

CHAPTER 20. SPECIAL LAND USE STANDARDS

20.1 SPECIAL LAND USES. A Special Land Use is a use that is permitted within a specified zoning district after meeting specific requirements of this Chapter. Due to the nature of the use, Special Land Uses require particular consideration in relation to the welfare of adjacent properties and to the community as a whole. It is the purpose of this Chapter to specify the procedure and requirements for the detailed review of certain specified types of land uses which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. In addition, this Chapter describes any specific approval conditions and regulations applicable to individual Special Land Uses.

20.2 DATA REQUIRED FOR SPECIAL LAND USE APPLICATIONS. A Special Land Use application shall be submitted and processed according to the following procedures:

A. **Submission of Application.** An application shall be submitted to the Zoning Administrator on a Special Land Use Permit Application form. Upon receipt of a completed application, the Zoning Administrator shall place the request on the agenda for the next regularly scheduled Planning Commission meeting. A complete application under this Chapter shall be one that specifically addresses the items set forth in Sections 20.2, B. (1) and (2).

B. **Data Required.** A Special Land Use Application shall include the following information.

- 1) A complete Site Plan containing all the applicable data required by Section 21.3.
- 2) Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing Special Land Use Applications as provided in Section 20.4.
- 3) Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Special Land Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, traffic impact analysis, environmental impact assessments, or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.

C. **Concurrent Review.** A Special Land Use Application and associated Site Plan may be reviewed concurrently with the mutual consent of the Planning Commission and applicant.

20.3 ACTION ON SPECIAL LAND USE APPLICATIONS.

A. **Planning Commission Review.** At the first regularly scheduled meeting of the Planning Commission following the submission of a Special Land Use Application, the Planning

Commission shall determine whether the application is complete. An application deemed to be incomplete by the Planning Commission may be denied on that basis.

- B. Public Hearing Procedures. Once the Planning Commission has determined that a complete Special Land Use Application has been received, the Planning Commission shall schedule a public hearing on the application. Notice of the public hearing shall be delivered and published in accordance with Section 24.9 of this Ordinance.

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- “1) Notice published in Newspaper. One notice of the public hearing on the Special Land Use Application shall be published in a newspaper of general circulation in the Village.
- 2) Notice to affected Property Owners and Residents. Notice of the public hearing on the Special Land Use Application shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to which real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than five (5) and not more than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term occupant may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- 3) Content of Public Hearing Notice. The required notices shall include the following information.
 - a) Description of the Special Land Use request;
 - b) Description of the property which is the subject of the Special Land Use Application;
 - c) The date, time, and location of the Public Hearing on the Special Land Use Application; and,
 - d) The time and location for written comments to be received concerning the Special Land Use Application. ”

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- C. Planning Commission Action. After the Public Hearing and upon review of the merits of the Special Land Use Application, the Planning Commission shall deny, approve, or approve with conditions the Special Land Use Application. An application meeting all the standards of this Ordinance shall be approved or approved with conditions. The Planning Commission's decision shall be incorporated within a motion containing conclusions reached relative to the proposed Special Land Use which specifies the basis for the decision and any conditions imposed.
- D. Basis for Action. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Chapter. If the facts regarding the Special Land Use do not establish by preponderance of the evidence that the standards and requirements set forth in the Chapter can not or will not be met by the proposed Special Land Use, the Planning Commission shall deny the Special Land Use Application.
- E. Attachment of Conditions. The Planning Commission may recommend additional conditions deemed necessary for the protection of the general welfare, individual property rights, and to ensure that the purposes of this Ordinance are met. Such conditions may include conditions necessary to insure that public services and facilities

affected by a Special Land Use will be capable of accommodating increased service and facility caused by the Special Land Use, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all the following requirements:

- 1) Be designed to protect natural resources and the health, safety, welfare, social and economic well being of those who will use the land or activity under consideration and those residents and landowners immediately adjacent thereto.
- 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 Ordinance, be related to the standards established in this Zoning Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

F. Issuance of a Land Use Permit. A Land Use Permit shall be issued by the Zoning Administrator upon approval of the Special Land Use by the Planning Commission. The Land Use Permit shall list all the conditions of approval stipulated by the Planning Commission. The Zoning Administrator shall forward a copy of the Land Use Permit to the applicant and the Village Clerk. A Site Plan approved in conjunction with a Special Land Use shall be processed according to the procedures of Chapter 21.

G. Appeals. Decisions or conditions related to a special land use application shall be appealed to the Zoning Board of Appeals.

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20.4 STANDARDS FOR GRANTING SPECIAL LAND USE APPROVAL. The Planning Commission, before acting on a Special Land Use Application, shall employ and be guided by standards which shall be consistent with and promote the intent and purpose of this Zoning Ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use at its proposed location will be consistent with the public health, safety, and welfare of the Village and shall comply with the following standards, together with any specific regulations and conditions set forth for such use in this Chapter:

- A. Will be harmonious with and in accordance with the goals, objectives and policies of the Village Master Plan.
- B. Will be designed, constructed, operated and maintained in harmony with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

- C. Will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
- D. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, stormwater drainage, refuse disposal, water and sewage facilities and schools or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
- E. Will not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
- F. Will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.
- G. Will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.

20.5 REAPPLICATION. No Special Land Use Application, which has been denied wholly or in part by the Planning Commission, shall be resubmitted until the expiration of twelve (12) months or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions. The Planning Commission may accept a reapplication for a Special Land Use if it finds any of the following:

- A. Newly discovered evidence concerning a material issue which was relied upon by the Planning Commission in making its decision.
- B. There has been a material change in circumstances regarding the standards for granting Special Land Use approval.
- C. The Village Attorney, by written opinion, states that in the attorney's opinion the Planning Commission decision made or procedure used was clearly erroneous.

A reapplication shall be processed in the same manner as the original application.

20.6 SITE PLAN AMENDMENTS IN CONJUNCTION WITH A SPECIAL LAND USE. The Site Plan, as approved, shall become part of the record of Special Land Use Approval, and subsequent actions relative to the activity authorized shall be consistent with the approved Site Plan, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the Planning Commission. A Site Plan amendment shall be reviewed and considered in the same manner as the original Special Land Use Application, except as otherwise provided in this Ordinance.

20.7 VALIDITY AND REVOCATION OF LAND USE PERMITS FOR SPECIAL LAND USES.

A. **Validity of Permit.** A Land Use Permit for a Special Land Use shall be valid for a period of twelve (12) months from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this twelve (12) month period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit; provided, however, that the Planning Commission may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction.

Once the Special Land Use is established and the conditions of the permit fulfilled, the Special Land Use Permit shall be valid until such time that there is a change of conditions or use related to the permit.

B. **Permit Revocation.** The Planning Commission shall have the authority to revoke any Special Land Use Permit following a Public Hearing noticed according to the procedures provided in Section 20.3, B. if the holder of the permit has failed to comply with any of the applicable conditions specified in the permit.

20.8 FEES. An application fee shall be established by resolution of the Village Council. Before issuance of a Land Use Permit, any costs incurred by the Village shall be paid for by the applicant.

20.9 AMENDMENTS TO A SPECIAL LAND USE. Amendments to a Special Land Use shall be reviewed and approved in the same manner as the original submittal and require the mutual consent of the property owner and the Planning Commission. Minor amendments, as defined in below may be made by the Planning Commission without requiring a public hearing.

20.10 MINOR AMENDMENTS TO A SPECIAL LAND USE . Minor amendments to a Special Land Use shall include

A. Minor Site Plan amendments as defined in Section 21.8.

B. Changes in the nature of the Special Land Use which permanently decrease or mitigate impacts from such use on surrounding properties, the general public or public facilities or service.

20.11 ACCESSORY BUILDING GREATER THAN THE FOOTPRINT OF THE PRINCIPAL STRUCTURE.

- A. Definition: An accessory building as defined in Section 6.1.(B)(7) of this Zoning Ordinance with a ground floor area or building footprint greater than the ground floor area or building footprint of the principal building on the parcel.
- B. Regulations and Conditions:
- 1) On parcels of up to five (5) acres, the floor area of an accessory building shall not exceed the ground floor area or building footprint of the principal building by more than one hundred percent (100%).
 - 2) On parcels of five (5) acres, or more, the floor area of an accessory building as defined in this Section shall not exceed the ground floor area or building footprint of the principal building by more than two hundred percent (200%).
 - 3) The floor area limitations of this Section shall be applied cumulatively for all accessory buildings on a parcel.
 - 4) Accessory buildings as defined in this Section shall comply with all yard, setback and building height standards of this Zoning Ordinance.
- C. An accessory building may not be used for residential purposes.
- D. If an Accessory Building is attached to a Principal Building by either a common foundation, common wall or common roof element, it shall be deemed to be a part of the Principal Structure and the entire structure shall comply with the terms of this Zoning Ordinance.
- E. In residential areas, the storage of not more than one (1) commercial vehicle is permitted in an accessory building.

20.12 ADULT BUSINESS.

- A. Definitions: See definitions for Sexually Oriented Businesses, Section 6.19, (4)
- B. Regulations and Conditions: Adult businesses are subject to the following standards:
- 1) Adult Businesses are to be located within only the B-1 General Commercial District.
 - 2) The proposed adult business will not be located within 200 feet of any residence, residentially zoned property, park, school, child care organization, place of worship or other sexually oriented business. The distance between a proposed sexually oriented business and any residence, residentially zoned property, park, school, child care organization, place of worship or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is intended to be located to the nearest property line of

the residence, residentially zoned property, school, child care or ganization, place of worship, or other sexually oriented business.

- 3) Entrances to the proposed sexually oriented business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that:
 - a) "Persons under the age of eighteen (18) are not permitted to enter the premises," and
 - b) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- B. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining road right-of-way or a neighboring property.
- C. Hours of operation shall be limited to 8:00 A.M. to 11:00 P.M., Mondays through Saturdays.
- D. All signs shall be in accordance with Chapter 19 of this Zoning Ordinance. Provided, however, that no sign visible from the nearest adjoining road right-of-way or a neighboring property shall display or depict any Specified Anatomical Areas or Specified Sexual Activities
- E. All parking shall be in accordance with Chapter 18 of this Zoning Ordinance. Provided, however that all off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes, such that the off-street parking areas are visible from the nearest adjoining road right-of-way.
- F. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall:
 - 1) Be handicap accessible to the extent required by the Americans with Disabilities Act.
 - 2) Be unobstructed by any door, lock or other entrance and exit control device.
 - 3) Have at least one side totally open to a public; lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
 - 4) Be illuminated by a light bulb of wattage not less than twenty -five (25) watts, and
 - 5) Have no holes or openings, other than doorways, in any side or rear walls.
- G. Review Procedure for Sexually Oriented Businesses: The Planning Commission shall adhere to the following procedures when reviewing a Special Land Use Application for a sexually oriented business.

- 1) If the Planning Commission determines that a Special Land Use Application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within ten (10) business days of said determination detailing the items required to complete the application.
 - 2) If the Planning Commission determines that the application is complete, it shall direct the publishing and distribution of notices of a public hearing on the special land use in accord with Section 20.3 hereof and within sixty (60) days of said determination make and adopt specific findings with respect to whether the sexually oriented business is in compliance with the standards of Section 20.4. If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a Special Land Use Permit for the same within sixty (60) days of its determination that a completed application has been filed, then the Special Land Use Permit shall be deemed to have been approved.
- H. Prompt Judicial Review of Adverse Determination: If the Planning Commission denies a Special Land Use Application for a sexually oriented business pursuant to the above paragraphs, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Zoning Administrator.

20.13 AGRICULTURAL SERVICE ESTABLISHMENT.

- A. Definition: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and management services.
- B. Regulations and Conditions:
 - 1) Animal holding area shall be setback one-hundred (100) feet from all property lines and the road right-of-way.
 - 2) No storage of manure or dust producing material within one-hundred (100) feet of any property line or road right-of-way.
 - 3) All signs shall be in accordance with Chapter 19 of this Zoning Ordinance.
 - 4) All parking shall be in accordance with Chapter 18 of this Zoning Ordinance.
 - 5) Agricultural service businesses shall be established and conducted in compliance with all other applicable laws and ordinances.

20.14 ANIMAL CLINIC.

- A. Definition: A place where animals are given medical care and the boarding of animals is limited to short term care incidental to clinical use.
- B. Regulations and Conditions. Animal clinics may be permitted as a special use within the B-1 General Commercial, B-2 Central Business District or RA Residential Agricultural District when the following requirements are met:
- 1) Animal remains, wastes, bio hazard materials or byproducts shall be disposed of as required by the Medical Waste Law of the State of Michigan and animal clinic operations shall be subject to inspection by the Michigan Department of Public Health as that law requires. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than once per week. No animal remains, wastes, bio hazard materials or byproducts shall be buried or incinerated on site. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special land use permit for an Animal Clinic.
 - 2) Said use shall be located on not less than one-half (1/2) acre of land if located in the B-1 or B-2 districts, provided all operations and the housing of animals are contained in one or more completely enclosed buildings.
 - 3) Only small animals (household pets) shall be treated on the premises.
 - 4) There shall be sufficient sound proofing to prevent any noise disturbance beyond the property boundaries.
 - 5) All outdoor exercise areas for animals shall be adequately fenced to prevent both escape and entry by wild animals into the facility.
 - 6) All signs shall be in accordance with Chapter 19 of this Zoning Ordinance.
 - 7) All parking shall be in accordance with Chapter 18 of this Zoning Ordinance.
 - 8) Landscaping: Landscaping shall be maintained in all required yards including exercising yards, in accordance with plans approved by the Village Planning Commission.
 - 9) Lighting shall be in accordance with Section 8.25.
 - 10) Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special land use permit for an Animal Clinic.

20.15 BED & BREAKFAST.

- A. Definition: A home occupation in an owner occupied dwelling unit wherein up to three bedrooms are used for transient guest use for compensation.
- B. Regulations and Conditions: Bed and Breakfast Establishments shall be subject to the following requirements:

- 1) The property shall be suitable for transient lodging facilities with overnight lodgers staying typically not longer than seven (7) nights.
- 2) Meals may be served to overnight guests only.
- 3) The use shall be compatible with other allowed uses in the vicinity and the impact of the establishment in terms of parking, traffic, noise and odors shall be consistent with that of a private home with house guests.
- 4) All signs shall be in accordance with Chapter 19 of this Zoning Ordinance.
- 5) All parking shall be in accordance with Chapter 18 of this Zoning Ordinance.
- 6) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.
- 7) The establishment shall be the principal dwelling unit on the property and shall be occupied by the owner and proprietor at all times.
- 8) The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
- 9) No cooking facilities shall be permitted in any rooms or suites used by guests.
- 10) Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special land use permit for a Bed and Breakfast establishment.

20.16 BILLBOARDS

- A. Definition: An outdoor sign, display, painting, drawing, message, placard, poster, or other device used to advertise services or products, activities, persons or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.
- B. Regulations and Conditions:
 - 1) A Billboard shall be considered a principal use on a parcel within the Village.
 - 2) Not more than two (2) billboards may be located per linear mile of highway regardless that such billboards may be located on different sides of the highway. The linear mile measurement shall not be limited to the boundaries of the Village of Vermontville where the highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures presenting only one face to traffic proceeding from any given direction on a highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face, including billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces, shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subparagraph (3) below.

- 3) No billboard shall be located within five hundred (500) feet of another billboard abutting either side of the same highway.
- 4) No billboard shall be located closer than the required front yard setback from the street right-of-way or a side yard setback from any interior boundary lines of the premises on which the billboard is located.
- 5) The surface display area (sign face) of any side of a billboard may not exceed one hundred (100) square feet.
- 6) The height of a billboard shall not exceed twenty (20) feet above the natural grade of the ground on which the billboard is established.
- 7) No billboard shall be mounted on the wall of an existing or proposed building or on top of, cantilevered or otherwise suspended above the roof of any building.
- 8) A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare, upward light or reflection onto any portion of an adjacent street or highway property, landscaping, etc., the path of on-coming 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.
- 9) A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment or structure, continued structural soundness, and continued readability of message.
- 10) A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (PA 106 of 1972, as amended) bordering interstate highway, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.
- 11) No person, firm or corporation shall erect a billboard within the Village of Vermontville without first obtaining a Land Use Permit from the Village's Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance and payment of a fee. As with other fees, the amount of the billboard permit fee required shall be established by resolution of the Village of Vermontville Board of Trustees and shall bear a reasonable relationship to the cost and expense of administering this permit. The Village Council shall further have the right to amend this resolution from time to time within the foregoing limits of reasonableness.

20.17 BOARDING OR LODGING HOUSE

- A. Definition: A dwelling having one (1) kitchen and primarily used for the purpose of providing meals and/or lodging for transient guests staying for an indeterminate duration for compensation of any kind.
- B. Regulations and Conditions: Boarding or Lodging Houses shall be subject to the following requirements:
- 1) The property shall be suitable for long duration lodging facilities with overnight lodgers staying typically more than seven (7) nights.
 - 2) Meals may be served to overnight guests only.
 - 3) All signs shall be in accordance with Chapter 19 of this Zoning Ordinance.
 - 4) All parking shall be in accordance with Chapter 18 of this Zoning Ordinance.
 - 5) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.
 - 6) The establishment shall be the principal dwelling unit on the property and shall be occupied by the owner and proprietor at all times.
 - 7) The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
 - 8) No cooking facilities shall be permitted in any rooms or suites used by roomers.
 - 9) Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special land use permit for a Bed and Breakfast establishment.

20.18 BUILDING, ELECTRICAL MECHANICAL AND PLUMBING CONTRACTORS

- A. Definition: A business, generally professionally licensed, involved in the provision of building, heating, electrical, plumbing and mechanical services for residential and commercial construction.
- B. Regulations and Conditions. Where treated as special land uses, contractors' facilities shall be subject to the following requirements:
- 1) All service and commercial vehicles shall be parked off street.
 - 2) All outdoor storage of materials, scrap, equipment and related materials shall be screened from view from all off-site areas with an opaque fence, eight (8) feet in height or evergreen screening, not less than eight (8) feet in height.

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- 3) All signs shall be in accordance with Chapter 19 of this Zoning Ordinance.
- 4) All parking shall be in accordance with Chapter 18 of this Zoning Ordinance.

- 5) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.

20.19 CAR WASH, CONNECTED TO A PUBLIC SEWER

- A. Definition: A building and equipment used for the commercial washing, waxing and detailed cleaning of the interior and exterior of automobiles and trucks for the general public. Such facilities shall include self-wash, automated and hand wash facilities, as well as any combination thereof.
- B. Regulations and Conditions: Car washes shall be subject to the following requirements:
 - 1) All such facilities shall be connected to a public sewer system.
 - 2) All washing activities shall be carried on within a building.
 - 3) No vacuum equipment shall be located closer than one hundred (100) feet from any property line, which abuts a property zoned or used for residential purposes.
 - 4) Noise generated on site from any source shall not exceed 50 decibels measured at any property line.
 - 5) All parking areas shall comply with the provisions of Chapter 18 of this Zoning Ordinance.
 - 6) All signs shall comply with Chapter 19 of this Ordinance.
 - 7) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.

20.20 CEMETERIES.

- A. Definition: Privately owned property which guarantees perpetual care of grounds used solely for the interment of deceased human beings or customary household pets.
- B. Regulations and Conditions: Cemeteries shall be subject to the following requirements:
 - 1) Cemeteries shall be established in compliance with Public Act 368 of 1978, as amended, Public Act 88 of 1875, as amended, and other applicable state laws.
 - 2) All parking areas shall comply with the provisions of Chapter 18 of this Zoning Ordinance.
 - 3) All signs shall comply with Chapter 19 of this Ordinance.

20.21 CHURCH

- A. Definition: A building or structure, or groups of buildings or structures that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
- B. Regulations and Conditions: Churches shall be subject to the following requirements:
- 1) All churches shall be located on a parcel of at least one acre.
 - 2) Spires and ornaments in excess of the height permitted in the zoning district may be constructed only through the approval of the Planning Commission.
 - 3) A child care facility may be operated on church property as an additional special land use if it complies with the requirements of Section 20.23 or 20.24, as applicable.
 - 4) An education facility may be operated on a church property as an additional special use, providing it meets all the requirements of Section 20.28.
 - 5) All parking areas shall comply with the provisions of Chapter 18 of this Zoning Ordinance.
 - 6) All signs shall comply with Chapter 19 of this Ordinance.
 - 7) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.

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20.22 CONSTRUCTION EQUIPMENT, SALES OR SUPPLIER

- A. Definition: Buildings and outdoor storage areas associated with the operation of a business storing and marketing materials and equipment to the general public and to construction companies, including the outdoor storage of equipment, vehicles, trailers, materials and machinery.
- B. Regulations and Conditions: Construction equipment, sales or supplier facilities shall be subject to the following requirements:
- 1) The area of a site proposed for use as a construction supplier shall not be less than one half (0.5) acres in size.
 - 2) The site shall be fenced on both sides and rear with chain link or similarly durable fencing not less than eight (8) feet, nor more than sixteen (16) feet in height.
 - 3) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.
 - 4) No building materials, scrap, or equipment shall be stored outdoors in any configuration higher than the surrounding fencing or screening.

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- 5) All signs shall be in compliance with the provisions of Chapter 19 of this Ordinance.
- 6) All off-street parking shall be in compliance with Chapter 18 of this Ordinance.

20.22A CORRECTIONAL FACILITY

- A. Definition: Any lot or parcel of land and/or building intended for use as a prison, reformatory, jail, correction, detention or housing facility for adult or juvenile persons convicted of any crime. A correctional facility shall include any facility operated by the State of Michigan and agencies thereof, other governmental unit, or a private organization. Also, any land or building intended for use as a training or detention facility in connection with farming or vocational skills training shall be included in this definition.
- B. Regulations and Conditions: Correctional facilities shall be subject to the general approval standards of Section 20.4.

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20.23 DAY CARE, GROUP 7-12 CHILDREN.

- A. Definition: An establishment where children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, for more than 4 weeks during a calendar year.
- B. Regulations and Conditions: Day care facilities serving seven (7) to twelve (12) children shall be subject to the following requirements:
 - 1) All required state and local licensing shall be maintained at all times and any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special land use permit.
 - 2) All outdoor areas used for the care and supervision shall have appropriate fencing for the safety of the children; consisting of a minimum 6-foot high privacy fence along the area adjoining another residence, and a minimum 4-foot high fence in the remaining area devoted to the day-care area.
 - 3) Such facilities shall be located at least 1,500 feet from any one of the following:
 - a) A licensed or pre-existing operating group day-care home.
 - b) A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
 - c) A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.

- 4) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
- 5) Hours of operation shall not exceed a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities.
- 6) All parking areas shall comply with the provisions of Chapter 18 of this Zoning Ordinance.
- 7) All signs shall comply with Chapter 19 of this Ordinance.
- 8) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.

20.24 DAY CARE, COMMERCIAL, 13 CHILDREN OR MORE

- A. Definition: A commercial establishment where children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, for more than 4 weeks during a calendar year.
- B. Regulations and Conditions: Day care facilities serving thirteen (13) or more children shall be subject to the following requirements:
 - 1) All required state and local licensing shall be maintained at all times and any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special land use permit.
 - 2) All outdoor areas used for the care and supervision shall have appropriate fencing for the safety of the children; consisting of a minimum 6-foot high privacy fence along the area adjoining another residence, and a minimum 4-foot high fence in the remaining area devoted to the day-care area.
 - 3) Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate.
 - 4) The facility shall be provided with a paved and smooth pick-up and drop-off area which shall be adequately removed from any street or driveway area.
 - 5) Such facilities shall be located at least 1,500 feet from any one of the following:
 - a) A licensed or pre-existing operating group day-care home.
 - b) A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
 - c) A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.
 - d) 6) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.

- 7) Hours of operation shall not exceed a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities.
- 8) All parking areas shall comply with the provisions of Chapter 18 of this Zoning Ordinance.
- 9) All signs shall comply with Chapter 19 of this Ordinance.
- 10) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.

20.25 DWELLING, EARTH SHELTERED

- A. Definition: A dwelling where more than fifty percent (50%) of the walls and/or roof are covered with earth to provide climatic, noise, or life safety protection. Said dwelling shall be able to meet the requirements of the Eaton County Building Code.
- B. Regulations and Conditions. Earth sheltered dwellings shall be subject to the following requirements:
 - 1) All such dwellings shall be able to meet the requirements of the Eaton County Building Code.
 - 2) Any elevation of an earth sheltered dwelling that faces a public street shall present not less than eight (8) feet of finished building surface to the street.
 - 3) The footprint of the building shall comply with all dimensional requirements of the zoning district, regardless of whether above or below grade.

20.26 RESERVED

20.27 DWELLING, SINGLE FAMILY DETACHED

- A. Definition: A detached building or structure designed for the occupancy of one (1) family.
- B. Regulations and Conditions. Single family dwellings located in the B -1 district shall be subject to the following requirements:
 - 1) Where the Planning Commission determines that the location of a proposed single family dwelling in the B-1 zoning district may result in conflicts with existing or planned commercial development, the Planning Commission may establish appropriate conditions governing design and screening of such single family dwelling to mitigate such conflicts.
 - 2) The development shall include appropriate landscaping pursuant to Section 8.37 to effectively screen occupants from surrounding commercial land uses.

20.28 EDUCATION FACILITIES.

- A. Definition: Any buildings, facilities, grounds or portions thereof, routinely used for education or instruction in any branch of knowledge.
- B. Regulations and Conditions. Education facilities shall be subject to the following requirements:
- 1) An education facility shall have its primary access directly from a paved, all -season road.
 - 2) If an education facility incorporates any gymnasium, theater, auditorium or large meeting space, it shall also comply with the requirements pertaining to Places of Public Assembly of see Section 20.39.
 - 3) All outdoor play areas shall be enclosed with a durable fence six (6) feet in height.
 - 4) All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes.
 - 5) All parking areas shall be provided with a smooth, dust free surface.
 - 6) All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site. Exterior light standards shall be no higher than twenty (20) feet.
 - 7) All signs shall be in compliance with the provisions of Chapter 19 of this Ordinance.
 - 8) All off-street parking shall be in compliance with Chapter 18 of this Ordinance.
 - 9) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.
 - 10) Any failure to maintain proper licensing shall be grounds for the revocation of a special land use permit for an education facility.

20.29 FOSTER CARE.

- A. Definition: A home, often temporary, for the sheltered care of persons. Care may also include some combination of special needs, personal care, social or counseling services, and transportation.
- B. Regulations and Conditions. Foster care facilities shall be subject to the following requirements:
- 1) Homes or facilities which provide room and board, supervision, assistance, protection, or personal care to less than (5) individuals, may be permitted as a Special Land Use by the Planning Commission in the RA, RS -1, RS-2, RM, and MFR Districts. Homes or facilities such as nursing homes, convalescent homes, or

homes for the aged for more than (5) people, exclusive of hospitals, may be permitted as a Special Land Use by the Planning Commission in an MFR District only.

- 2) There shall be a minimum usable floor area above grade of at least two hundred fifty (250) square feet per occupant. No resident of a foster care facility shall be housed in a basement area.
- 3) There shall be a minimum lot area of two thousand (2,000) square feet for each occupant, provided, however, that no lot shall contain less than ten thousand (10,000) square feet.
- 4) All signs shall be in compliance with the provisions of Chapter 19 of this Ordinance.
- 5) All off-street parking shall be in compliance with Chapter 18 of this Ordinance.
- 6) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.
- 7) All adult care facilities shall provide a storm shelter adequate to serve all occupants.
- 8) Any failure to maintain proper licensing shall be grounds for the revocation of a special land use permit for a foster care facility.

20.30 GOLF COURSES

- A. Definition: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and may also include a clubhouse and shelter.
- B. Regulations and Conditions. Golf courses shall be subject to the following requirements:
 - 1) All golf courses must have direct access to a public street.
 - 2) A clubhouse that includes provisions for events, catering or other activities shall be regulated separately under the provisions of Section 20.39.
 - 3) Tees, fairways, greens and trails shall be arranged in a manner to limit stray golf shots and trespassing onto neighboring properties.
 - 4) All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site. Exterior light standards shall be no higher than twenty (20) feet.
 - 5) All signs shall be in compliance with the provisions of Chapter 19 of this Ordinance.
 - 6) All off-street parking shall be in compliance with Chapter 18 of this Ordinance.

- 7) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.
- 8) Any failure to maintain proper licensing shall be grounds for the revocation of a special land use permit for a golf course.

20.31 GRAVEL PIT.

- A. Definition: A parcel of land utilized for the removal or extraction of sand, gravel, rock fragment, soil, and organic soils by open pit mining methods for sale or use off the premises.
- B. Regulations and Conditions. Gravel pits shall be subject to the following requirements:
 - 1) The commercial extraction of subterranean natural resources, other than oil, gas and water, shall be permitted only after obtaining the approval of the Planning Commission.
 - 2) Site Plan Requirements: In addition to the regular application for a Special Land Use Permit and payment of fees, the application shall be accompanied by a Site Plan. The plan shall be drawn to a scale of 1" = 100' and said plan shall include the following information:
 - a) Name and address of owner(s) of land upon which removal will take place.
 - b) Name, address and telephone number of person, firm, or corporation who will be conducting the actual removal operation.
 - c) Location, size and legal description of the total site area to be mined.
 - d) A plan for extraction and reclamation for the total project which shall include:
 - i Surface overburden and topsoil stripping and stockpiling plans.
 - ii Provisions for grading, re-vegetation, and stabilization that will minimize soil erosion, sedimentation and public safety problems.
 - e) Surface water drainage provisions and outlets.
 - f) The location and size of any structures.
 - 3) Rehabilitation: All extraction areas shall be rehabilitated progressively as they are worked out. Rehabilitated sites shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All slopes and banks remaining above water level and below water level to a depth of five (5) feet shall be graded to angles which do not exceed one (1) foot in elevation for each three (3) feet of horizontal surface and they shall be treated to prevent erosion or any other potential deterioration.
 - 4) Site Development Requirements:
 - a) No part of the mining operation, other than ingress and egress, may take place within twenty-five (25) feet of any property line or road right-of-way and no

- machinery will be erected or maintained within one-hundred (100) feet of any property or road right-of-way line.
- b) Fencing: If fencing is deemed a necessary requirement of the Special Land Use Permit, the Planning Commission shall specify the type and location of the required fencing.
 - c) Interior access roads, parking lots, haul road, loading and unloading areas and stockpiled materials shall be maintained so as to limit the nuisance caused by wind blown dust.
 - d) Hours of operation shall be Monday through Friday from 7:00 a.m. to 6:00 p.m. and Saturday from 8:00 a.m. to 12:00 p.m .
 - e) No hours of operation on Sundays or the following holidays:
 - i) New Year's Day - January 1st
 - ii) Memorial Day - Last Monday of May
 - iii) Independence Day - July 4th
 - iv) Labor Day - First Monday in September
 - v) Thanksgiving Day - Fourth Thursday in November
 - vi) Christmas Day - December 25th
- 5) Failure to maintain all required State or Federal licenses and/or to develop and maintain a surface mining operation in accord with the terms of the conditional use permit may result in the immediate revocation of said conditional use permit and any and all other sanctions and/or penalties available to the County.
- 6) Evidence of Continuing Use: When activities on or the use of the mining area, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the mining area, the Zoning Administrator shall give the operator written notice of their intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, it shall not declare abandonment.
- 7) Financial Guarantees: A minimum pit bond of \$3,000.00 plus a minimum \$2,000.00 per excavated acre shall be filed with the Village Treasurer. The bond shall be in the form of a letter of credit drawn of a bank located in Eaton County, a cash bond posted in lieu of a letter of credit or an insurance policy with the Village named as an insured party. The amount of a cash bond filed with the Village may be one-half (1/2) the total required bond if approved by the Planning Commission.

The bond shall be returned when all conditions stipulated in the Special Land Use Permit shall have been complied with and the Special Land Use Permit revoked prior to its release. There shall be no partial release of the bond.

- 8) Issuance of a Special Land Use Permit: Permits for surface mining shall be issued to the operator. If an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this Ordinance, as to the operation, but only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Conditional Use Permit may be transferred.
- 9) Permit Expiration: If approval for a Special Land Use Permit is granted by the Planning Commission it shall be for a specific period of time not to exceed five (5) years. Those permits granted for a period exceeding one (1) year shall be inspected a minimum of once a year by the Zoning Administrator to insure compliance with the permit and Ordinance.
- 10) Modification of the Site Plan: The Site Plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight. The Planning Commission may require the modification of the Site Plan when:
 - a) Modification of the plan is necessary so that it will conform with the existing laws.
 - b) It is found that the previously approved plan is clearly impractical to implement and maintain.
 - c) The approved plan is obviously not accomplishing the intent of the Ordinance.

20.31A HALF-WAY HOUSE

- A. Definition: Any lot or parcel of land and/or building intended for use as an adult foster-care facility, licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.
- B. Regulations and Conditions: Half-way houses shall be subject to the general approval standards of Section 20.4.

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20.32 HARDWARE STORE & BUILDING SUPPLIES

- A. Definition: Buildings and outdoor storage areas associated with the operation of a business providing tools, fixtures, fasteners and related materials and equipment to the general public and to construction companies, including the outdoor storage of equipment and materials.
- B. Regulations and Conditions: Hardware stores and building supply facilities shall be subject to the following requirements:
- 1) A proposed facility that shall include outdoor storage or display shall be located on not be less than one half (0.5) acres.
 - 2) A proposed facility that shall include outdoor storage or display shall be fenced on both sides and rear with chain link or similarly durable fencing six (6) feet.
 - 3) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.
 - 4) No building materials, scrap, or equipment shall be stored outdoors in any configuration higher than the surrounding fencing or screening.
 - 5) All signs shall be in compliance with the provisions of Chapter 19 of this Ordinance.
 - 6) All off-street parking shall be in compliance with Chapter 18 of this Ordinance.

20.33 HOTELS AND MOTELS

- A. Definition: A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.
- B. Regulations and Conditions: Hotels and motels shall be subject to the following requirements:
- 1) The property shall be suitable for transient lodging facilities with overnight lodgers staying typically not longer than seven (7) nights.
 - 2) A restaurant that includes provisions for events, catering or other activities shall be regulated separately under the provisions of Section 20.39.
 - 3) The use shall be compatible with other allowed uses in the vicinity and the impact of the establishment in terms of parking, traffic, noise and odors.
 - 4) All signs shall be in accordance with Chapter 19 of this Zoning Ordinance.
 - 5) All parking shall be in accordance with Chapter 18 of this Zoning Ordinance.
 - 6) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.

- 7) Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special land use permit for a hotel or motel.

20.34 INSTITUTIONAL USE

- A. Definition: Churches, hospitals, commentaries, municipal buildings, parks, civic centers, libraries, or other public or quasi - public uses, but not including semi-public or private homes or facilities such as adult foster care facilities, nursing homes, convalescent homes, homes for the aged, sanitary landfills, schools or facilities for the treatment of mental or emotional illness.
- B. Regulations and Conditions: Institutional uses as defined herein shall be subject to the requirements pertaining to the specific use identified, if any. All such uses shall be subject to the general approval standards of Section 20.4.

20.35 KEEPING OF HORSES.

- A. Definition: Keeping of Horses refers to the care, boarding, riding and related uses of horses and ponies owned by, and for the exclusive recreational use of, the residents of the parcel without any commercial activities, such as breeding, training, show activities, veterinary care, boarding for a fee of the horses of others, or related activities.
- B. Regulations and Conditions. Keeping of horses shall be subject to the following requirements:
 - 1) A single-family dwelling must be established and occupied on any parcel used for the Keeping of Horses under this Section.
 - 2) Density Minimums. A minimum of one (1) contiguous acre shall be required for the first horse, and one-half (1/2) of an acre shall be required for each additional horse.
 - 3) Horses shall be kept in fenced enclosures located no closer than fifty (50) feet from all property lines and road rights-of-way.
 - 4) No horse shall be kept closer than one hundred (100) feet to any water well.
 - 5) Fencing. Fencing to be provided shall be subject to the following:
 - a) Materials and Construction. Fencing including fence posts may be constructed of wood, chain link, wire, masonry, or other suitable materials, electrified fencing shall not be permitted.
 - b) Fence Height. Fences to be provided for enclosure shall be maintained not less than four and one-half (4 ½) feet in height and not higher than six (6) feet.
 - 6) Maintenance. All stalls and corrals shall be continuously cleaned of manure, soiled bedding and other materials and maintained with preservatives so as to maintain

appearance and prevent deterioration, insects and odors.

- 7) Containment Devices. Substantial and acceptable locking or latching devices shall be provided and installed on all gates and doors to horse areas located in such a manner so as to be inaccessible to animals and small children for the prevention of animal escape and unauthorized entry.
- 8) All areas adjacent to any housing, stall, corral, or other building structures and areas where horses are kept and maintained shall be graded to drain away from such facilities so as to prevent ponding and insect harborage.
- 9) Dust Control. All areas used as arenas for exercising or training, or exhibition of animals shall be continuously maintained in a dust-free manner at all times by dampening with an approved sprinkler system or other acceptable means for the prevention of detrimental and nuisance affects of dust emission to surrounding properties.
- 10) Compliance with Health Regulations. The keeping of horses as provided for in this section shall comply with all regulations and provisions of the Eaton County Health Department and the United States Department of Agriculture.

20.36 KENNELS

- A. Definition: A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.
- B. Regulations and Conditions. Kennels shall be subject to the following requirements:
 - 1) Animal wastes, bio hazard materials or byproducts shall be disposed of as required by the Medical Waste Law of the State of Michigan and kennel operations shall be subject to inspection by the Michigan Department of Public Health as that law requires. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than once per week. No animal wastes, bio hazard materials or byproducts shall be buried or incinerated on site. Any failure on the part of the operator to maintain proper lice nsing shall be grounds for the revocation of a special land use permit for an Animal Clinic.
 - 2) Said use shall be located on not less than one-half (1/2) acre of land, provided all operations and the housing of animals are contained in one or more complete ly enclosed buildings.
 - 3) Only small animals (household pets) shall be boarded on the premises.
 - 4) There shall be sufficient sound proofing to prevent any noise disturbance beyond the property boundaries.
 - 5) All outdoor exercise areas for animals shall be adequately fenced to prevent both escape and entry by wild animals into the facility.
 - 6) All signs shall be in accordance with Chapter 19 of this Zoning Ordinance.

- 7) All parking shall be in accordance with Chapter 18 of this Zoning Ordinance.
- 8) Landscaping: Landscaping shall be maintained in all required yards including exercising yards, in accordance with plans approved by the Village Planning Commission.
- 9) Lighting shall be in accordance with Section 8.25.

20.37 LAUNDRY & DRY CLEANING ESTABLISHMENTS.

- A. Definitions: A commercial establishment providing cleaning, dry cleaning and laundry services on-site for businesses and residents.
- B. Regulations and Conditions. Laundry and dry cleaning establishments shall be subject to the following requirements:
 - 1) All exterior lighting shall be equipped with cutoff fixtures to prevent light from casting off the site.
 - 2) All storage tanks or other facilities used to store hazardous, toxic, explosive or flammable substances shall be equipped with appropriate containment structures or equipment to prevent any migration of such substances into the groundwater or surface waters of the Village.
 - 3) A landscaped buffer not less than twenty-five (25) feet in width shall be provided along the front lot line and along any side or rear lot line that abuts lands zoned or used for residential purposes.
 - 4) All parking areas and driveways shall be provided with a dust-free surface.
 - 5) All signs shall be in compliance with the provisions of Chapter 19 of this Ordinance.
 - 6) All off-street parking shall be in compliance with Chapter 18 of this Ordinance.
 - 7) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.

20.38 MINI-WAREHOUSES, SELF-STORAGE, 8,000 SQUARE FEET, OR LESS

- A. Definition: A commercial venture that rents individual cubes of space for storage purposes. Individuals typically have joint access to the lot but possess individual access and keys to their respective units.
- B. Regulations and Conditions. Mini-warehouses shall be subject to the following requirements:
 - 1) The area of the proposed site shall be at least one (1) acre.
 - 2) The use shall be established and maintained in accordance with all applicable Local, State and Federal laws.

- 3) All storage shall be inside an enclosed building. No outdoor storage shall be permitted.
- 4) The cumulative area of the storage building(s) areas shall not exceed eight thousand (8,000) square feet.
- 5) All exterior light fixtures shall be in compliance with Section 8.25 of this Ordinance.
- 6) All signs shall be in compliance with the provisions of Chapter 19 of this Ordinance.
- 7) All off-street parking shall be in compliance with Chapter 18 of this Ordinance.
- 8) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.

20.39 PLACES OF ASSEMBLY, LARGE AND SMALL.

A. Definitions

- 1) Places of Public Assembly. Any area where large or small numbers of individuals collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, sports arenas, lecture halls and other similar facilities intended for entertainment, instruction, worship or similar activities involving assembled groups of people numbering fifty (50) or more.
- 2) Small Places of Public Assembly. A place of public assembly shall be considered a small facility if it has either less than five thousand (5,000) square feet in gross floor area or total seating capacity of no more than three hundred (300) in the largest room intended for public assembly.
- 3) Large Places of Public Assembly. A place of public assembly shall be considered a large facility if it has either five thousand (5,000) square feet or more in gross floor area, total seating capacity of more than three hundred (300) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future. For the purposes of this paragraph, a capability to meet these standards may be demonstrated by sufficient available land owned by the applicant or an entity associated with the applicant, a building designed to readily accommodate an expansion or a declaration by the applicant of future intent to expand the facility to meet these standards.

B. Regulations and Conditions. Places of public assembly shall be subject to the following requirements:

- 1) A place of public assembly determined to be a large facility under this ordinance shall be located so as to have its primary access directly onto one or more of the following roadways: North, South, East or West Main Street, Allegan Road, Third Street, or Forest Street.

- 2) Except for designated historical buildings, a place of public assembly determined to be a large facility under this ordinance shall be located on a parcel of land with a minimum area of three (3) acres. Provided, however, that such facility shall meet the maximum lot coverage requirements of this ordinance.
- 3) Except for designated historical buildings, a place of public assembly determined to be a small facility under this ordinance shall be located on a parcel of land that meets the minimum lot size requirements for the district in which it is located. Provided, however, that such facility shall meet the maximum lot coverage requirements of this ordinance.
- 4) All signs shall be in compliance with the provisions of Chapter 19 of this Ordinance.
- 5) All off-street parking shall be in compliance with Chapter 18 of this Ordinance.
- 6) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.

20.40 PUBLICLY OWNED BUILDINGS, EXCHANGES, UTILITY OFFICES

- A. Definition: Any building, structure, facility, or complex used by the general public, whether constructed by any state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to, assembly buildings, such as auditoriums, libraries, public eating places, schools, and theaters; business buildings, such as offices; and factories and industrial buildings.
- B. Regulations and Conditions. Publicly owned buildings, exchanges and utility offices shall be subject to the following requirements:
 - 1) The applicant shall provide the Planning Commission with a detailed explanation of the need for the proposed facility in the location proposed.
 - 2) The Planning Commission shall give due consideration to the nature of the proposed use and its potential impact on the surrounding land uses and may establish appropriate site conditions to assure that the use will generate no detrimental impacts on surrounding property.
 - 3) All signs shall be in compliance with the provisions of Chapter 19 of this Ordinance.
 - 4) All off-street parking shall be in compliance with Chapter 18 of this Ordinance.
 - 5) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.

20.41 RECREATION FACILITIES

- A. Definition: A place designed and equipped for the conduct of sports and leisure time activities.

B. Regulations and Conditions. Recreation facilities shall be subject to the following requirements:

- 1) All recreation facilities shall have direct access to a public street.
- 2) A recreation facility that includes provisions for events, catering or other activities shall be regulated separately under the provisions of Section 20.39.
- 3) All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site. Exterior light standards shall be no higher than twenty (20) feet.
- 4) The Planning Commission shall give due consideration to the nature of the proposed use and its potential impact on the surrounding land uses and may establish appropriate site conditions to assure that the use will generate no detrimental impacts on surrounding property.
- 5) All signs shall be in compliance with the provisions of Chapter 19 of this Ordinance.
- 6) All off-street parking shall be in compliance with Chapter 18 of this Ordinance.
- 7) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.
- 8) Any failure to maintain proper licensing shall be grounds for the revocation of a special land use permit for a recreation facility.

20.42 ROADSIDE STANDS

A. Definition: A temporary or seasonal booth or stand for the display and sale of agricultural and related products typically grown or produced on site; such structure shall not have space for customers within the stand or booth itself.

B. Regulations and Conditions. Roadside Stands which exceed a floor area of thirty-two (32) square feet and are operated for more than six (6) weeks in any twelve (12) month period shall be subject to the following requirements:

- 1) The total floor area of the Roadside stand shall not exceed two hundred (200) square feet.
- 2) Only fruits, cut flowers and vegetables and other agricultural products shall be sold in a Roadside Stand. Revised 7-5-07
- 3) No part of the Roadside Stand, sales area or parking area shall be located within a road right-of-way.
- 4) All structures associated with the Roadside Stand shall be portable and shall be removed when not in use.
- 5) Only one Roadside stand shall be permitted on any one parcel.

- 6) The Planning Commission shall give due consideration to the nature of the proposed use and its potential impact on the surrounding land uses and may establish appropriate site conditions to assure that the use will generate no detrimental impacts on surrounding property.
- 7) A Roadside Stand shall be permitted not more than two (2) sign with a combined surface area of thirty-two (32) square feet. Such signs shall not be lighted.

20.43 SERVICE STATION

A. Definition: A place where operating fuels or lubrication oils for motor vehicles are offered for sale at retail to the public, including the sale of accessories installed by the proprietor thereof and minor adjustment services, but not including major automotive repairs, motor overhauling, body damage repairs, or bulk fuel distributing.

B. Regulations and Conditions. Service Stations shall be subject to the following requirements:

- 1) Parking or storage of inoperative vehicles shall be completely surrounded by an opaque fence eight (8) feet in height.
- 2) Minimum road frontage of one-hundred fifty (150) feet shall be required.
- 3) Minimum lot area shall be increased five-hundred (500) square feet for each fuel pump unit in excess of four (4), and one-thousand (1,000) square feet for each service bay in excess of two (2), and three-hundred (300) square feet for each parking space intended for the storage of inoperative vehicles.
- 4) All buildings and accessory structures including gasoline pumps shall be setback fifty (50) feet from any lot line and seventy-five (75) feet from any street right-of-way line.
- 5) All equipment including hydraulic hoist, pits, and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building. There shall be no outdoor storage of merchandise such as tires, lubricants and other accessory equipment.
- 6) All activities, except those required to be performed at the fuel pump shall be carried on inside a building. All vehicles upon which work is performed shall be located entirely within a building.
- 7) There shall be no above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gases.
- 8) All signs shall be in compliance with the provisions of Chapter 19 of this Ordinance.
- 9) All off-street parking shall be in compliance with Chapter 18 of this Ordinance.
- 10) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.

- 11) Any failure to maintain proper licensing shall be grounds for the revocation of a special land use permit for a service station facility.

20.44 VEHICLE REPAIR SHOPS

- A. Definition: A garage, building or area used for the repair, repainting or refurbishing of motor vehicles, boats, trailers, farm equipment or similar mobile equipment, but not including minor part replacement and motor tuning services customary for a service station
- B. Regulations and Conditions. A vehicle repair shop may be permitted in a B-2 General Commercial District by the Planning Commission as a special use provided the following documents are submitted and the following conditions are met:
 - 1) All vehicles, parts, material and equipment shall be stored within enclosed buildings or within an area completely enclosed by an opaque fence 8 feet in height.
 - 2) The area enclosed by the screening fence may not be larger in area than the first floor area of the building(s) on the same premises and may not take up any of the area of the premises required for minimum yards.
 - 3) All storage tanks or other facilities used to store hazardous, toxic, explosive or flammable substances shall be equipped with appropriate containment structures or equipment to prevent any migration of such substances into the groundwater or surface waters of the Village.
 - 4) All signs shall be in compliance with the provisions of Chapter 19 of this Ordinance.
 - 5) All off-street parking shall be in compliance with Chapter 18 of this Ordinance.
 - 6) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.
 - 7) Any vehicle repair shop that also provides a vehicle sales area shall also comply with the requirements of Section 20.45.
 - 8) Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special land use permit for a vehicle repair shop.

20.45 VEHICLE SALES AREA

- A. Definition: An area or building used for the display, sale or rental of new or used motor vehicles, boats, trailers, farm equipment, or other similar mobile equipment in operable condition where no repair work is done.
- B. Regulations and Conditions. Vehicle sales areas shall be subject to the following requirements:
 - 1) The minimum lot area shall be one-half acre and the minimum lot width shall be one hundred feet.

- 2) Any outdoor vehicle storage or sales area which adjoins a residential property shall be enclosed with a six (6) foot fence, which fence shall be capable to containing debris, trash and other blowing objects.
- 3) The lot area used for display and sales purposes shall have a permanent, durable and dustless surface and shall be graded and drained to dispose of all surface water.
- 4) Lighting shall be in accordance with Section 8.25.
- 5) Any vehicle sales area that includes a vehicle repair shop shall also comply with the requirements of Section 20.44.
- 6) All signs shall be in compliance with the provisions of Chapter 19 of this Ordinance.
- 7) All off-street parking shall be in compliance with Chapter 18 of this Ordinance.
- 8) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.
- 9) Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special land use permit for a vehicle sales area.

20.46 WIRELESS COMMUNICATION FACILITIES. Wireless telecommunication facilities and wireless telecommunication antennae shall be regulated in accord with Section 8.44 of this Ordinance.

20.47 YARDS FOR OUTDOOR STORAGE.

- A. Definition. The keeping, of any goods, junk, material, merchandise, or vehicles in an open and unsheltered area for more than twenty-four hours.
- B. Regulations and Conditions. Yards used for outdoor storage shall be subject to the following requirements:
 - 1) The site shall be fenced on both sides and rear with chain link or similarly durable fencing not less than six (6) feet nor more than sixteen (16) feet in height.
 - 2) Landscaping and Buffering shall be provided in accordance with Section 8.37 of this Zoning Ordinance.
 - 3) No building materials, scrap, or equipment shall be stored outdoors in any configuration higher than the surrounding fencing or screening.
 - 4) All signs shall be in compliance with the provisions of Chapter 19 of this Ordinance.
 - 5) All off-street parking shall be in compliance with Chapter 18 of this Ordinance.