-88. - Intent and purpose.

The Village Council of Stockbridge has recognized and concluded that land divisions of un-platted land should be monitored and regulated by the village. It being recognized by the village council that land divisions of un-platted lands should not create unbuildable or illegal lots, that land divisions should not result in lots not meeting the requirements of the Village of Stockbridge Zoning Ordinance, that land divisions should not be "land locked," that land divisions should be served by roads that allow easy access for both the homeowner and emergency services. It further being recognized that subsequent purchasers should be protected from purchasing substandard lots.

Further, the council has recognized and concluded that a land division ordinance would facilitate the assessment of real property taxes would foster sound land use planning techniques and would further enhance an orderly and definite procedure for land division in the Village of Stockbridge. Accordingly, it is the intent and purpose of the village council to adopt reasonable regulations for land division in the Village of Stockbridge.

This section of the zoning code is not intended to regulate the division of previously platted subdivision lots. Instead, that process is covered by article VI.

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

Sec. 6-89. - Scope and application.

This land division article shall apply to all land divisions of un-platted land in the Village of Stockbridge after the effective date of the land division article.

Application. The written document required in such form and shape as determined by resolution of the village council to indicate a request for a land division. The application shall at a minimum include a survey, which shall set forth the following:

- (1) Drawn to scale of not smaller than one-inch equals 100 feet and prepared, sealed, and signed by a registered land surveyor;
- (2) Survey to show all existing structures on the site and those located on abutting property within 50 feet of the lot line;
- (3) All buildings are to be dimensioned from the proposed boundary lines of any new parcel;
- (4) Boundaries of any water body or wetlands;
- (5) All proposed divisions with complete dimensions and area of each proposed resulting parcel;
- (6) Proposed easement locations with dimensions for utilities and other purposes; and
- (7) The survey shall indicate the current zoning district of the parcel proposed to be split and all contiguous parcels of property.

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

Sec. 6-90. - Procedures.

(a) *Clerk's action.* Upon receipt of the completed application, the clerk shall:

- (1) Collect a fee as established by resolution of the village council;
- (2) Forward 13 copies of the application and survey to the village council;
- (3) Provide a copy of same to the zoning administrator, who shall review same for administrative completeness within seven days of receipt:
 - a. If the application is administratively complete, the zoning administrator shall inform the clerk in writing, with

a copy to the applicant. Thereafter, the clerk shall continue with the procedures set forth in this section.

- b. If the application is not administratively complete, the zoning administrator shall inform the clerk in writing, with a copy to the applicant. Thereafter, the clerk shall take no further action to complete the procedures in this section until a revised application is received by the applicant. If the applicant does not submit a revised application within 90 days of the date of the zoning administrator's written notice, then the application is deemed denied and the fee forfeited to the village, unless the time frame is extended in writing by the zoning administrator for good cause, as determined in the zoning administrator's sole discretion.
- (4) Forward a request to the village treasurer, township treasurer, and township assessor for a statement setting forth the amount, if any, of due and unpaid taxes and/or special assessments on the land;
 - (5) Forward a request to all public safety departments that serve the village for comment, including, but not limited to, the village DPW, village police department, and the Stockbridge Township Fire Department. The request should indicate that any response the departments desire the village council to receive should be submitted within 45 days of receipt of the request; and
 - (6) Within 45 days, of receipt of the application, the response of the village treasurer, township treasurer, and township assessor, and any response from public safety divisions, the application shall be on the next available agenda of the village council meeting.
- (b) *Village council's action.*
- (1) Within 60 days after the village council completes its review of the application and supporting documentation, it shall either table, approve or deny the proposed land division;
 - (2) The village council may add conditions to its approval;
 - (3) The village council shall specifically place in writing upon the record the reasons for its decision;
 - (4) The village council shall specifically inform the applicant upon the record that:
 - a. No tax identification numbers shall be issued for any approved land divisions unless and until registered survey(s) with appropriate legal description(s) are recorded with Ingham County Register of Deeds for the land divisions and true copies of same are provided to the clerk;
 - b. No approved land division is effective unless and until tax identification numbers are issued for the land divisions;
 - c. All land divisions are null and void unless tax identification numbers are obtained within six months from date of approval;
 - d. No land use or building permits can be issued until the land division becomes final;
 - e. The registered survey(s) and legal descriptions must conform to the land division as approved by the village council;
 - f. All taxes and special assessments due and owing must be paid, in advance of final approval of the split(s);
 - g. All fees and costs associated with this split approval process must be paid prior to any tax identification numbers being issued or splits finalized.

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

Sec. 6-91. - Criteria for approval by village council.

- (a) All resulting divisions shall meet the zoning requirements of the zoning district in which they are located.
- (b) All resulting divisions shall have such road frontage, in type and amount as required by the Village of Stockbridge Zoning Ordinance.

- (c) No resulting division shall exceed a width to depth ratio of four to one.
- (d) All existing structures shall meet, after all divisions, the minimum set back requirements for the zoning district in which they are located.
- (e) No division shall be allowed that results in a violation of the Michigan Subdivision Control Act, being MCL 560.101 et seq.
- (f) All requirements of this land division article have been met.
- (g) Legal proof of availability of the number of proposed splits from the parent parcel and deed restrictions and easements of record on the parent parcel.
- (h) The resulting lot splits shall provide utility easements across the proposed parcel(s), as required by the village engineer.

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

Sec. 6-92. - Requirement of payment of taxes.

Prior to any division of land in the Village of Stockbridge, any due and unpaid taxes shall be paid.

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

Sec. 6-93. - Requirement of payment of special assessments.

Prior to any division of land in the Village of Stockbridge, the entire balance of any special assessments shall be paid in full.

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

Sec. 6-94. - Exceptions.

The provisions of this land division article shall not apply to the following:

- (1) "Subdivisions," as that term is defined by the Michigan Subdivision Control Act, being MCL 560.101 et seq.;
- (2) "Planned unit developments (PUD)" as defined by MCL 125.216(c);
- (3) "Condominium project" as defined by the Michigan Condominium Act, being MCL 559.101 et seq.

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

Sec. 6-95. - Additional local, county, and state requirements.

The requirements of this land division article are in addition to any other state and county requirements regulating land division and/or land use in the Village of Stockbridge.

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

Sec. 6-96. - Penalties and remedies.

Penalties. Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this land division article shall be guilty of a municipal civil infraction as set forth in section 1-6.

Remedies. The village council or the attorney of the Village of Stockbridge and any interested party, may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance, or use and to declare the split null and void. The rights and remedies herein provided are civil in nature and in

addition to criminal remedies.

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

Secs. 6-97—6-112. - Reserved.

ARTICLE VI. - SUBDIVISION CONTROL

Sec. 6-113. - Intent and purpose.

The purpose of this article is to regulate and control the subdivision of land within the Village of Stockbridge, pursuant to the Subdivision Control Act of 1967, being Act No. 288 of the Public Acts of Michigan of 1967, as amended.

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

Sec. 6-114. - Scope.

The article applies to any lot or lots forming a part of a subdivision proposed to be created and recorded by or after the effective date of this article. It shall not apply to any lot or lots forming a part of a subdivision created and approved prior to the effective date of this article except for further division of existing lots.

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

Sec. 6-115. - Preliminary plat.

(a) *Generally.* Before making or submitting a final plat for approval, the proprietor shall make a preliminary plat and submit copies to the village clerk in the manner provided in this section, together with payment of all fees required under section 6-118.

(b) *Procedure for submission of preliminary plat.*

(1) *Information.* The preliminary plat shall show the name, location and position of the subdivision and the subdivision plan and layout in sufficient detail on a topographic map to enable a determination of whether the subdivision meets all village requirements for lots, streets, roads, and highways including drainage and floodplains.

(2) *Plan specifications.* The preliminary plat shall be drawn to a scale of not more than 200 feet to one inch and may be an original drawing or reproduction on unbacked paper. It shall contain proper identification of the parcel of land to be divided, the name of the plat and proposed division of the land, the name and address of the proprietor and the name, address and seal of the surveyor who prepared it, all legibly printed or typewritten. Additional preliminary land development plans may be made by other qualified persons to assist approving authorities to visualize the type and scope of the development plan.

(3) *Data.* The proprietor shall submit at least four copies of the preliminary plat and any other required data to the village clerk together with evidence of compliance with the Land Division Act, No. 591 of the Public Acts of Michigan of 1997, if necessary.

(c) *Approval.*

(1) *Tentative.*

a. The village council, within 90 days from the data [date] of filing the preliminary plat with the village clerk, shall

tentatively approve and note its approval on the copy of the preliminary plat to be returned to the proprietor or set forth in writing its reasons for rejection and requirements for tentative approval. The village council may refer the proposed plat to the downtown development authority (DDA) for its review and comment or a committee appointed by the village council for that purpose and may hold a public hearing on approval of the preliminary plat. The village council may require the submission of the following as it deems necessary:

1. A map of the entire area scheduled for development if the proposed plat is a portion of a larger holding intended for later development;
 2. Preliminary engineering plans for streets, water sewers, sanitary sewers and storm sewers, sidewalks and other required public improvements in detail sufficient to enable the village council to make a preliminary determination of conformance of the proposed improvements to applicable village regulations and standards;
 3. A statement of intended use of the proposed plat;
 4. Copies, as required, of any proposed protective covenants and deed restrictions.
- b. Tentative approval under this section shall confer upon the proprietor for a period of one year from the date, approval or lot sizes, lot orientation and street layout. Such tentative approval may be extended if applied for by the proprietor and granted by the governing body in writing.

(2) *Final.*

- a. The proprietor shall:
 1. Submit a preliminary plat to all authorities as required by Land Division Act, No. 591 of the Public Acts of Michigan of 1997.
 2. Submit a list of all such authorities to the village clerk certifying that the list shows all authorities required to be so notified.
 3. Submit all approved copies to the village clerk after all necessary approvals have been secured.
- b. The village council, after receipt of the necessary approved copies of the preliminary plat shall:
 1. Consider and review the preliminary plat at its next meeting or within 20 days from the date of submission and approve it if the proprietor has met all conditions laid down for approval of the preliminary plat.
 2. Instruct the clerk to promptly notify the proprietor of approval or rejection, in writing, and if rejected, to give the reasons.
 3. Instruct the clerk to note all proceedings in the minutes of the meeting, which minutes shall be open for inspection.
- c. Final approval of the preliminary plat under this section shall confer upon the proprietor, for a period of two years from the date of approval, the conditional right that the general terms and conditions under which preliminary approval was granted will not be changed. The two-year period may be extended if applied for by the proprietor and granted by the village council in writing. Written notice of the extension shall be sent by the village council to the other approving authorities.

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

Sec. 6-116. - Final plat.

- (a) *Preparation.* Following final approval of the preliminary plat by the village council, the proprietor shall cause to be made and prepared a final plat and survey in accordance with The Land Division Act No 591 of the Public Acts of

Michigan of 1967, as amended. When the final plat has been approved by the drain commissioner and the county road commissioners, if necessary the proprietor shall submit all copies of the plat to the village clerk together with the filing fee required by section 6-118.

- (b) *Council approval or rejection.* At its next regular meeting or a meeting called within 20 days of the date of submission, the village council shall:
- (1) *Approval.* Approve the plat if it conforms to all of the provisions of the Land Division Act, No. 591 of the Public Acts of Michigan of 1997, and this article and instruct the village clerk to certify on the plat to the village council's approval, showing the date of the council approval, the approval of the health department, when required, and the date therefore as shown on the approved preliminary plat. When the plat has been approved by the village council, the village clerk shall promptly forward all copies of the plat to the Clerk of the Ingham County Plat Board together with the filing and recording fee collected pursuant to section 6-118.
 - (2) *Rejection.* Reject the plat and instruct the village clerk to give the reasons in writing as set forth in the minutes of the meeting, return the plat to the proprietor, and instruct the clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection.

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

Sec. 6-117. - Requirements.

- (a) *Street, alley and road.*
- (1) The village council may require the following as a condition for approval of a final plat for all public and private streets, alleys and roads in its jurisdiction.
 - a. Installation of bridges and culverts where it deems necessary;
 - b. Certification that all such construction conforms to all then applicable MDOT, Ingham County Road Commission and village specifications;
 - c. Submission of complete plans for grading, drainage and construction to be prepared and sealed by a civil engineer registered in the state;
 - d. Completion of all required improvements relative to streets, alleys or roads or a deposit by the proprietor with the village clerk in the form of cash, certified check or irrevocable bank letter of credit, whichever the proprietor selects, or a performance surety bond acceptable to the village council, in an amount sufficient to insure completion within the time specified.
 - (2) As a condition of approval of the final plat, the village council may require a deposit to be made in the same manner as provided in section 6-118(3)d. and e. to ensure performance of any of the obligation of the proprietor to make required improvements.
 - (3) The village council shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.
 - (4) The village council shall reject any plat:
 - a. Which is isolated from or which isolates other lands from existing public streets unless suitable access is provided;
 - b. Showing a street or road name duplicating one already in use in the village except in continuing a street or road;
 - c. Showing the name of a new street, alley or road that is similar to one already in existence in the village, and that permitting such use in the subdivision may be confusing for purposes of assessing, mail delivery, and

locating by the public.

- (b) *Subdivision design standards.* Where applicable, the proposed subdivision and final plat shall fully comply with the following:
- (1) The Village of Stockbridge Zoning Ordinance, chapter 6.
 - (2) The village water system ordinance, article II, chapter 34.
 - (3) The village wastewater ordinance, article III, chapter 34.
 - (4) Section 186 of the Subdivision Control Act of 1967 (Act No. 288 of the Public Acts of Michigan of 1967), unless modified by any of the above.

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

Sec. 6-118. - Fees.

The schedule of fees for the review of plans and plats shall be established by resolution of the village council in accordance with section 246(1), Act No. 288 of the Public Acts of Michigan of 1967, as amended. A proprietor submitting a plan or plat for approval shall be required to deposit the established fees with the village clerk and until the fee is paid, no plan or plat shall be considered or reviewed.

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

Sec. 6-119. - Lot divisions in previously approved platted subdivisions.

- (a) *Generally.* The division of lots in a recorded plat is prohibited, unless approved following application to the village council. The application shall be filed with the village clerk, in a form approved from time to time by resolution of the village council. No lot in a recorded plat shall be divided, unless it complies with the Land Division Act and village ordinances. No building permits shall be issued, or any building constructed commenced until the division has been approved by the village council. The division of a lot resulting in a smaller area than proscribed by this article may be permitted, but only for the purpose of adding to the existing building site or sites and so long as the remaining lot conforms to the lot size requirements or the zoning ordinance.
- (b) *Application.* The written documentation required in such form and shape as determined by resolution of the village council to indicate a request for a land division. The application shall at a minimum include a survey, which shall set forth the following:
- (1) Drawn to scale of not smaller than one-inch equals 100 feet and prepared, sealed, and signed by a registered land surveyor;
 - (2) Survey to show all existing structures on the site and those located on abutting property within 50 feet of the lot line;
 - (3) All buildings are to be dimensioned from the proposed boundary lines of any new parcel;
 - (4) Boundaries of any water body or wetlands;
 - (5) All proposed divisions with complete dimensions and area of each proposed resulting parcel;
 - (6) Proposed easement locations with dimensions for utilities and other purposes; and
 - (7) The survey shall indicate the current zoning district of the parcel proposed to be split and all contiguous parcels of property.
- (c) *Procedures for considering application.* The village council shall adhere to the following procedures when considering an application for a lot division in a previously approved plat:

- (1) Upon receipt of the completed application, the clerk shall:
 - a. Collect a fee as established by resolution of the village council;
 - b. Forward 13 copies of the application and survey to the village council;
 - c. Provide a copy of same to the zoning administrator, who shall review same for administrative completeness within seven days of receipt:
 1. If the application is administratively complete, then the zoning administrator shall inform the clerk in writing, with a copy to the applicant. Thereafter, the clerk shall continue with the procedures set forth in this section.
 2. If the application is not administratively complete, the zoning administrator shall inform the clerk in writing, with a copy to the applicant. Thereafter, the clerk shall take no further action to complete the procedures in this section until a revised application is received by the applicant. If the applicant does not submit a revised application within 90 days of the date of the zoning administrator's written notice, then the application is deemed denied and the fee forfeited to the village, unless the time frame is extended in writing by the zoning administrator for good cause.
 - d. Forward a request to the village treasurer, township treasurer, and township assessor for a statement setting forth the amount, if any, of due and unpaid taxes and/or special assessments on the land;
 - e. Forward a request to all public safety departments that serve the village for comment, including, but not limited to, the village DPW, village police department, and the Stockbridge Township Fire Department. The request should indicate that any response the departments' desire the village council to receive should be submitted within 45 days of receipt of the request;
 - f. Within 45 days, after the receipt of (1) the application, (2) the response for the village treasurer, township treasurer, and township assessor, and (3) any response from public safety departments, then the application shall be on the next available agenda of the village council meeting and a public hearing shall be scheduled on proposed division;
 - g. All persons within 300 feet of the parcel proposed to be divided shall receive notice of the public hearing by first class mail and notice of same shall be posted in a newspaper of common circulation within the Village of Stockbridge not more than 30 nor less than 15 days before the time set for the public hearing.
- (2) Village council's action:
 - a. Within 60 days after the village council completes its review of the application and supporting documentation and takes public comment at the scheduled public hearing, it shall either table, approve, approve with conditions, or deny the proposed division of a platted lot;
 - b. The village council shall specifically place in writing upon the record the reasons for its decision;
 - c. The village council shall specifically inform the applicant upon the record that:
 1. No tax identification numbers shall be issued for any approved land divisions unless and until registered survey(s) with appropriate legal description(s) are recorded with the Ingham County Register of Deeds for the land divisions and true copies of same are provided to the clerk;
 2. No approved land division is effective unless and until tax identification numbers are issued for the land divisions;
 3. All land divisions are null and void unless tax identification numbers are obtained six months from date of approval;
 4. No land use or building permits can be issued until the land division becomes final;

5. The registered survey(s) and legal descriptions must conform to the land division as approved by the village
6. All taxes and special assessments due and owing must be paid, in advance of final approval of the division(s); and
7. All fees and costs associated with this division approval process must be paid prior to any tax identification numbers being issued or divisions finalized.

(d) *Criteria for approval by village council.*

- (1) All resulting divisions shall meet the zoning requirements of the zoning district in which they are located, except as provided in article IV;
- (2) All resulting divisions shall have such road frontage, in type and amount as required by the Village of Stockbridge Zoning Ordinance;
- (3) No resulting division shall exceed a width to depth ratio of four to one;
- (4) All existing structures shall meet, after all divisions, the minimum set back requirements for the zoning district in which they are located;
- (5) Legal proof of availability of the number of proposed splits from the parent parcel and deed restrictions and easements of record on the parent parcel;
- (6) All resulting divisions shall provide utility easements across the proposed parcel(s), as required by the village engineer.

(e) *Requirements of payment of taxes and special assessments.*

- (1) Prior to any division of land in the Village of Stockbridge, any due and unpaid taxes shall be paid;
- (2) Prior to any division of land in the Village of Stockbridge, the entire balance of any special assessments shall be paid in full;

(f) *Penalties and remedies.*

- (1) *Penalties.* Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this land division article shall be guilty of a municipal civil infraction as set forth in section 1-6.
- (2) *Remedies.* The village council or the attorney of the Village of Stockbridge and any interested party, may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove and unlawful erection, alteration, maintenance, or use and it is null and void. The rights and remedies herein provided are civil in nature and in addition to criminal remedies.

(g) *Not applicable to assessor's plats.* This section shall not apply to "assessor's plats." Instead, the owner of a parcel in an "assessor's plat" that is proposed to be split, shall comply with the provisions of the split process for un-platted land. Please see article V.

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

Secs. 6-120—6-135. - Reserved.

ARTICLE VII. - GENERAL AND SPECIAL PROVISIONS

Sec. 6-136. - Intent.

The intent of this article is to provide for those regulations which generally apply regardless of the particular zoning district and to those special uses which may be permitted in certain zoning districts.

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

Sec. 6-137. - Cluster housing option.

The cluster housing option may be applied for as a special use in R-1 or R-2 districts subject to the standards set forth in section 6-44 and this section.

- (a) *Intent.* The intent of the cluster housing option is to permit the development of single-family residential patterns which, through design innovation, will:
- (1) Allow greater flexibility;
 - (2) Encourage a more creative approach to the development of single-family residential areas;
 - (3) Encourage a more efficient, aesthetic, and desirable use of the land;
 - (4) Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, bodies of water, and other natural assets; and
 - (5) Encourage the provision of open space so that benefits may accrue directly to the residents of the development.
- (b) *Qualification of parcels.* The parcel must be located within a zoning district zoned for residential use, and must meet one or more of the following characteristics listed below:
- (1) The parcel contains natural assets which would be preserved using the cluster option. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, wetlands, bodies of water, unusual topographic features, or other natural assets which should be preserved. Requests for qualification under these conditions must be supported by documented evidence.
 - (2) The parcel contains major topographic conditions which would require mass grading, resulting in loss of significant natural features.
 - (3) The parcel contains substantial portions of floodplain and wetlands. A floodplain and wetlands map indicating the extent of the wetlands and floodplain area shall be submitted to the planning commission in order to support the proposal for the parcel's qualification for cluster development.
 - (4) The parcel, due to its size or shape, cannot be reasonably developed as a conventional subdivision or site condominium development.
- (c) *Site design requirements.* All cluster developments submitted under this option shall conform to the following site design requirements:
- (1) Development is permitted as either attached or detached dwelling units, provided the number of attached units shall not exceed 20 percent of the total number of units in an R-1 and R-2 district.
 - (2) *Open space.* When completed, the development shall have 20 percent of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted to active and/or passive outdoor recreational purposes. Dedication of open space shall comply with the standards set forth in section 6-138. Designated open space shall include area within any greenbelts required by subsections (3) and (4), subject to the restrictions contained herein.

The computation of designated open space shall not include: rights-of-way or easements designated for road purposes; areas within the minimum setbacks of a dwelling unit; land which is under water (lakes, streams, water courses, and other similar bodies of water); any area to be improved into a lake or pond; and/or more than 25 percent of the area of regulated wetlands.

- (3) *Greenbelt adjacent and parallel to public streets.* In addition to any required minimum setback specified in subs greenbelt, the minimum width as set forth below, shall be required along any adjacent public street. The greent measured from the street right-of-way. The village, at its discretion, may permit either reductions or variations i greenbelt taking into consideration topographic and/or other natural resource conditions, density of existing ve preserved, and size and shape of the development site.

The following minimum greenbelt from adjacent public streets shall be applied:

	Minimum Width of Greenbelt from Adjacent Public Streets
District	(in feet)
R-1	50
R-2	50

- (4) *Transition from adjacent parcels.* To provide an orderly transition of density when a cluster development abuts a single-family residential district of equal or lower density, the planning commission, at its discretion, may require one or more of the following measures: designation of open space along the common boundaries; screening in accordance with the requirements of section 6-176(d); and/or an area or row of lots of commensurate size as neighboring residential lots.
- (5) *Density.* The number of dwelling units within any development permitted hereunder shall not exceed the number of dwelling units permitted in the zoning district in which the proposed development is located without application of the cluster housing option. The applicant must submit a concept plan that illustrates a site layout without the cluster option and all applicable ordinances and laws observed.
- (6) *Setbacks.* Minimum setback requirements are established in a manner which permits variation in the setting of individual dwelling units in order to encourage creativity in design and compatibility with natural resource features. The minimum setback requirements for each dwelling unit shall be shown on the site plan as follows:

- a. In the case of single-family detached dwellings, the following minimum setbacks shall be applied:

Minimum Yard Setbacks Per Unit					
			Total	Side	
District	Front	Rear	Front and Rear	Least	Total
R-1	20	30	55	5	15
R-1	20	30	55	5	15

b. In the case of single-family attached dwellings, the following minimum setbacks shall be required:

Minimum Setback		
	From Internal Drives and Streets	From Perimeter Property Boundaries
R-1	20	50
R-2	20	50

c. In the case of single-family attached dwellings, the minimum distance between buildings shall comply with section 6-71(a)(4).

(7) *Required street frontage.* Any cluster lot contained within a cluster lot development shall have frontage on and direct access to a public street which has been accepted for maintenance by the village. The extent of street frontage shall be determined by the village, in its discretion, taking into consideration topographic and/or other natural resource considerations, size and shape of the development site, and public safety factors.

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

Sec. 6-138. - Open space preservation.

(a) Whenever the preservation of open space is required, the applicant shall demonstrated that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the village and the land uses continue as approved in the open space community plan.

The dedicated open space shall be set aside by the applicant through an irrevocable conveyance that is found acceptable to the village attorney, such as:

- (1) Recorded deed restrictions.
 - (2) Covenants that run perpetually with the land.
 - (3) Conservation easements such as those established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (MCL 399.251).
- (b) Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
- (1) Indicate the proposed allowable use(s) of the dedicated open space.
 - (2) Demonstrate to the satisfaction of the village that dedicated open space shall be maintained.
 - (3) Provide standards for scheduled maintenance of the open space.
 - (4) Provide for maintenance to be undertaken by the village in the event that the dedicated open space is inadequately maintained or is determined by the village to be a public nuisance, with the assessment of costs

upon property owners within the proposed development.

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

Sec. 6-139. - Accessory buildings and uses.

(a) *Requirements applicable to accessory buildings within residential districts.*

- (1) No accessory building or structure shall be built upon a lot or parcel unless and until a principal structure is erected.
- (2) Where the accessory building is structurally attached to a main building, it shall conform to all setback and height regulations of this chapter and building codes applicable to main buildings.
- (3) The total floor area of all accessory buildings and structures shall not exceed 50 percent of the total floor area of all stories of the principal building.
- (4) Accessory buildings and structures shall be included in lot coverage limitations.
- (5) No detached accessory building or structure shall exceed one story.
- (6) In no instance shall an accessory structure be located within a dedicated easement or right-of-way.
- (7) A building or structure not attached to a principal building shall be considered a detached accessory building or structure.
- (8) Garages may be constructed in the side yard provided no portion of the structure extends beyond the front building line of the principal structure. Other accessory structures, such as sheds and temporary storage structures or canopies, must be located within the required rear yard.
- (9) No detached accessory building or structure shall be constructed within ten feet of any other building located on the same lot or parcel.
- (10) Accessory buildings and structures located in rear yards shall not be closer than ten feet to any rear or side lot line.
- (11) Accessory structures shall be subject to all applicable building code regulations [of the] Village of Stockbridge.
- (12) Temporary accessory structures shall not remain on the property for more than 180 days.

(b) Artificial pools shall be subject to the following:

- (1) No portion of the artificial pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
- (2) Front yard and side yard setbacks shall comply with required setbacks specified for the zoning district wherein the pool is located. Rear yard setbacks shall be a minimum of 15 feet.

(c) Requirements applicable to accessory buildings within all other districts. Accessory buildings shall be subject to the same placement and height requirements to principal structures in the district in which located.

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

Sec. 6-140. - Emergency temporary dwellings.

(a) *When permitted.* Emergency temporary dwellings may be permitted upon a finding by the village that the principal residential structure has been destroyed in whole or in part by fire, explosion or natural disaster and therefore is uninhabitable and the standards set forth herein have been met.

(b) *Permit application and review.*

- (1) An application for a permit for the emergency temporary use and installation of a mobile home, modular, or

prefabricated dwelling unit shall be made to the zoning administrator. The application shall be accompanied by a plot plan showing the location of the proposed structure.

- (2) The application shall be reviewed by a committee composed of the zoning administrator and two elected village council members. Approval of the application may be granted by a majority vote of the committee upon a finding that the following conditions are met:
 - a. The principal residential structure has been destroyed in whole or in part by fire, explosion, or natural disaster and therefore is uninhabitable.
 - b. The temporary dwelling unit shall be connected to public sewer and water.
 - c. The temporary dwelling unit shall comply with all applicable zoning district requirements including setback, area, bulk, and other requirements, except minimum house size requirements.
- (3) The granting of a permit for an emergency temporary dwelling unit shall be for a period of up to one year from the date of approval by the committee. Any conditions of approval shall be specified in writing on the permit.
- (4) To guarantee compliance with the provisions of the chapter and removal of the emergency temporary dwelling upon expiration of the permit, the village council may require a cash bond to be posted prior to the issuance of a permit.

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

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.
- (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, which ever 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. 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. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.
- (f) Manufactured home parks shall be subject to preliminary plan review requirements in accordance with 1987 PA 96, as amended.
- (g) A permit shall not be required for the construction or erection of canopies or awnings which are open on three sides. A building permit shall be required, however, before the construction or erection of any screened, glassed-in, or otherwise enclosed awning or canopy.

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

Sec. 6-143. - Day care facilities.

- (a) *Intent.* It is the intent of this section to establish standards for day care facilities which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Residential use.* A state-licensed family day care home shall be considered a residential use of property and a permitted use in all residential districts. Family day care homes shall be prohibited in all other districts.
- (c) *Standards for group day care homes.* Group day care homes shall be considered as special land use subject to the requirements and standards of section 6-44 and the following additional standards:
 - (1) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.
 - (2) The property is maintained in a manner that is consistent with the character of the neighborhood.
 - (3) There shall be an outdoor play area of at least 500 square feet provided on the premises. Said play area shall not be located within the front yard setback. This requirement may be waived by the planning commission if a public play area is within 500 feet of the subject parcel.
 - (4) All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four feet in height, but no higher than six feet.
 - (5) 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.
 - (6) One off-street parking space per employee not a member of the group day care home family shall be provided.
 - (7) Appropriate licenses with the State of Michigan shall be maintained.
- (d) *Standards for day care centers.* Day care centers shall be considered as a special land use subject to the

requirements and standards of section 6-44 and the following standards:

- (1) The day care center shall be served by public sewer and water.
- (2) A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, with direct access from a public street or a parking access lane and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
- (3) Off-street parking shall be provided at a rate of one space per employee plus one space for every five children enrolled at the facility
- (4) There shall be an outdoor play area of at least 1,000 square feet provided on the premises. Said play area shall not be located within the front setback. This requirement may be waived by the planning commission if public play area is available 500 feet from the subject parcel.
- (5) Appropriate licenses with the State of Michigan shall be maintained.

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

Sec. 6-144. - Adult foster care facilities.

- (a) *Intent.* It is the intent of this section to establish standards for adult foster care facilities which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) A state-licensed adult foster care small group home serving six persons or less and adult foster care family home shall be considered a residential use of property and a permitted use in all residential districts.
 - (2) The village may, by issuance of a special land use permit, authorize the establishment of adult foster care small group homes serving more than six persons and adult foster care large group homes in the following zoning districts: R-1 and R-2. Such facilities shall be prohibited in all other districts.
 - (3) The village may, by issuance of a special land use permit, authorize the establishment of an adult foster care congregate facility in the following zoning districts: R-2 and R-3. Such facilities shall be prohibited in all other districts.
- (c) *Standards for adult foster care small group homes serving more than six persons and adult foster care large group homes.* Such homes shall be considered as special land use subject to the requirements and standards of section 6-44 and the following additional standards:
 - (1) A site plan, prepared in accordance with section 6-45, shall be required to be submitted.
 - (2) The subject parcel 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.
 - (3) The property is maintained in a manner that is consistent with the character of the neighborhood.
 - (4) Parking requirements as required for adult foster care homes, set forth in article XII shall be met.
 - (5) In its sole discretion, the village may determine that landscape screening in accordance with section 6-176(d) is required.
 - (6) Appropriate licenses with the State of Michigan shall be maintained.
- (d) *Standards for adult foster care congregate facilities.* Such facilities shall be considered as a special land use subject to the requirements and standards of section 6-44 and the following standards:
 - (1) A site plan, prepared in accordance with section 6-45, shall be required to be submitted.
 - (2) The subject parcel 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 caregivers.

- (3) Parking requirements as required for convalescent homes and similar facilities, set forth in article XII shall be met.
- (4) All landscape requirements set forth in section 6-176 shall be met.
- (5) Appropriate licenses with the State of Michigan shall be maintained.

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

Sec. 6-145. - Home occupations.

All home occupations shall be in single-family residences subject to the following requirements:

- (a) A home occupation must be clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes. No more than 25 percent of the floor area of dwelling shall be devoted to a home occupation.
- (b) A home occupation use shall not change the character of the residential nature of the premises, both in terms of use and appearance.
- (c) A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupation.
- (d) A home occupation shall not generate sewage or water use more than what is normally generated from a single-family dwelling in a residential area.
- (e) No employees shall be permitted other than members of the immediate family resident in the dwelling unit.
- (f) All activities shall be carried on within an enclosed structure. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a home occupation.
- (g) There shall be no vehicular traffic permitted for the home occupation, other than that which is normally generated for a single dwelling unit in a residential area, both as to volume and type of vehicles.

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

Sec. 6-146. - 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 I 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.

(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.

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

Sec. 6-147. - Seasonal sales.

The sale of Christmas trees, pumpkins, firewood, and other seasonal items shall be considered temporary uses within any zoning district subject to the conditions contained herein. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties. Adequate parking and ingress and egress to the premises shall be provided. Upon discontinuance of the seasonal use, any temporary structures shall be removed. Signs shall conform to the provisions of the district in which the seasonal use is located.

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

Sec. 6-148. - Garage sales, rummage sales, and similar activities.

Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the conditions contained herein. Any garage sale, rummage sale, or similar activity shall be allowed without a permit for a period not to exceed three days in duration, more than once every 60 days. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.

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

Sec. 6-149. - Essential services.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the village. The construction of buildings associated with essential services shall be subject to the provisions of section 6-45, site plan review. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this article.

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

Sec. 6-150. - 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) No more than 75 percent of the lot may be covered by buildings, parking areas and access aisles.
- (c) Parking and circulation:
 - a. One parking space shall be provided for each ten storage cubicles and shall be equally distributed throughout the site.
 - b. All driveways, parking, loading, and vehicular circulation area shall be paved.
 - c. 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) An office may be permitted on site, the office area shall be included in calculating the lot coverage.
- (h) In addition to any standards in this section, outside storage may be permitted, but shall also comply with the following:
 - a. Must be at the rear of the property, at least 100 feet from the front property line, and not in any required yard.
 - b. A decorative and aesthetically pleasing fence shall be required with a minimum height of six feet.
- (i) 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.

- (j) The planning commission may stipulate additional standards to promote health, safety and welfare to the public.
- (k) Outside 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.
 - a. 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.
 - b. 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 outside storage area. The choice of fence and/or wall and the requirements of the obscuring slats to be used with the fence to appropriately screen the storage material from the view, shall be approved by the planning commission.
 - c. It is mutually understood by the property owner, applicant, and the planning commission, that whenever a different material is stored than that agreed upon in the original request, a new approval shall be required from the planning commission.
- (l) 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:
 - a. Impair the adequate supply of light and air to the adjacent property;
 - b. Increase hazards from fire, flood, water runoff, or other damages to said property;
 - c. Diminish the market value of adjacent land or buildings;
 - d. Increase the congestion on public streets; or
 - e. Otherwise impair the public health, safety, comfort, or general welfare.
 - f. 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.
- (m) 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.
- (n) 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.

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

Sec. 6-151. - Outdoor sales.

Outdoor sales for new and used automobiles, boats, mobile homes, farm machinery and other vehicles and manufactured products and similar uses shall be subject to the following provisions:

- (a) There shall be no strings of flags, pennants or bare light bulbs permitted.
- (b) No vehicles or merchandise for sale shall be displayed within any required front yard setback.
- (c) There shall be no broadcast of continuous music or announcements over any loudspeaker or public-address system.

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

Sec. 6-152. - General, building and landscape contractor's offices and yards.

- (a) 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. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage.
- (b) Outside storage shall not be located within the required front yard. Such storage shall not be located in any required parking or loading space.
- (c) Outside storage shall be screened from the view of a public street, and adjacent properties zoned either residential, commercial, or office. Screening measures shall meet the requirements of section 6-176(d).
- (d) 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.

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

Sec. 6-153. - Automobile service stations.

Automobile service stations and washes, shall be subject to the following standards:

- (a) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
- (b) All activities related to vehicle washing, service and repair equipment shall be entirely enclosed within a building.
- (c) Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- (d) Inoperative or unlicensed vehicles shall not be stored outside for more than seven days. Such storage shall not occur in front of the building front line.
- (e) Vehicle sales shall not be permitted on the premises of any automobile service station or wash.

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

Sec. 6-154. - Outdoor displays of products or materials intended for retail sale or rental.

(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.

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

Sec. 6-155. - Sidewalk cafe service.

A sidewalk cafe service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted in the CBD, central business district, subject to the following conditions:

- (a) An application depicting the location and layout of the cafe facility shall be submitted to the zoning administrator. Site plan approval shall be required. A permit shall remain in effect, unless there is a change in ownership or the operation of the cafe fails to meet the standards contained herein.
- (b) A sidewalk cafe may be located in front of, or adjacent to, the establishment. A sidewalk cafe that extends beyond the property lines, shall require the permission of the affected property owners.
- (c) If a sidewalk cafe is located on a public sidewalk, a minimum of five feet of unobstructed, pedestrian access along the sidewalk shall be maintained.
- (d) A sidewalk cafe shall be allowed only during normal operating hours of the establishment.
- (e) The exterior of the premises shall be kept clean, orderly and maintained or the permit may be revoked. All food preparation shall be inside of the premises.
- (f) The village shall not be held liable or responsible for any type of damage, theft or personal injury which may occur as a result of a sidewalk cafe operation.
- (g) All sidewalk cafes shall comply with applicable regulations of the Ingham County Health Department and the State of Michigan Department of Community Health.

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

Sec. 6-156. - Bed and breakfast accommodations.

- (a) Each establishment must be occupied and operated by its owner.
- (b) The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting, or traffic.
- (c) No bed and breakfast sleeping room shall be permitted that does not comply with the construction code.
- (d) There shall be no separate cooking facilities used for bed and breakfast stay.
- (e) 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.

- (f) 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.
- (g) One bathroom for every three sleeping rooms shall be provided, with a minimum of two bathrooms.
- (h) One off-street parking space shall be provided in the side or rear yard area, for each bed and breakfast bedroom.

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

Sec. 6-157. - Buildings to be moved.

- (a) No permit shall be granted for the moving of buildings or structures from without or within the limits of the village to be placed on property within said limits unless the building officials have made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location, and will fully comply with the building code and other codes regulating public health, safety, and general welfare. A performance bond, as established by the village council of sufficient amount to ensure the cost of completing the building for occupancy within a period of not less than six months from date of permit, shall be furnished before permit is issued.
- (b) Any building moved within a district and placed upon a foundation, or any building moved into a district, shall be subject to all the limitations and requirements herein set forth relating to uses, construction, permits, and certificates.

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

Sec. 6-158. - Wireless communication facilities.

- (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 land marks, historic sites and buildings, natural beauty areas and public rights-of-way.

(b) *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.

(c) *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 be approved as special land uses shall be reviewed, and if approved, constructed and maintained, in accordance with 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.
- (d) *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.

(e) *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.

(f) *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.

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

Sec. 6-159. - Liquid propane, oils and refined fuel storage, sales, and service.

- (a) Areas subject to vehicle parking and truck traffic shall be hard surfaced with either a blacktop or a concrete surface. The parking area shall also be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.
- (b) 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.
- (c) 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.
- (d) A security fence shall be erected to enclose the storage area. Such fencing may be made with slats or other aesthetically pleasing material to blend in with the adjoining area. 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.
- (e) All setbacks for front, side and rear yards shall be a minimum of 50 feet.
- (f) The minimum lot size shall be two acres.
- (g) 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.
- (h) The principal and accessory buildings and structures shall not be located within 100 feet of any existing residential use or district regardless of whether said use or building is located in the village or the township.
- (i) 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.
- (j) The hours of operation may be limited in the special use permit to protect nearby residential uses.
- (k) 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.
- (l) 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.
- (m) The proposed site must otherwise comply with the site plan review requirements of article III, section 6-45 of this zoning ordinance.

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

Sec. 6-160. - Research, educational, and design centers.

- (a) The area subject to vehicle parking and truck traffic shall be hard surfaced with either blacktop or concrete. However, where the special use permit requested is for an existing building or structure that does not meet the above condition, the village may, as a condition of the approval of the special use permit, grant the applicant a reasonable amount of time to improve the existing parking and/or truck traffic areas to meet this standard.
- (b) There shall be no outside storage of any material, junk, or discarded parts. All activities conducted on the property under the terms of this special use permit shall be conducted indoors.

- (c) The proprietor or land owner shall file with the village clerk copies of all licenses issued to the proprietor or land owner State of Michigan, and copies of any bonds required by the State of Michigan.
- (d) All setbacks for front, side, and rear yards shall be a minimum of 50 feet, except with existing buildings constructed before 1980 with no additions to its footprint after 1980, which is the approximate effective date of the village's original zoning ordinance. The setback limitations may be reduced, at the sole discretion of the planning commission and village council, to no less than 19 feet on all sides because it is generally recognized that those older buildings were constructed on much smaller parcels and setbacks before the introduction of the current zoning process and use of strict setbacks would make many of these older buildings useless and subject to potential blight and deterioration.
- (e) The minimum lot size shall be one acre.
- (f) Due to the anticipated truck traffic generated by this type of use, any access driveway 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 separate driveway.
- (g) 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.
- (h) The permit is conditional upon compliance with light industrial district standard set forth in section 6-70(g)(2).
- (i) All discharge into the village sanitary sewer system to meet the requirements of the village sanitary sewer ordinance, as determined by the village engineer, shall be at the applicant's expense. If said discharge does not meet the standards, then the Applicant is required, as a condition of approval of the special use permit, to pre-treat the waste before discharge of same into the village sanitary sewer system, or to provide an alternative method of waste collection and disposal that would be approved by the village engineer, at the applicant's sole cost.
- (j) Limits on the hours of operation may be a condition of the special use permit, for the protection of adjoining residential land, if any.

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

Sec. 6-161. - Indoor archery ranges.

- (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 same. Areas subject to vehicle parking and truck traffic shall be hard surfaced with either a blacktop or a concrete surface. The parking area shall also be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.
- (b) The proposed site must otherwise comply with the site plan review requirements of article III, section 6-45 of this zoning ordinance.

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

Secs. 6-162—6-174. - Reserved.

ARTICLE VIII. - ENVIRONMENTAL PROTECTION AND DESIGN PROVISIONS

Sec. 6-175. - Purpose.

Environmental standards are established to preserve the short and long-term environmental health, safety, and quality of the village. No parcel, lot, building or structure in any district shall be used or occupied in any manner to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this chapter may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation. These standards are established as minimum requirements to be maintained.

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

Sec. 6-176. - Landscaping, greenbelts and buffers, and screening.

(a) *Intent.* The intent of this section is to:

- (1) Protect and preserve the appearance, character, and value of the community.
- (2) Minimize noise, air, and visual pollution.
- (3) Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
- (4) Require buffering of residential areas from more intense land uses and public road rights-of-way.
- (5) Prevent soil erosion and soil depletion and promote sub-surface water retention.
- (6) Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
- (7) Encourage the integration of existing woodlands in landscape plans.

(b) *Application of requirements.* These requirements shall apply to all uses for which site plan review is required under [section 6-45](#) and subdivision plat review as required under the subdivision control ordinance. No site plan, site condominium plan, or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth herein.

(c) *Landscape plan requirements.* A separate detailed landscape plan shall be required to be submitted to the village as part of the site plan review or tentative preliminary plat review. The landscape plan shall demonstrate that all requirements of this section 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.

(d) *Screening between land uses.*

- (1) Upon any improvement for which a site plan is required, a landscape buffer shall be constructed to create a visual screen at least six feet in height along all adjoining boundaries between either a conflicting nonresidential

or conflicting residential land use and residentially zoned or used property. A landscape buffer may consist of earthen berms and/or living materials to maintain a minimum opacity of at least 80 percent. Opacity shall be measured by observation of any two-square-yard area of landscape screen between one foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three years.

- (2) Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required by the village. Such wall or fence shall be a minimum of six feet in height as measured on the side of the proposed wall having the higher grade.

A required wall shall be located on the lot line except where underground utilities interfere and except in instances where this zoning ordinance requires conformity with front yard setback requirements. Upon review of the landscape plan, the village may approve an alternate location of a wall. The village and the building official shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, and precast brick face panels having simulated face brick, stone or wood.

(e) *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 village, 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 a conflicting land use as defined by this section shall meet the screening requirements set forth in subsection (d).
- 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.

(f) *Greenbelts.* A greenbelt shall be provided which is an area established at a depth of the required front yard setback within a zoning district and landscaped in accordance with the following requirements:

- (1) The greenbelt shall be landscaped with a minimum of one tree for every 30 lineal [linear] feet, or fraction thereof, of frontage abutting a public road right-of-way. Non-ornamental deciduous trees within a greenbelt shall be a minimum caliper of two and one-half inches or greater. Evergreen trees within a greenbelt shall be a minimum height of six feet.
- (2) If ornamental deciduous trees are substituted for either non-ornamental deciduous trees or evergreen trees, they shall be provided at a minimum of one tree for every 20 lineal [linear] feet, or fraction thereof, of frontage

abutting a public road right-of-way. Ornamental deciduous trees within a greenbelt shall be a minimum caliper of two inches or greater.

- (3) In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials.
 - (4) Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.
- (g) *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.
- (h) *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.
- (i) *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.

- (j) *Landscape elements.* The following minimum standards shall apply:
 - (1) *Quality.* Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to Ingham County, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
 - (2) *Composition.* A mixture of plant material, such as evergreen deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
 - (3) *Berms.* Berms shall be constructed with slopes not to exceed a one to three gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.
 - (4) *Existing trees.* The preservation and incorporation of existing trees is encouraged. Where existing trees are used to satisfy the requirements of this section, the following requirements shall apply:
 - a. Paving, or other site improvements, shall not encroach upon the dripline of the existing tree(s) to be preserved.
 - b. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the village, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the village.
 - c. In the event that healthy trees which are used to meet the minimum requirements of this chapter or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the village, the contractor shall replace them with trees which meet chapter requirements.
 - (5) *Installation, maintenance, and completion.*
 - a. All landscaping required by this article shall be planted before obtaining a certificate of occupancy or the appropriate financial guarantee, as set forth in section 6-48, shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.
 - b. All landscaping, and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
 - c. The owner of property required to be landscaped by this chapter shall maintain such landscaping in a strong and healthy condition, free from refuse, debris and insects. All materials used to satisfy the requirements of this article which become unhealthy or dead shall be replaced within one year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.
- (k) *Minimum size and spacing requirements.* Where landscaping is required the following schedule sets forth minimum size and spacing requirements; for representative landscape materials:

SIZE AND SPACING REQUIREMENTS

	Minimum Size Allowable	Recommended On-Center Spacing
	Height/Caliper	(in feet)

TREES	6'	3'-4'	2"	2.5"	30	25	15	10
Evergreen Trees:								
Fir	◆						◆	
Spruce	◆						◆	
Pine	◆						◆	
Hemlock	◆						◆	
Douglas Fir	◆						◆	
Narrow Evergreen Trees:								
Red Cedar		◆						◆
Arborvitae		◆						◆
Juniper (selected varieties)		◆						◆
Large Deciduous Trees:								
Oak				◆	◆			
Maple				◆	◆			
Beech				◆	◆			
Linden				◆		◆		
Ginkgo (male only)				◆	◆			
Honey Locust (seedless, thornless)				◆	◆			
Birch				◆		◆		
Sycamore				◆	◆			
Small Deciduous Trees (ornamental)								
Flowering Dogwood			◆				◆	

(disease resistant)				◆					
Flowering Cherry, Plum, Pear				◆			◆		
Hawthorn				◆				◆	
Redbud				◆			◆		
Magnolia				◆				◆	
Flowering Crabapple				◆				◆	
Mountain Ash				◆				◆	
Hornbeam				◆			◆		

SIZE AND SPACING REQUIREMENTS (con't.)

	Minimum Size Allowable				Recommended On-Center Spacing				
	Height/Spread				(in feet)				
SHRUBS	6'	3'-4'	24"-36"	18"-24"	10	6	5	4	3
Large Evergreen Shrubs:									
Pyramidal Yew		◆			◆				
Hicks Yew				◆				◆	
Spreading Yew			◆				◆		
Alberta Spruce		◆						◆	
Chinensis Juniper Varieties			◆			◆			
Sabina Juniper				◆			◆		
Mugho Pine				◆		◆			

Small Evergreen Shrubs:									
Brown's Ward's Sebio Yews				◆					◆
Horizontalis Juniper Varieties				◆		◆			
Boxwood				◆				◆	*
Euonymus Spreading varieties				◆			◆		
Large Deciduous Shrubs:									
Honeysuckle			◆			◆			
Lilac			◆			◆			
Privet			◆			◆			*
Sumac			◆			◆			
Buckthorn/Tallhedge		◆					◆		*
Pyracantha				◆			◆		
Weigela		◆						◆	
Flowering Quince			◆			◆			
Cotoneaster			◆				◆		
(Peking and Spreading)									
Dogwood (Red Osier and Grey)			◆			◆			
Euonymous (Burning Bush)			◆			◆	*		
Viburnum varieties			◆			◆			
Small Deciduous Shrubs:									
Barberry				◆			◆		
Dwarf Winged Euonymus				◆			◆		*

Spirea				◆				◆	
Fragrant Sumac				◆					
Japanese Quince				◆					◆
Cotoneaster				◆					◆
(Rockspray, Cranberry)				◆			◆		

;sz=8q; *For hedge plantings

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

Sec. 6-177. - Trees.

- (a) *Public tree care.* The village manager shall have control over all trees located within the street rights-of-way, village easements, and public parks in the village and the planting, care and removal thereof, subject to the regulations contained in this chapter. The owner of land abutting on any street may, upon obtaining prior written permission of the village manager, prune, spray, plant or remove trees in that part of the street abutting his land which is not used for public travel, but no person shall otherwise prune, spray, plant or remove any tree in any street or park. Every such permit shall specify the extent of the authorization and the conditions to which it is subject.
- (b) *Permits for tree planting.* The village manager shall prepare and have available for the public an application consistent with the requirements of this article.
- (c) *Public tree removal.* The department of public works (DPW) shall have the right to plant, trim, spray, preserve and remove trees, plants, and shrubs within the right-of-way lines of all streets, alleys, avenues, lanes, easements, and parks of the village, as may be necessary to ensure safety or to preserve the symmetry and beauty of such property. The village manager may remove, cause or order to be removed, any tree, or part thereof which is an unsafe condition, which is of a prohibited species or which is infested with any injurious disease, fungus, insect or other pest. The DPW shall not be required to notify adjoining property owners, prior to exercising the rights and responsibilities set forth in this section.

Whenever the DPW shall remove any tree, plant or shrubs, solely for the purpose of constructing any public works, the village manager shall, if practicable, replace the same at public expense, at some nearby location by planting another tree, not necessary of the same type. Any new or replacement plantings required for restoration work shall be consistent with the requirements of this article.

- (d) *Tree planting regulations.*
 - (1) No tree of any prohibited species shall be planted in any street or park, nor shall such tree be planted on any private property within 50 feet of any street or sidewalk right-of-way or any sewer or sewer extension. Shade trees planted in any street right-of-way shall be spaced not less than 40 feet apart.
 - (2) The owner of a lot may, in order to provide a shade or ornamental tree in front of his property, secure permission to plant a tree closer than 40 feet from an existing tree, but in no case shall such planting be within

30 feet of any existing tree, within the right-of-way.

(e) *Utilities—Street trees.*

- (1) No street tree, other than those species listed as small trees in section 6-176 of this article may be planted under or within ten lateral feet of any overhead utility wire or, over or within five feet of any underground water line, sewer or transmission line or other utility.
- (2) When trees are planted in the right-of-way, every effort will be made to plant such trees on the side of the right-of-way free of utilities, if possible.
- (3) No tree shall be planted nearer to the intersection of any street than 20 feet from the corner of such intersection.
- (4) No person shall place within the street right-of-way any stone, brick, sand, concrete or other material which will in any way impede the full and free passage of water, air or fertilizer to the roots of any tree, except a sidewalk of authorized width and location.

(f) *Trees on private property.*

- (1) No person shall plant any tree on private property within the village unless the distance from the center of the trunk of such tree to nearest street of way line measurers six feet or more.
- (2) No person shall plant on private property within the village any tree listed as a small tree within five lateral feet of any underground water line, sewer line, transmission line or other utility.
- (3) No person shall plant on private property within the village any tree listed as a medium tree within ten lateral feet of any underground water line, sewer line, transmission line or other utility.
- (4) No person shall plant on private property within the village any tree listed as a large tree within 15 lateral feet of any underground water line, sewer line, transmission line or other utility.
- (5) The following trees are not recommended for planting on public or private property:

Poplar	Silver Maple
Box Elder	Common Catalpa
Basswood	Horse Chestnut
Willow	Chinese Elm
Tree of Haven	

- (6) No person shall plant on private property within the village any tree enumerated in either subsections (f)(5) or (g) within 25 lateral feet of any underground water line, sewer line, transmission line or other utility.
- (7) No person shall plant on private property or on a public street any tree without contacting Miss Dig prior to beginning excavation.

(g) *Street trees species to be planted.* The following list constitutes the official street tree species for the Village of Stockbridge. No species other than those included on this list may be planted as street trees without written permission of the village manager.

Small Trees	Medium Trees	Large Trees
Serviceberry	Hedge Maple	Norway Maple
Flowering Crab	Coffee Tree	Red Maple
Hawthorn	Green Tree	White Ash
Magnolia	Sassafras	Ginkgo
Mountain Ash	Yellowwood	Honey Locust
Redbud	Amur Cork Tree	London Plane
Washington Thorn		White Oak
		Pin Oak
		Sycamore
		Thornless Locust
		Sugar Maple

(h) *Trees prohibited in street rights-of-way less than 50 feet.* Street trees will not be allowed in street rights-of-way narrower than 50 feet in width. These streets include, but are not limited to:

Garfield Street

Hill Street

Old Orchard Lane

Spring Street

Rice Street

(i) *Penalty.* Any person, firm or corporation violation or failing to comply with any of these provisions of this article shall be guilty of a municipal civil infraction under section 1-6(b).

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

Sec. 6-178. - Fences, walls and screens.

Any person desiring to build or cause to be built a fence upon property within the Village of Stockbridge shall first apply to the zoning administrator for a permit. Application for such permit shall contain any and all information, including site plan and opacity, which are required and necessary for the determination of whether the erection of such fence would be contrary to the provisions of this article. The fee for such permit shall be set by council resolution.

Except as otherwise required by this article, the following regulations shall apply:

(a) *General requirements.* All fences in the village shall meet the following requirements:

(1) *Permit.* Any person desiring to build or causing to be built a fence or replace a fence upon property within the corporate limits of the Village of Stockbridge shall first apply to the zoning inspector for a permit to do so. Application for such permit shall contain any and all information, including drawings, required and necessary for the determination of whether the erection of such fence would be contrary to the provisions of this chapter or the laws of the State of Michigan. In issuing a fence permit, the Village of Stockbridge shall not be responsible for the location of fence with respect to property lines.

(2) *Standards.* It shall be unlawful for any person, firm or corporation to construct or cause to have constructed any fence upon any property within the corporate limits of the Village of Stockbridge, except in accordance with the requirements herein provided.

a. All fences shall be constructed within the property lines of a lot unless there is a written consent from the adjoining property owners. The village shall not be responsible for the determination of the location of any fence to be erected on lot lines. Fences shall be constructed at least five feet from any public sidewalk or right-of-way.

b. The following height and opacity requirements apply to fences constructed on property other than public land or institutional parks:

Location	Minimum Height	Maximum Height	Maximum Opacity
Rear Yard	3 feet	6 feet	100%
Side Yard	3 feet	4 feet	100%
Front Yard*	3 feet	4 feet	50%

* Front yard fences shall be constructed of materials designed for landscape effect such as split rail, picket or wrought iron. Front yard fences constructed of materials designed for other than landscape effects, including, but not limited to chain link, snow fences, and wire, shall not be permitted.

- c. Gates in fences shall not open over public property.
- d. Retaining walls taller than one foot above the adjacent ground level shall be considered as fences and shall be subject to the requirements of this section.
- e. Fences which enclose public or institutional parks, playgrounds or public landscaped areas, situated within an area development with recorded lots, shall not exceed eight feet in height and shall not

obstruct vision to an extent greater than 25 percent of their total area. The zoning board of appeals may permit a greater height.

- f. The height of a fence shall be measured from the average grade of the fence line.
 - g. Temporary fences such as construction fences or any other type of temporary fencing may be permitted but shall not be in place for a period greater than one year without special approval of the zoning board of appeals.
 - h. Barbed wire, razor edge fence, spikes, nails or any sharp point or instrument of any kind on top or on the sides of any fence, or electrical current or charge in said fences, is prohibited.
- (3) *Maintenance of fences.* Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type or construction, or otherwise endangers life or property, is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the zoning inspector or authorized representative shall serve written notice to the owner, agent, or person in control of the property upon which such fence is located. The notice shall describe unsafe conditions, shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a 30-day limit for such repairs, modifications, or removal.
- (4) *Alterations.* Any person, firm or corporation being owners, lessee, occupant or agent of the same, of any property containing a fence which is contrary to the provisions of this section, shall not alter, change, repair or rebuild said without first having obtained a permit.
- (b) In a commercial or industrial district, no fence, wall, or other screening structure shall exceed 12 feet in height.
 - (c) In the open conservation district, a fence up to six feet in height may be permitted, subject to satisfactory aesthetic appearance, as approved by the planning commission.
 - (d) *Clear vision requirements.*
 - (1) No fence, wall, screen, hedge, sign, or other structure or planting shall obstruct visibility between the heights of 30 inches and ten feet above the sidewalk grade within 25 feet of the intersection of two or more streets.
 - (2) On any interior lot, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of a driveway, either on a parcel or on an adjacent parcel, between the height of 30 inches and ten feet measured a distance of 20 feet back from the point where the driveway intersects the street.

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

Sec. 6-179. - Artificial pools.

- (a) *Fences and gates.*
 - (1) Every outdoor artificial pool shall be completely surrounded by a fence or wall not less than four feet in height, constructed so as not to have openings, holes, or gaps larger than four inches in any dimension except for doors and gates, and if a picket fence is erected or maintained, the horizontal dimension shall not exceed four inches. A dwelling house or accessory building may be used as part of such enclosure.
 - (2) All gates or door openings through such enclosure shall be equipped with a self-closing and selflatching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
 - (3) No person in possession of land within the village, either as owner, purchaser, lessee, tenant, or as a licensee, upon which is situated an artificial pool having a depth, at any point, of greater than 18 inches shall fail to provide and maintain such fence or wall. This requirement shall be applicable to all new artificial pools

constructed, other than indoor swimming pools, and shall apply to all existing pools which have a depth, at any point therein, of greater than 18 inches of water.

- (b) *Inspection and abatement.* The village manager or the building inspector, shall inspect or cause to be inspected all artificial pools within the village at such times as may be deemed necessary to carry out the intent of this section. They are authorized to enter upon any premises, private or public, at such times as they may deem necessary and to require the owner, proprietor, possessor, lessee, tenant, licensee, renter or operator to comply with the requirements of this section. In the event of noncompliance after written notice of the requirements of this section, the president or building inspector shall have the power to abate or cause a suspension of the use of such artificial pool until such time as the same is in compliance, no longer a menace or hazard to health, safety or morals.

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

Sec. 6-180. - Sidewalk construction.

- (a) *Purpose.* The purpose of this section is to regulate the repair and maintenance of public sidewalks and to keep them in proper and safe condition for public use.
- (b) *Regulations.* The owner or owners of all lots and premises within the village are required to maintain, repair, and keep safe any sidewalk(s) adjacent to or upon their lots and premises.
- (c) *Sidewalk repair standards.* The village manager, or his or her designee, shall determine that an unsafe sidewalk hazard exists when one or more of the following conditions exist:
- (1) Vertical cracks, upheaval, or settlement greater than one inch.
 - (2) Horizontal cracks or joint separation greater than one inch.
 - (3) Tilted sections, if tilted greater than two inches in any direction.
 - (4) More than 25 percent of a single concrete slab is damaged.
 - (5) A hole greater than three inches in diameter exists.
 - (6) Any other condition which, in the village manager's, or his or her designee's discretion, causes the sidewalk to be unsafe for use.
- (d) *Notice to property owner.* A notice of an unsafe sidewalk condition will be given or sent to the responsible property owner. Such notice shall indicate the location and nature of the unsafe condition and a time limit for repair or replacement. Thereafter, it shall be the duty of the owner to place the sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than two weeks, within which such work shall be completed with due diligence.
- (e) *Methods for serving notice.* Notice regarding sidewalk repairs shall be served in the following manner:
- (1) By delivering the notice to the owner personally or by leaving such notice at the owner's residence, office or place of business with some person of suitable age and discretion;
 - (2) By mailing the notice by certified or registered mail to such owner at his last known address; or
 - (3) If the owner is unknown, by posting the notice in some conspicuous place on the premises. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any village official, unless permission is given by such official to remove the notice.
- (f) *Recourse for noncompliance.* If the property owner does not repair the sidewalk within the time limit specified in the notice, the village manager, or his or her designee, shall have the sidewalk repaired. If the village manager determines that an emergency exists, and that immediate repair is necessary to protect the public, he or she may dispense with the notice and institute the repairs immediately. In any event, the cost of repairs under this section

shall be charged against the property which adjoins the sidewalk and shall be paid by the owner of the property. If not paid, the cost of repairs shall be collected as provided for in section 26-26 of chapter 26, article II of the Stockbridge Village Code, pertaining to special assessments.

- (g) *Obstructions.* Sidewalks shall be kept free of snow, ice, and other obstructions pursuant to the requirements of section 18-71 of chapter 18, article IV of the Stockbridge Village Code.
- (h) If the damage or required maintenance to the sidewalk is the results from a tree or an operation of a village essential service located between the sidewalk and the road (controlled by the village), then the village may participate in the cost of repair, at its sole discretion.

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

Sec. 6-181. - Airborne emissions.

- (a) *Smoke and air contaminants.* It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by federal and/or state regulatory authorities.
- (b) *Odors.* Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this section are not intended to apply to farming activities.
- (c) *Gases.* The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

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

Sec. 6-182. - Noise and vibration.

- (a) Noise which is objectionable as determined by the village due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled, subject to the noise control provisions of the Village Code.
- (b) In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.
- (c) No use shall generate any ground transmitted vibration in excess of the limits set forth below. Vibration shall be measured at the nearest adjacent lot line. The vibration maximums set forth below are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following standards shall apply:

Particle Velocity, Inches Per Second	
Frequency in Cycles per Second	Displacement in Inches
0 to 10	0.0010
10 to 20	0.0008

20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

(d) Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

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

Sec. 6-183. - Use, storage and handling of hazardous substances; storage and disposal of solid, liquid, and sanitary wastes.

- (a) It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the village through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.
- (b) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall obtain the necessary permits or approval from the appropriate federal, state or local authority having jurisdiction.
- (c) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file a hazardous chemicals survey on a form supplied by the village in conjunction with the following:
 - (1) Upon submission of a site plan.
 - (2) Upon any change of use or occupancy of a structure or premise.
 - (3) Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.
- (d) All business and facilities which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month (equal to or greater than 25 gallons or 22 pounds) shall comply with the following standards:
 - (1) *Aboveground storage and use areas for hazardous substances.*
 - a. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficiently impervious to contain the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - b. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
 - c. Secondary containment structures such as outbuildings, storage rooms, sheds and pole barns shall not have floor drains.
 - d. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff.
 - (2) *Underground storage tanks.* Existing and new underground storage tanks shall be registered, installed, operated, maintained, and removed in accordance with requirements of the appropriate federal, state or local authority having jurisdiction.

- (3) *Loading and unloading areas.* Areas used for the loading and unloading of hazardous substances shall be designed constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leak
- (e) All site plans for business or facilities which use, store or generate hazardous substances shall be reviewed by the fire department, department of public works (DPW) and any other appropriate experts determined necessary by the planning commission prior to approval by the planning commission.

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

Sec. 6-184. - Electrical disturbance, electromagnetic, or radio frequency interference.

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

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

Sec. 6-185. - Glare and exterior lighting.

(a) *Light and glare from indirect sources.*

- (1) Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.
- (2) The design and/or screening of the development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.
- (3) Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

(b) *Exterior lighting from direct sources.*

- (1) Except for uses located in the OSC—Open Space Conservation District, and subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.
- (2) Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which created a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses. This provision is not intended to apply to public street lighting.
- (3) The following additional standards shall apply:
 - a. Only white, non-glare lighting such as metal halide, color-corrected high-pressure sodium, or other types of lighting which achieve the same effect shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.
 - b. The light intensity provided at ground level shall be a minimum of 0.3 footcandle anywhere in the area to be illuminated. Light intensity shall average a minimum 0.5 footcandle over the entire area, measures five feet above the surface.
 - c. Except as noted below, lighting fixtures shall not exceed a height of 25 feet. In portions of a site adjacent to residential areas, lighting fixtures shall not exceed a height of 20 feet.

- d. All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties and traffic safety. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purpose is not permitted. Temporary holiday lighting and decoration are exempt from the aforementioned provision.

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

Sec. 6-186. - Fire hazard.

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire-suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

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

Sec. 6-187. - Safety.

Existing hazards or potential hazards and nuisances such as construction sites, junk yards, landfills, sanitary landfills, demolition sites, unused basements, abandoned wells or cisterns and sand, gravel, and stone pits or piles are to be enclosed by suitable fencing or barriers so as not to endanger public health, safety and welfare.

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

Sec. 6-188. - Stormwater management.

- (a) *Stormwater management.* All developments and earth changes subject to review under the requirements of this chapter shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required on site shall reflect the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site.

Stormwater management shall comply with the following standards:

- (1) The design of storm sewers, detention facilities, and other stormwater management facilities shall comply with the standards of the village municipal standards and the Ingham County Drain Commissioner.
- (2) Stormwater management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.
- (3) The use of swales and vegetated buffer strips is encouraged in cases where the planning commission deems to be safe and otherwise appropriate as a method of stormwater conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
- (4) Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners.
- (5) Discharge of runoff from any site which may contain oil, grease, toxic chemicals, or other polluting materials is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the Michigan Department of Environmental Quality and the Ingham County Drain Commissioner, based upon professionally accepted principles, such a proposal shall be submitted and reviewed by the village engineer, with consultation of appropriate experts.

(6) Drainage systems shall be designed to protect public health and safety and to be visually attractive, taking into consideration viable alternatives.

(b) *On-site stormwater detention.* For the purpose of controlling drainage to off-site properties and drainage ways, all properties which are developed under this chapter, whether new or improved shall provide for on-site detention storage of stormwater in accordance with the current Ingham County Drain Commission's standards.

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

Sec. 6-189. - Building grades.

(a) Any building requiring yard space shall be located at such an elevation that a finished grade shall be maintained to cause the flow of surface water to run away from the walls of the building. All grades shall be established and maintained so that surface water run-off damage does not occur to adjoining properties prior to, during, and after construction.

(b) When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the building official shall use the existing established finished grade or the minimum established grade, in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes and to preclude normal run-off of surface water to flow onto the adjacent property.

(c) Final grades shall be approved by the building official who may require a grading plan which has been duly completed and certified by a registered engineer or land surveyor.

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

Sec. 6-190. - Residential liquid propane tanks.

Liquid propane tanks, not exceeding 1,000 gallons, are permitted in residential districts, provided they are principally intended to serve a residential structure(s). All tanks must comply with ASME (American Society of Mechanical Engineers) rules for the construction of propane pressure vessels intended for use within the United States.

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

Secs. 6-191—6-205. - Reserved.

ARTICLE IX. - PUD—PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 6-206. - Purpose and intent.

Planned unit development (PUD) district regulations are intended to provide for various types of land uses planned in a manner which shall encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the village; and bring about a greater compatibility of design and use. The provisions of this article provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments (PUD).

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

Sec. 6-207. - PUD regulations.

- (a) A planned unit development (PUD) may be applied for in any zoning district. The grant of a planned unit development (PUD) application shall require a rezoning by way of amendment of this chapter upon the recommendation of the planning commission and approval of the village council.
- (b) Any land use authorized in this chapter may be included in a planned unit development (PUD), subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
- (c) The applicant for a planned unit development (PUD) must demonstrate all of the following criteria as a condition to being entitled to planned unit development (PUD) treatment:
 - (1) Grant of the planned unit development (PUD) will result in one of the following:
 - a. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development (PUD) regulations;
 - b. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development (PUD) regulations; or
 - c. A nonconforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
 - (2) The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
 - (3) The proposed development shall be consistent with the public health, safety and welfare of the village.
 - (4) The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
 - (5) The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
 - (6) The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this article.
 - (7) The proposed development shall be consistent with the goals and policies of the general development plan.

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

Sec. 6-208. - Procedure for review.

- (a) *Pre-application conference.* Prior to the submission of an application for planned unit development (PUD) approval, the applicant shall meet with the zoning administrator, together with any staff and consultants the administrator deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development (PUD), as well as the following information: total number of acres in the project; a statement of the number of residential units, if any; the number and type of nonresidential uses, the number of acres to be occupied by each type of use; the known deviations from ordinance regulations to be sought; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved.
- (b) *Preliminary plan.* Following the pre-application conference, the applicant shall submit a preliminary site plan of the proposed planned unit development (PUD). The preliminary site plan shall be prepared in accordance with the

standard set forth in section 6-45(b). A narrative report shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in section 6-206 have been met.

- (1) *Planning commission action.* The preliminary plan shall be noticed for public hearing as a zoning amendment before the planning commission. Following the hearing, the planning commission shall review the preliminary site plan and shall take one of the following actions:
 - a. *Approval.* Upon finding that the preliminary plan meets the criteria and standards set forth in sections 6-206 and 6-207, the planning commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall confer upon the applicant the right to proceed to preparation of the final plan.

Approval of the preliminary plan by the planning commission shall not constitute rezoning of the property to planned unit development (PUD) nor bind the village council to approval of the final plan.
 - b. *Tabling.* Upon finding that the preliminary plan does not meet the criteria and standards set forth in sections 6-206 and 6-207, but could meet such criteria if revised, the planning commission may table action until a revised preliminary plan is resubmitted.
 - c. *Denial.* Upon finding that the preliminary plan does not meet the criteria and standards set forth in sections 6-206 and 6-207, the planning commission shall deny preliminary approval.
- (c) *Final plan.* Within six months following receipt of the planning commission comments on the preliminary plan, the applicant shall submit a final plan and supporting materials conforming with this section. If a final plan is not submitted by the applicant for final approval within six months following receipt of planning commission comments, the preliminary plan approval becomes null and void.
 - (1) *Information required.* A final site plan and application for a planned unit development (PUD) shall contain the following information:
 - a. A site plan meeting all requirements of section 6-45(c), final site plan.
 - b. A separately delineated specification of all deviations from this chapter which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development (PUD) article.
 - c. A specific schedule of the intended development and construction details, including phasing or timing.
 - d. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
 - e. A specification of the exterior building materials with respect to the structures proposed in the project.
 - f. Signatures of all parties having an interest in the property.
 - (2) *Planning commission action.* The final plan shall constitute an application to amend this article and shall be noticed for public hearing as a zoning amendment before the planning commission, and otherwise acted upon by the planning commission, and the village council, as provided by law.
 - a. *Approval.* Upon finding that the final plan meets the criteria and standards set forth in sections 6-206 and 6-207, the planning commission shall recommend approval to the village council.
 - b. *Tabling.* Upon finding that the final plan does not meet the criteria and standards set forth in sections 6-206 and 6-207, but could meet such criteria if revised, the planning commission may take action until a revised final plan is resubmitted.
 - c. *Denial.* Upon finding that the final plan does not meet the criteria and standards set forth in sections 6-206 and 6-207, the planning commission shall recommend denial to the village council.

The planning commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development (PUD) project including, without limitation, recommendations with respect to matters on which the village council must exercise discretion.

- (3) *Village council action.* The village council shall review the final plan. Taking into consideration the criteria and standards set forth in sections 6-206 and 6-207, the village council shall approve, table or deny the final plan. Prior to approval of a final plan, the village council shall require all standards and conditions of approval to be incorporated in a development agreement. The agreement shall be prepared by the village attorney, approved by the village council, and signed by both the village and the applicant.

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

Sec. 6-209. - Project design standards.

(a) *Residential design standards.*

- (1) Residential density shall not be greater than the maximum density permitted in the zoning district in which the property is situated immediately prior to classification under this article.

Additional density for residential uses may be allowed in the discretion of the village council upon the recommendation of the planning commission and based upon a demonstration by the applicant of consistency with the master plan and of planning and design excellence resulting in a material benefit to the village, adjacent land uses, and/or the ultimate users of the project, where such benefit would otherwise be unlikely to be achieved without the application of the planned unit development (PUD) regulations, including, without limitation, innovative design producing significant energy efficiency, pedestrian or vehicular safety, long term aesthetic beauty, and protection and preservation of natural resources and features.

(b) *Nonresidential design standards.*

- (1) Nonresidential uses may be permitted in combination with other nonresidential uses or as part of a common development with residential uses.
- (2) The nonresidential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.

(c) *General design standards.*

- (1) All regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a principal permitted use. In all cases, the strictest provisions shall apply.

Notwithstanding the immediately preceding paragraph, deviations with respect to such regulation may be granted as part of the overall approval of the planned unit development (PUD), provided there are features or elements demonstrated by the applicant and deemed adequate by the village council and planning commission designed into the project plan for the purpose of achieving the objectives of this article.

- (2) To the maximum extent feasible, the development shall be designed so as to preserve the natural resources and natural features. The benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of the natural resources or features and the following criteria:
- a. The availability of feasible and prudent alternative methods of accomplishing any development.

- b. The extent and permanence of the beneficial or detrimental effects of the proposed activity.
 - c. The size, quality and rarity of the natural resources or natural features which would be impaired or destroyed.
- (3) There shall be a perimeter setback and berming, as found to be necessary by the village, for the purpose of buffering the development in relation to surrounding properties. If the planned unit development (PUD) project includes nonresidential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to 100 feet in the discretion of the village council, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
- (4) Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- (5) There shall be underground installation of utilities, including electricity and telephone, as found necessary by the village.
- (6) Pedestrian walkways shall be separated from vehicular circulation, as found necessary by the village.
- (7) Signage, lighting, landscaping, building materials for the exterior of all structure, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
- (8) Where nonresidential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The village, in its discretion, shall review and approve the design and location of such mechanisms.
- (9) The village council upon the recommendation of the planning commission shall resolve all ambiguities as to applicable regulations using the zoning ordinance, master plan, and other village standards or policies as a guide.

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

Sec. 6-210. - Conditions.

- (a) Reasonable conditions may be required with the approval of a planned unit development (PUD), to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.
- (b) Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development (PUD); and, necessary to meet the intent and purpose of this article and be related to the objective of ensuring compliance with the standards of this article. All conditions imposed shall be made a part of the record of the approved planned unit development (PUD).

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

Sec. 6-211. - Phasing, and commencement of construction.

- (a) *Phasing.* Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and

open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development (PUD) and the residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the village council after recommendation from the planning commission.

- (b) *Commencement and completion of construction.* To ensure completion of required improvements, the village is authorized to impose performance guarantees in accordance with section 6-48. Construction shall be commenced within one year following final approval of a planned unit development (PUD) and shall proceed substantially in conformance with the schedule set forth by the applicant, as required by section 6-207(c). If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the village council upon good cause shown if such request is made to the village council prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the village council, based on a recommendation from the planning commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as planned unit development (PUD), a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

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

Sec. 6-212. - Effect of approval.

When approved, the planned unit development (PUD) amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment. Notice of adoption of the final planned unit development (PUD) plan and conditions shall be recorded by the applicant at the Ingham County Register of Deeds, evidence of which shall be supplied to the zoning administrator.

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

Secs. 6-213—6-228. - Reserved.

ARTICLE X. - SIGNS

Sec. 6-229. - Intent and purpose.

The intent of this article is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their possible adverse effects on the public health, safety and welfare. While this article recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the village, conflicts between different types of land use, reduction in traffic safety to pedestrians and motorists.

These sign regulations are intended to:

- (1) To prevent the placement of signs in a manner that will conceal or obscure adjacent signs or businesses;
- (2) Protect property values by ensuring that sign types, as well as the number of signs, are in harmony with buildings, neighborhoods, and other signage.
- (3) To keep signs within a reasonable scale with respect to buildings and properties;

- (4) To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
- (5) To promote a quality manner of display which enhances the character of the village;
- (6) To prevent the proliferation of temporary signs which might promote visual blight;
- (7) To eliminate the potential for any adverse effects on the neighboring properties.
- (8) Maintain and enhance the aesthetic environment, and the village's ability to attract economic development and growth.
- (9) Enable the fair and consistent enforcement of sign regulations.

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

Sec. 6-230. - General conditions.

- (a) *Permit.* Unless otherwise indicated, all sign shall require a permit from the village.
- (b) *Substitution of noncommercial speech for commercial speech.* Notwithstanding anything contained in this article to the contrary, any sign erected pursuant to the provisions of this article may, at the option of the owner, contain a noncommercial message in lieu of a commercial message, and the noncommercial copy may be substituted at any time in place of the commercial copy.
- (c) *Illumination.*
 - (1) Any sign's illumination shall be directed and shielded in a manner that will not interfere with vehicular traffic or the enjoyment and use of adjacent properties.
 - (2) Internal illumination shall be permitted under the following circumstances:
 - a. Individual back-lit letters which are silhouetted against softly illuminated walls.
 - b. Individual letters with translucent faces, containing soft lighting elements inside each letter.
 - c. Metal-faced box signs with cut-out letters and soft-glow fluorescent tubes.
 - (3) Gas-filled light types (fluorescent) shall be allowed for indirect illumination and when placed in such a manner that the tubes are not exposed to view from any point along the roadway or sidewalk.
 - (4) Digital signage or bill board may also be used for civic and community announcements.
- (d) *Safety.*
 - (1) All signs shall be erected and maintained in compliance with all applicable building code, and other applicable ordinances governing construction within the village. In the event of conflict between this article and other laws, the most restrictive shall govern.
 - (2) All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.
 - (3) No sign shall be erected, relocated or maintained so as to obstruct firefighting or prevent free access to any door, window or fire escape.
- (e) *Landscape quality and preservation.* In the application of this article, it is the intent to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
 - (1) Do not interfere with scenic views.
 - (2) Do not create a nuisance to persons using the public right-of-way.
 - (3) Do not constitute a nuisance to occupancy of other properties by their brightness, size, height, or movement.
 - (4) Are not detrimental to land or property values.

(5) Contribute to the special character of particular areas or districts in the village.

(f) *Signs prohibited in all districts.*

- (1) Roof signs.
- (2) Signs affixed to trees, rocks, shrubs or similar natural features, except, signs denoting a site of historic significance.
- (3) Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of words such as "stop," "look," "danger," or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead, confuse traffic, emergency services or the general public.
- (4) Signs other than those erected by a public agency which are located within or overhang the public right-of-way, on public property, or between the sidewalk (if any) and curb or street line, unless otherwise specified herein.
- (5) Any sign or sign structure which constitutes a hazard to public health and safety due to inadequate maintenance.
- (6) Any sign unlawfully installed, erected or maintained.

(g) *Signs permitted in all districts.*

- (1) Nameplates not exceeding two square feet in size.
- (2) Street numbers.

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

Sec. 6-231. - Permitted freestanding signs.

(a) *General requirements.*

- (1) One freestanding sign shall be permitted per premises for each road frontage.
- (2) A freestanding sign shall have a setback of 15 feet from a public road right-of-way and a setback distance equal to the height of the sign from all other property boundaries.

(b) *Specific requirements.* Freestanding signs shall be permitted by district in accordance with the following requirements:

	District	Height	Area
1.	CBD districts. All permitted and special uses	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	20 square feet per side, not to exceed a total of 40 square feet
2.	C-2, C-3 and P-1 districts	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	50 square feet per side, not to exceed a total of 100 square feet

3.	I-1 districts. All permitted and special uses	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	30 square feet per side, not to exceed a total of 60 square feet
4.	R-1 and R-2 districts. All nonresidential permitted and special uses such as schools, churches, parks and municipal buildings	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	20 square feet per side, not to exceed a total of 40 square feet
5.	R-1 and R-2 districts. Identification signs for subdivisions or other residential developments	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	20 square feet per side, not to exceed a total of 40 square feet
6.	MHP districts. Identification signs for mobile home park developments	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	20 square feet per side, not to exceed a total of 40 square feet

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

Sec. 6-232. - Permitted wall signs.

The following wall signs shall be permitted in the following districts in accordance with the regulations herein.

(1) *General requirements.*

- a. No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached. Signs erected on the vertical portion of the mansard roof are considered to be wall signs.
- b. All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, straps of wood or nails.
- c. There shall be no more than one wall sign permitted for each building. Buildings which have frontages on two public rights-of-way are permitted a wall sign on both building frontages, provided total square foot requirements set forth in section 6-231(b) are not exceeded.

(2) *Specific requirements.* Wall signs shall be permitted by the district in accordance with the following requirements:

	District	Height	Area
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1.	CBD districts. All permitted and special uses	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	One square foot for each lineal [linear] foot of building frontage not to exceed a total of 40 square feet
2.	C-2, C-3, and P-1 district	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	One square foot for each lineal [linear] foot of building frontage not to exceed a total of 100 square feet
3.	I-1 districts. All permitted and special uses	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	One square foot for each lineal [linear] foot of building frontage not to exceed a total of 40 square feet
4.	R-1, R-2, MHP [districts]. All nonresidential permitted and special uses such as schools, churches, parks and municipal buildings	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	One square foot for each lineal [linear] foot of building frontage not to exceed a total of 20 square feet

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

Sec. 6-233. - Permitted projecting signs.

- (a) Projecting and suspended signs shall be permitted in CBD central business districts.
- (b) The bottom of the projecting or suspended sign shall be a minimum of eight feet above the surface of the sidewalk or grade, shall not interfere with pedestrian traffic or extend more than four feet from the front of the building unless approved by authority having jurisdiction.

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

Sec. 6-234. - Permitted temporary signs.

Temporary signs, containing either noncommercial or commercial messaging, or both, shall be permitted in accordance with the regulations herein.

Zoning District	Residential	Nonresidential
Maximum Number of Permitted Temporary Signs per Parcel	2	4

Maximum Advertising Display Area per Temporary Sign per Side	8	32
Maximum Height of Temporary Sign	6	6
Minimum Setback from Road Rights-of-way	5	5
Minimum Setback from all Adjoining Property Lines	10	10
Maximum Duration of Temporary Signs	45	45
Illumination Allowed	No	No

(1) *Permitted real estate.*

- a. One non-illuminated sign shall be permitted in any district provided such signs are located on the property intended to be rented, leased, or sold. Such signs shall not exceed an area of six square feet and a height of four feet from grade in all single-family residential districts and an area of 20 square feet and a height of 12 feet from grade in all other districts. Such signs shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way in all other districts.
- b. One non-illuminated freestanding sign with construction work being performed. Such signs shall not exceed 32 square feet in area and a height of 12 feet and shall be removed within 30 days of issuance of the certificate of occupancy.

(2) *Banners.*

- a. Permission to display a banner or sign for civic or charitable activity may be authorized by the zoning administrator.
- b. Within the CBD, C-1, C-2, M-1 and P-1 districts, one banner for up to 45 days is permitted per premises at any given time. Only those businesses with direct pedestrian access from the public right-of-way shall be permitted to have a promotional banner. The temporary promotional banner shall not exceed 20 square feet in area. Neither the height nor the width of a temporary promotional banner shall exceed ten feet. Temporary promotional banners shall not be located in a public right-of-way, must be affixed to the principal building of the business and shall be located and designed to avoid interference with or distraction to vehicular and pedestrian traffic.
- c. All banners which are not properly maintained shall be removed at the order of the zoning administrator.
- d. All other banners are strictly prohibited.

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

Sec. 6-235. - Permitted billboards.

The following regulations shall apply to billboards:

- (1) *Where permitted.* Billboards shall be permitted only in the M-1 district, subject to the standards contained herein, and the Highway Advertising Act of 1972, as amended.
- (2) *Spacing.*
 - a. Not more than three billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the street or highway. The linear-mile measurement shall not be limited to the boundaries of the Village of Stockbridge where the particular street or highway extends beyond such boundaries.

Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side by side to one another) or stacked billboard faces (i.e., two billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in this subsection.
 - b. No billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway.
 - c. No billboard shall be located within 200 feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be 300 feet.
 - d. No billboard shall be located closer than 75 feet from a property line adjoining a public right-of-way or ten feet from any interior boundary lines of the premises on which the billboard is located.
- (3) *Height.* The height of a billboard shall not exceed 30 feet above the level of the street or road upon which the billboard faces or to which the message upon the billboard is directed. In the event that the billboard is situated upon two streets or roads having different levels, the height of the billboard shall be measured from the higher street or road. The billboard shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way.
- (4) *Surface area.* The surface display area of any side of a billboard may not exceed 300 square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed 300 square feet.
- (5) *Illumination.* A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- (6) *Construction and maintenance.*
 - a. No billboard shall be on top of, cantilevered or otherwise suspended above the roof any building.
 - b. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.

Sec. 6-236. - Miscellaneous permitted signs.

- (a) *Directory signs.* For offices, office parks, industrial parks, and multi-tenant buildings in the CBD district, directory signs shall be permitted in addition to other signs permitted under these regulations.
 - (1) No more than one directory sign per lot is permitted, except where a lot has frontage on no less than two sides.
 - (2) No directory sign shall exceed 24 square feet in area or six feet in height from finished grade.
 - (3) No directory sign shall be located closer than 50 feet to any property line in all districts except the CBD.
- (b) *Menu board.* One menu board for a drive-in or drive-through restaurant shall be permitted in addition to other signs permitted under these regulations, provided such sign does not exceed 16 square feet in area or six feet in height from finished grade.
- (c) *Changeable copy signs.* Manual changeable copy signs shall be permitted when incorporated into a permitted wall or ground sign.
- (d) *Off-premises directional signs.* Off-premises directional signs may be permitted in all districts subject to the review of the planning commission and the following standards:
 - (1) No more than two signs per use shall be permitted.
 - (2) The size of an off-premises directional sign shall not exceed two square feet in size.
 - (3) The top of an off-premises directional sign shall not exceed six feet from grade. However, variations in height may be granted by the planning commission to accommodate vehicular visibility to avoid obstruction to visibility.
 - (4) Illumination shall not be permitted.
 - (5) Permission of the property owner where the proposed sign is to be located must be provided.
 - (6) An off-premises directional sign shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way.
- (e) *Historic markers.* If a structure within the village has been designated a state historical site or listed in the National Register of Historic Places, then a marker designating that fact, obtained from the appropriate state or federal agency, shall be permitted in addition to any other sign or signs which may lawfully be placed on the structure or the property on which the structure is located.
 - (1) Anyone wishing to place a historic marker on a structure or property shall complete and file a sign permit application with the zoning administrator. No fee shall be charged for a historic marker application.
 - (2) The village council shall review the proposed placement of the historic marker and no historic marker shall be placed on any structure or property unless a permit has been approved by the village council.
- (f) *Window signs.*
 - (1) Except for signs posting hours of operation and/or building address, a permit shall be required for any sign painted or hung on window. The purpose/effect of the sign shall be to identify the premises, or its business, from the sidewalk or street. Temporary signs for new business shall not require a permit and shall be considered temporary for no longer than 45 days.
- (g) *Mural signs.* When a mural or graphic includes identification of an establishment or specific services, good or products, or a representation of the types of services, good or products provided on the site, the mural area will count towards the total permitted wall sign area.

Murals are subject to special land approval based upon a recommendation from the village council and the following standards:

- (1) No mural may be placed on any building or structure that includes nonconforming signs.
- (2) A wall, facade, or surface that is used for a mural pertaining to the business on which it is located shall be counted as one sign. A mural will count towards the total wall signage allowed for the business; however, the village council in its sole discretion may permit murals of larger size. Larger murals shall be permitted when determined to demonstrate at least one of the following:
 - a. Accentuates the historic features of the building.
 - b. Masks an unattractive building facade.
 - c. Creates an aesthetically pleasing amenity.
 - d. Superior in aesthetics to an attached wall sign.
- (3) The owner of record of the building or structure on which the proposed mural is to be placed shall, in writing, consent to the placement of said mural on the property, and shall agree to restore the wall, facade or surface upon which the mural is placed to its prior existing condition if and at such time the mural is not maintained by the applicant. The permit application shall include a statement detailing the applicant's plans for the maintenance of the mural.
- (4) In the review of the special land use, the village council shall grant approval only if the following criteria are met:
 - a. The placing of the proposed mural at the location selected by the applicant would not constitute a significant traffic safety hazard.
 - b. Neither the mural, nor the placement of the mural, would endanger the public health, safety, or general welfare.
 - c. Neither the mural, nor the placement of the mural, would be injurious to the use and enjoyment of other property in the immediate vicinity of the proposed location.

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

Sec. 6-237. - Signs for home occupations.

Signs not customarily found in residential areas shall be prohibited, provided however that one nonilluminated name plate, not more than two square feet in area, may be attached to the building

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

Sec. 6-238. - Permits required.

- (a) It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit, except where otherwise noted within the article.
- (b) A permit shall be issued by the zoning administrator only if the proposed sign meets all requirements of the article. If an alteration of an existing sign is limited to the information communicated on the sign without increasing its size, and if no structural modification is necessary, a sign permit shall not be required.
- (c) When a sign permit has been issued by the village, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the zoning administrator. A written record of such approval shall be entered upon the original permit application and maintained in the files of the village.
- (d) The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent, or a sign contractor. Such applications shall be made in writing on forms furnished by the village and shall be signed by the applicant.

- (e) The application for a sign permit shall be accompanied by the following plans and other information:
- (1) The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
 - (2) The location by street address of the proposed sign structure.
 - (3) Complete information as required on application forms including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, and such other data as are pertinent to the application.
 - (4) Plans to indicate the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used.
 - (5) The application, including all required information, for an electrical permit if the sign will have an electrical connection.
 - (6) A statement of valuation.

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

Sec. 6-239. - Digital signage and billboards.

- (a) Digital signage is defined as a network of digital displays that is centrally managed and addressable for targeted information, entertainment, merchandising, and advertising. Digital signage typically has greater "conspicuity" than that of a billboard and usually involves dimming, scrolling, transition, and travel. Digital signage is not allowed in any type of residentially zoned districts.
- (b) Digital billboard is defined as a digital display that produces static images (message) typically for six to eight seconds, then fades away. A new static message then appears. Digital billboards do not involve scrolling, transition, travel, dimming, etc. Digital signage can function as a digital billboard, but typically does not. A digital billboard is not allowed in any type of residentially zoned districts.
- (c) *Application for permit.* Application for a permit to erect, modify, or remove a digital sign or digital billboard shall be accompanied by a site-plan depicting information such as size, location, purpose, dimming, scrolling, transition, travel, pixels, manufacturer, installer, and any other information the zoning administrator may feel necessary. Signs such as these typically require soil erosion (if electrical lines are to be buried) and electrical permits which will be required prior to issuance of a zoning permit. To remove a sign will require a demolition and possibly an electrical permit as determined by the zoning administrator and applicable state codes.
- (d) *Applicability of section 6-235 Section 6-235*, permitted billboards, applies to non-digital/electronic signs.
- (e) *Digital billboard regulations.*
 - (1) Digital billboards shall be wall or freestanding signs only. Sign size shall be determined the same as it is determined for non-electronic wall and freestanding signs (sections 6-231 and 6-232). The display shall be static and change no more than every six seconds. The saturation (color intensity) shall be lowered at dusk so as to lessen the brightness. Discretion will be that of the zoning administrator.
 - (2) Digital signs are not allowed in the CBD district.
- (f) *Digital signage regulations.*
 - (1) Digital billboards shall be wall or freestanding signs only. Sign size shall be determined the same as it is determined for non-electronic wall and freestanding signs (sections 6-231 and 6-232). The sign can function as a billboard type sign (frames) or can scroll, transition, or travel. The conspicuity of these type signs shall be substantially reduced at dusk to include dimming. Discretion will be that of the zoning administrator.
- (g) *Definitions.*

- (1) *Conspicuity* means the capacity of a sign to stand out or be distinguished from its surroundings and thus be readily by the eye. It has a noticeable contrast between the sign and its background.
- (2) *Dimming* means changing the brightness of a display or the overall intensity.
- (3) *Frame* means a complete, static display screen on a LED display.
- (4) *LED* means light emitting diode—a semiconductor diode that emits light.
- (5) *Scroll* means a mode of message transition where the message appears to move vertically across the surface.
- (6) *Transition* means a visual effect to change from one message to another.
- (7) *Travel* means a mode of message transition where the message appears to move horizontally across the surface.

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

Sec. 6-240. - Appeals.

An appeal from any ruling of the zoning administrator shall be made as provided in article XIII.

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

Sec. 6-241. - Nonconforming signs.

- (a) Existing signs which do not comply with the provisions of this article shall be deemed nonconforming. Nonconforming signs may be maintained or repaired but shall not be enlarged, rebuilt, altered or remodeled unless:
 - (1) They will become conforming by virtue of such enlargement, rebuilding, alteration or remodeling; and
 - (2) A permit to do so is obtained from the zoning administrator.

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

Sec. 6-242. - Sign erector's insurance.

No person shall engage in the business of erecting signs in the village without first registering with the village clerk and, filing proof of liability insurance, which indemnifies and holds the village harmless from any and all costs, damages or expenses resulting from the erection of any sign by such person or resulting from the negligence, failure or refusal of such person to comply with the provisions of the chapter. Proof of the contractor's workers compensation insurance policy shall also be filed with the village clerk, when applicable.

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

Secs. 6-243—6-257. - Reserved.

ARTICLE XI. - OFF-STREET PARKING AND LOADING

Sec. 6-258. - Intent and purpose.

The purpose of this section [article] is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the village or with land uses allowed by this chapter.

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

Sec. 6-259. - General provisions.

- (a) *Where required.* In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this article, shall be provided as herein prescribed. Except for parking located in the OSC—Open Space Conservation District, such spaces shall be constructed of concrete or asphalt, and be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this article.
- (b) *Existing off-street parking at effective date of ordinance.* Off-street parking existing at the effective date of this article which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this article.
- (c) *Required greenbelt and setbacks.* Off-street parking, including maneuvering lanes, shall not be located within the required front greenbelt in accordance with section 6-176(f). Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum five-foot setback is maintained between off-street parking and the side and rear lot lines of all adjoining properties.
- (d) *Parking duration.* Except when land is used as storage space in connection with the business of a repair or service garage, a 24-hour time limit for parking in nonresidential off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide, and it shall be unlawful to permit, the storage or prolonged parking on any such parking area in any such district wrecked or junked cars, or for creating a junkyard or a nuisance in such areas.
- (e) *Units and methods of measurement.* In determining off-street parking requirements, the following units of measurement shall apply:
- (1) *Floor area.* Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that floor areas within the principal building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses need not be included.
 - (2) *Employees.* For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
 - (3) *Places of assembly.* In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 24 inches of such shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
 - (4) *Fractional requirements.* When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one parking space.
- (f) *Location of parking.*
- (1) *One- and two-family dwellings.* The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve but shall not be considered a parking lot under the provisions of this article.
 - (2) *Multiple-family residential.* The off-street parking facilities for multiple-family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve and shall consist of a parking lot as set forth in this article. In no event shall any parking space be located nearer than ten feet to any main building.

- (3) *Other land uses.* The off-street parking facilities required for all other uses shall be located on the lot or within 500 feet of any permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.
- (4) *Restriction on parking on private property.* It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property without the authorization of the owner or agent of such property.
- (5) In all residential districts, vehicle must be parked on the hard-surfaced driveway required by section 6-262(a), except recreational vehicles governed by section 6-265.

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

Sec. 6-260. - Off-street parking requirements.

- (a) The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the schedule set forth in section 6-261. Parking requirements listed in section 6-261 shall not include off-street stacking spaces for drive-through facilities set forth in section 6-264.
- (b) *Similar uses and requirements.* When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply.
- (c) *Collective provisions.* Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with section 6-261.
- (d) *Parking exemption.* As of the effective date of this article, buildings and uses located within the CBD central business district shall be exempt from providing off-street parking. However, in no case should a building or use be expanded to remove off-street parking established before the effective date of this chapter.
- (e) *Flexibility in application.* The village recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in section 6-261 may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space which could be left as open space.

The village council based on a recommendation from the planning commission may permit deviations from the requirements of section 6-261 and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.

The village council may attach conditions to the approval of a deviation from the requirement of section 6-261 that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the village council may further impose conditions which ensure that adequate reserve area is set aside for future parking, is needed.

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

Sec. 6-261. - Table of off-street parking requirements.

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following table:

Category	Land Use	Required Parking Spaces
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Residential Uses	Single Family and Two Family	2 per dwelling unit
	Multiple family	2 per dwelling unit, plus 1 for each 10 dwelling units
	Manufactured homes	2 per home site
	Senior citizen housing and senior assisted living	1 per dwelling unit, plus 1 for each 10 units
	Convalescent homes and homes for the aged	1 per 3 beds
	Children's homes	1 per 5 beds
Institutional Uses	Places of Worship	1 per 3 seats or 6 feet of pews in the main assembly area
	Private clubs and lodges	1 per 300 square feet of gross floor area
	Hospital	1 per 3 beds
	High schools	1 per teacher/employee and 1 per each 10 students
	Elementary and middle schools	1 per teacher/employee and 1 per each 25 students
	Colleges and universities	1 per teacher/employee and 1 per each 10 students
	Child care centers and nursery schools	1 per 5 students, plus 1 per employee
	Day care homes	1 per each employee and/or caregiver
	Stadiums, sports arenas, and auditoriums	1 per 4 seats, based on maximum seating capacity

	Libraries and museums	1 per 500 square feet of gross floor area
Commercial—Business Uses	Retail stores, except as otherwise indicated	1 per 100 square feet of gross floor area
	Supermarkets, drug stores and similar self-serve retail establishments	1 per 150 square feet of gross floor area
	Convenience stores	1 per 100 square feet of gross floor area
	Planned shopping centers	1 per 150 square feet of gross floor area for the first 15,000 sq. ft., and 1 per 250 square feet of gross floor area in excess of 15,000 sq. ft.
	Furniture, appliance, and hardware	1 per 300 square feet of gross floor area
	Household equipment sales	1 per 300 square feet of gross floor area
	Motels and hotels	1.25 for the first 50 guest rooms, plus 1 for each additional guest room above 50, plus amount required for accessory use such as a restaurant or cocktail lounge
	Fast food restaurants	1 per 100 square feet of gross floor area
	Sit-down restaurants	1 per 200 square feet of gross floor area
	Taverns, cocktail lounges, and micro-breweries	1 per 200 square feet of gross floor area
	Garden and building material stores	1 per 800 square feet of gross floor area

	Movie theaters	1 per 3 seats based on maximum seating capacity
	Wholesale stores, machinery sales, and similar	1 per 1,000 square feet of gross floor area
	Auto sales	1 per 150 square feet of gross floor area in the showroom, plus 1 per each service stall
	Automobile repair facilities	3 per each service stall, plus 1 each service vehicle
	Gasoline stations without convenience stores	1 per each pump, and 2 per each service stall
Commercial—Business Uses	Gasoline stations with convenience stores	1 per each pump, 2 per service stall, and 1 per 100 square feet of floor area devoted to retail sales and customer service
	Car washes (self-serve)	1 per wash stall and vacuum station
	Car washes (automatic)	1 per 200 square feet of gross floor area in the customer waiting and service areas, and 1 per vacuum station
	Barber and beauty shops	1 per 300 square feet of gross floor area
Office and Service Uses	Medical and dental office	1 per 150 square feet of gross floor area
	Business and professional office	1 per 200 square feet of gross floor area
	Banks, credit unions and similar	1 per 200 square feet of gross floor area

	Funeral homes	1 per 75 square feet of floor area In the assembly or parlor areas
	Veterinary clinic or hospitals	1 per 200 square feet of gross floor area
Recreational Uses	Bowling alleys	5 per bowling lane, plus amount required for accessory uses such as restaurant and cocktail lounges
	Private tennis, swim, golf clubs, and similar	1 per 2 memberships
	Golf courses (open to the public)	6 per hole, plus amount required for accessory uses such as restaurants and cocktail lounges
Industrial Uses	Industrial and manufacturing	1 per 800 square feet of gross floor area
	Warehousing and storage	1 per 2,000 square feet of gross floor area
	Contractor's office	1 per 500 square feet of gross floor area
	Mini-warehouse, self-storage facilities	1 per 10 storage units, equally distributed throughout the storage area, and 2 for any caretaker units.

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

Sec. 6-262. - Off-street parking lot design and construction, and driveway design and construction for residential uses.

The construction of any parking lot shall be in accordance with the provisions of this article and such construction shall be completed and approved by the zoning administrator before use of the property as a parking lot, and before a certificate of occupancy is issued. Unless incorporated in a site plan prepared and approved in accordance with [section 6-45](#), plans for the development of any parking lot must be submitted to the zoning administrator, prepared at a scale of not less than 50 feet equals one inch and indicating existing and proposed grades, drainage, pipe sizes, parking of all dimensions, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used and the layout of the proposed parking lot.

- (a) Except for uses located in the OSC—Open Space Conservation District, all required parking lots, driveways, or loadir required shall be hard-surfaced with asphalt or concrete pavement, shall be graded and drained to dispose of surfa which might accumulate within or upon such area, and shall be completed prior to a certificate of occupancy being Drainage for parking lots shall conform to the standards set forth in section 6-188.
- (b) All illumination for all such parking lots shall meet the standards set forth in section 6-176(e).
- (c) Parking lot landscaping and buffering requirements shall meet the standards set forth in section 6-123(e).
- (d) Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles.
- (e) Where necessary to prevent encroaching upon pedestrian walkway or damaging required landscaping, wheel stops shall be provided. No portion of a parking space and/or maneuvering aisle shall obstruct or encroach upon a public sidewalk.
- (f) Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations:
- (g) A driveway permit shall be required from the Village of Stockbridge zoning administrator before any existing driveway is expanded or new driveway is constructed. The applicant shall complete an application and pay a fee set by resolution of the village council.
- (h) Recreational vehicles shall only be stored outdoors in the rear yard of any residential property under the following guidelines:
 - (1) The property owner may store one of the following in the rear yard: boat and boat trailer, motor home, pick-up truck and camper, or travel trailer.
 - (2) The property owner may store one of the following in the rear yard: up to two ATV's on one trailer, two snowmobiles on one trailer, or one snowmobile and one ATV on the ground.

Maneuvering Lane Width				
Parking Pattern	One-Way	Two-Way	Parking Space Width	Parking Space Length
0 Parallel	12 ft.	20 ft.	9 ft.	25 ft.
30—53	12 ft.	20 ft.	9 ft.	20 ft.
54—74	15 ft.	24 ft.	9 ft.	20 ft.
75—90	15 ft.	24 ft.	9 ft.	20 ft.

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

Sec. 6-263. - Off-street loading requirements.

On the same premises with every building or part thereof, erected and occupied for any uses involving the receipt or distribution of trucks and/or delivery vehicles, material or merchandise, adequate space for loading and unloading shall be provided in accordance with the following:

- (a) Each loading space shall be a minimum of ten feet in width, 50 feet in length, 14 feet in height, and shall be provided according to the following schedule.

Gross Floor Area of Building (sq. ft.)	Required Loading and Unloading Spaces
0—2,000 sq. ft.	None
2,000—20,000 sq. ft.	One space
20,000—100,000 sq. ft.	1 space plus one space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000—500,000 sq. ft.	5 spaces plus one space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
Over 500,000 sq. ft.	15 spaces plus one space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

- (b) *Required greenbelt, setbacks, and screening.*

- (1) Off-street loading areas, including maneuvering lanes, shall not be located within the front greenbelt required in accordance with section 6-176. Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum ten-foot setback is maintained between off-street loading and the abutting side and rear lot lines.
- (2) Off-street loading which abuts residentially zoned or used property shall be screened in accordance with section 6-176.

- (c) *Double count.* Off-street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

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

Sec. 6-264. - Off-street stacking space for drive-through facilities.

All businesses which provide drive-through facilities for serving customers within their automobile shall provide adequate off-street stacking space and lanes which meets the following requirements:

- (a) Each stacking space shall be computed on the basis of ten feet in width and 20 feet in length. Each stacking lane shall be a minimum of 12 feet in width.
- (b) Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety.

- (c) For all drive-through facilities which have a single stacking lane, an escape lane shall be provided which allows other pass those waiting to be serviced.
- (d) The number of stacking spaces per service lane shall be provided for the following uses. When a use is not specifically mentioned, the requirements for off-street stacking space for the similar use shall apply.

Use	Stacking Spaces Per Service Lane
Banks	4
Photo service	4
Dry-cleaning	4
Fast-food restaurants	6
Car washes (self-service)	Entry 3, Exit 1
Car washes (automatic)	Entry 6, Exit 2

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

Sec. 6-265. - Outdoor storage of recreational vehicles.

In all residential districts, a recreational vehicle may be parked or stored subject to the following conditions:

- (a) Storage or parking shall not be permitted on vacant lots or parcels not contiguous to the lot containing the dwelling unit, except as approved by the zoning administrator.
- (b) Unless within a completely enclosed building, a recreational vehicle shall be parked or stored in one of the following manners.
- (1) Within the rear yard, but no closer than five feet from any rear lot line; or
 - (2) In those instances where the rear yard is not accessible or has insufficient clearance for the passage of a recreational vehicle, the zoning administrator may allow the parking or storage of a recreational vehicle in the front yard. In those instances where a recreational vehicle is to be parked or stored in a front yard, only the driveway portion of such yard shall be utilized, and in no instance, shall such recreational vehicle be parked or stored in a manner which obstructs pedestrian or vehicular visibility.
 - (3) All recreation vehicles shall be stored on a hard surface.
- (c) No recreational vehicle shall be used for living, sleeping, or housekeeping purposes on the premises, except for occasional living purposes to accommodate visitors not to exceed a maximum period of two weeks.
- (d) No recreational vehicle shall be stored on a public street or right-of-way or private road easement.
- (e) A recreational vehicle stored outside shall be in a condition for the safe and effective performance of its intended function.
- (f) A recreation vehicle stored outside shall have the weeds, brush, and vegetation around it cut so as not to exceed

a height of three inches.

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

Secs. 6-266—6-281. - Reserved.

ARTICLE XII. - NONCONFORMING USES, STRUCTURES AND LOTS

Sec. 6-282. - Intent.

Certain existing lots, structures and uses of lots and structures were lawful before this article was adopted but have become nonconformities under the terms of this article and its amendments. It is the intent of this article to permit such nonconformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such nonconformities to conforming status. Nonconformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Nonconformities are declared by this article to be incompatible with the structures and uses permitted in the various districts.

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

Sec. 6-283. - Nonconforming lots.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this article, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this article. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this article, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purpose of this article, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this article, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this article.

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

Sec. 6-284. - Nonconforming uses of land.

Where, at the effective date of adoption or amendment of this article, lawful use of land exists that is made no longer permissible under the terms of the chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such nonconforming uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this article.
- (b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this article.
- (c) If such nonconforming use of land ceases operation with the intent of abandonment for a period of more than

six months, any subsequent use of such land shall conform to the regulations specified by the chapter for the district in which such land is located.

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

Sec. 6-285. - Nonconforming structures.

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

- (a) No such structure may be enlarged or altered in a way which increases its nonconformity.
- (b) Should such structure be destroyed by any means to an extent of more than 50 percent of replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the article. Nonconforming accessory buildings may be allowed to be rebuilt if they maintain the same footprint and height of the original structure.
- (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

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

Sec. 6-286. - Nonconforming uses of structures and land.

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this article that would not be allowed in the district under the terms of this article, the lawful use may be continued so long as it remains otherwise lawful, subject of the following provisions:

- (a) No existing structure devoted to a use not permitted by this article in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this article, but no such use shall be extended to occupy any land outside such building.
- (c) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is located, and the nonconforming use may not thereafter be resumed. Section 6-285 shall apply to any nonconformity relating to the structure(s).
- (d) If such nonconforming use of land and structures ceases operation with the intent of abandonment for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this chapter pertaining to the uses permitted in the district in which such land is located. Structures occupied by seasonal uses shall be exempted from this provision only so long as seasonal uses shall continue.
- (e) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (f) If no structural alterations are made, any nonconforming use of structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the board of appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is

equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

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

Sec. 6-287. - Repairs and maintenance.

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding 50 percent of the replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

A nonconforming structure, nonconforming portion of a structure, or a structure containing a nonconforming use which is physically unsafe or unlawful due to lack of repairs and maintenance, as determined by the building official may be restored to a safe condition. Where enlargement or structural alternation is necessary to allow compliance with health and safety laws or ordinances, the cost of such work shall not exceed 25 percent of the structure's fair market value, as determined by the assessor at the time such work is done.

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

Sec. 6-288. - Uses allowed as special approval uses, not nonconforming uses.

Any use for which special approval is permitted as provided in this chapter shall not be deemed a nonconforming use but shall without further action be deemed a conforming use in such district.

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

Sec. 6-289. - Change of tenancy or ownership.

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this article.

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

Secs. 6-290—6-305. - Reserved.

ARTICLE XIII. - ZONING BOARD OF APPEALS

Sec. 6-306. - Creation and authority.

The village zoning board of appeals (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

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

Sec. 6-307. - Composition; terms of office; vacancies; removal.

- (a) The ZBA shall consist of three members who shall be appointed by the village president, with the concurrence of four or more council members. One 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.
- (b) The council may appoint not more than two 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.
- (c) A ZBA member may be paid a reasonable per diem and reimbursed for expenses incurred in the discharge of his or her duties.
- (d) 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.
- (e) The ZBA shall not conduct business unless a majority of the regular members are present.
- (f) 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.

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

Sec. 6-308. - Chairperson; meetings; oaths; witnesses; records.

- (a) The ZBA shall elect from its members a chairperson and a secretary. Meetings of the ZBA shall be held at the call of the chairperson and at other times as the ZBA in its rules of procedure may specify. The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.
- (b) The ZBA shall maintain a record of its proceedings, which 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)

Sec. 6-309. - Powers; concurring vote of majority of members; variances.

- (a) 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.
- (b) 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. It 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.

- (c) 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) 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.
 - (1) *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.

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

Sec. 6-310. - Procedures for appeal.

- (a) 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.
- (b) 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.
- (c) 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.

- (d) 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.
- (e) 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 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. 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.
- (f) 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.
- (g) 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.
- (h) The ZBA may impose conditions with any decision. Such conditions shall meet all the following requirements:
 - (1) 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.
 - (2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - (3) 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.

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.

- (i) 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.
- (j) 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.
- (k) 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.

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)

Secs. 6-311—6-326. - Reserved.

ARTICLE XIV. - REZONING AND ZONING ORDINANCE TEXT AMENDMENTS

Sec. 6-327. - Initiation of rezoning and zoning ordinance text amendments.

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 the village council or the planning commission. An amendment to the zoning district boundaries may also be initiated by the owner or owners of property that is the subject of the proposed rezoning. An amendment to the text of this chapter may also be initiated by petition of one or more residents or property owners of the village.

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

Sec. 6-328. - Rezoning and zoning ordinance text amendment application procedure.

- (a) *Application information for amendments.* 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.
- (b) *Application information for zoning district map amendment.* In the case of an amendment to the official zoning district map (rezoning), the following information shall accompany the application.
 - (1) 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.
 - (2) 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.
 - (3) The existing and proposed zoning district designation of the subject property.
 - (4) A written description of how the requested rezoning meets section 6-330, criteria for amendment of the official zoning district map (rezoning).
 - (5) At the planning commission's discretion, the following additional information may be required.
 - 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 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 use 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 to be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.

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

Sec. 6-329. - Rezoning and zoning ordinance amendment process.

- (a) *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.
- (b) *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. 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.
- (c) *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, which may be based on consideration of the criteria contained in section 6-330, Criteria for amendment of the official zoning district map (rezoning).
- (d) *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.
- (e) *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.

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

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.

- (a) 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.

- (b) Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
- (c) Evidence the applicant cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) 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.

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

Sec. 6-331. - Criteria for amendment of the official zoning ordinance text.

The planning commission and village council shall, at minimum, consider the following before acting on any proposed amendment.

- (a) Compatibility with the basic intent and purpose of the zoning ordinance.
- (b) Consistency with the goals and objectives and future land use map of the Village of Stockbridge Master Plan, including any subarea or corridor studies.
- (c) The requested amendment will correct an error in current appropriate documentation.
- (d) The requested amendment will resolve an inequitable situation created by the zoning ordinance and does not grant special privileges.
- (e) The requested amendment will not result in unlawful exclusionary zoning.
- (f) 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.
- (g) The requested amendment will address changes in state legislation, other village ordinances, or federal regulations.
- (h) 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.

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

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.

- (a) The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to section 6-324.
- (b) In addition to the procedures as noted in section 6-324, the following specific procedures, standards, and 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. 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. 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 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 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.*
 - (1) 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 provisions as provided in section 6-328.
 - (2) 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.
 - (3) 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.

- (4) The village may not add to or alter any conditions approved as a part of a rezoning during the time period speci
- (5) The time limits specified and approved by the village may be extended upon the application of the landowner and approval of the village.

(d) *Review procedures.* The factors found in section 6-330 must be considered in any conditional rezoning request.

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

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.

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