

**VILLAGE OF VERMONTVILLE**

**COUNCIL OF THE WHOLE**

MINUTES  
OCTOBER 17, 2006

Meeting called to order at 7:04pm

Roll call- Don Martin, Jim Samann, Charlie Viele, Garry Patrick, Tom Williams, Sue Villanueva and Doug Kelsey. Also present were Shirley Harmon, Jason Sheridan and Nikki Lennox.

Pledge to the Flag.

Reason for this meeting is to go over the Planning Commission's recommendation on the changes to the Zoning Ordinance put forth by the Zoning Task Force.

Section 1. Definition – Historical Structures, Buildings and Properties. Section 6.8.H of the Zoning Ordinance of the Village of Vermontville is hereby amended, and its subsections are hereby renumbered, so as to insert, in alphabetical order, the following term and definition:

**6.8 H**

- (1) Historical Structures, Buildings or Properties; Any construction completed prior to the adoption of the Village Zoning Ordinance of June 12, 2003.

Viele moved to approve, seconded by Williams, all ayes.

Section 2. Accessory Buildings. Section 8.2 of the Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety as follows:

**8.2 ACCESSORY BUILDINGS.**

A.-B. [no change]

- C. An accessory building may be utilized as a dwelling or as sleeping quarters, for a period of not more than five years, provided that the accessory building meets all applicable requirements of the State Construction Code pertaining to residential dwellings and provided further that all inspections and permits required by the State Construction Code are performed and obtained prior to occupancy of the accessory building.

- D. No accessory building may be built on any lot on which there is no principal building; provided, however, that the Planning Commission may approve, as a special land use, the construction and use of an accessory building on a lot on which there is no principal building, subject to the standards and procedures set forth in Chapter 21 of this Ordinance.
- E. Accessory buildings and all map zoning districts shall be subject to the size requirements stated in those district regulations.

Villanueva moved to change 5years to 3 years, seconded by Viele, Samann opposed, 5 ayes.

Patrick moved to approve with change of time and addition of Penalties to be worded by the attorney. Samann seconded, all ayes.

Section 3. Basement Dwellings – Repeal. Section 8.7 of the Zoning Ordinance of the Village of Vermontville is hereby repealed in its entirety and reserved for future use.

Williams moved to keep this section in the Zoning Ordinance, seconded by Viele. Opposed Villanueva and Patrick, 5 ayes.

Section 4. Driveways. Section 8.10 of the Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety as follows:

**8.10 DRIVEWAYS.** A zoning permit shall not be issued until an applicant has first obtained a driveway permit from the Village with the approved driveway specifications stated thereon.

Viele moved to approve with the change of zoning permit to building referral and deletion of (with the approved driveway specifications stated thereon), seconded by Williams. All ayes.

Section 5. Floor Area – Repeal. Section 8.15 of the Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety as follows.

A. One-story Single Family Dwellings: Ground floor area of nine hundred (900) square feet for each new one-story single family dwelling erected, including manufactured homes erected outside of manufactured housing districts.

Any two levels of bi-level, tri-level, or split-level type single family dwelling shall be considered the same as a one-story dwelling requiring the same floor area as a one-story dwelling.

Williams moved to approve, seconded by Patrick, opposed Martin and Samann, 5 ayes.

Section 6. Home Occupation – Partial Repeal. Section 8.18.A of the Zoning

Ordinance is hereby amended by the repeal of subsections 4 and 5 thereof.

4) May only employ mechanical equipment which is similar in power and type usual for household purposes and hobbies and does not affect the insurance rates on the premises.

5) Shall not devote more than fifty percent (50%) of one story to such home occupation.

Williams moved to keep these two sections except to strike out (and does not affect the insurance rates on the premises.) Seconded by Viele, opposed -Samann, Villanueva and Patrick, 4 ayes.

Section 7. Travel Trailers, Motor Homes, Campers and Tents. Section 8.24 of the

Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety

as follows:

**8.24 TRAVEL TRAILERS, MOTOR HOMES, CAMPERS AND TENTS.** No travel trailers, motor homes, campers, tents or similar facilities shall be used and occupied on any lot or parcel of land in the Village of Vermontville for more than ninety (90) days and be registered with the Village office, except in a licensed mobile home park or manufactured housing community, unless the occupant or owner of such trailer shall have first applied for and received a trailer permit. An application for such trailer permit shall be made to the Zoning Administrator stating the location of the trailer coach, the length of time such trailer coach will be parked, and what sanitary facilities will be available. Upon the filing of such application, if the Zoning Administrator finds adequate sanitary facilities will be afforded for the disposal of waste and excretions, the Zoning Administrator may issue a permit and said permit shall limit the time of such use and occupancy to a period of not longer than six (6) months.

A. [no change]

B. No person shall park or cause to be parked any trailer coach or trailer coach home, overnight on any street, alley, highway, or other public place within the limits of the Village of Vermontville, except with the permission of the Village Council.

C.-E. [no change]

- F. Upon the filing of such application, the Zoning Administrator shall call for an inspection to be made of the trailer coach or trailer coach home, and the site on which it is proposed that it be parked, used or occupied. If the Zoning Administrator finds that adequate facilities are afforded on the premises for such occupancy and use and it appears that the temporary parking, use and occupancy of such trailer coach at such location will comply with the Statutes of the State of Michigan and the ordinances of this Village, the Zoning Administrator shall approve such application upon filing thereof with the Zoning Administrator and payment of the fee set by resolution of the Village Council, which fee shall be deposited in the general fund of the Village. The Zoning Administrator shall issue such permit, provided, however, that in the first instance, it shall not be parked for a period in excess of ninety (90) days from the date of occupancy, which said permit may be renewed on application therefore by the said Zoning Administrator for additional periods of ninety (90) days each: provided, that at no time shall the total period of such occupancy exceed a period of six (6) months.
- G. [no change]
- H. No trailer coach or trailer coach home for such temporary parking to be located nearer than 25 feet from the line or the street, nor nearer than 7 feet from either side line of the lot or site on which it stands, and each such trailer coach or trailer coach home must be equipped to meet minimum requirements established for such purpose by the Statutes of the State of Michigan and the regulations of the Department of Health.

Villanueva moved to table this section, seconded by Samann, all ayes.

Section 8. Setback on Major Streets. Section 8.28 of the Zoning Ordinance of the

Village of Vermontville is hereby amended so as to read in its entirety as follows:

**8.28 SETBACK ON MAJOR STREETS.**

- A. No building shall be closer to a street than the minimum front yard requirement of its district; provided, however, that in districts other than the B-1 and B-2 Districts, the minimum front yard requirement for a lot adjoining Main Street east, north, west or south shall be measured from a line 60 feet from, and parallel to, the center line of the street.
- B. In any district where the average depth of at least two (2) front yards of existing adjacent buildings within 100 feet of the lot in question and within the same block on the same side of the street is less than or greater than the minimum front yard depth described above in subsection A, then the required front yard shall be modified to be no less than the average

depth of the existing adjacent buildings; provided, however, that the depth of the front yard shall not, in any case, be less than 10 feet.

Samann moved to approve, seconded by Martin, all ayes.

Section 9. Temporary Special Use Permits – Fees. Section 8.32.G of the Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety as follows:

G. No fees shall be charged by the Village for a temporary special use permit.

Viele moved to decline this change, seconded by Williams, opposed Villanueva, 6 aye s.

Section 10. Trailer, Truck or Recreational Vehicle Storage – Repeal. Section 8.34 of the Zoning Ordinance of the Village of Vermontville is hereby repealed in its entirety and reserved for future use.

- 3) Such storage shall not be permitted in any front yard, except
  - a) With approval by the Planning Commission where there is no side or rear yard: and
  - b) Such recreational vehicle or unit may be stored in a driveway within a front yard for a period of not more than twenty -one (21) consecutive days.

Patrick moved to approve change, seconded by Martin, Viele and Williams opposed, 5 ayes.

Section 11. Landscaping, Buffering and Fences. Section 8.37 of the Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety as follows:

**8.37 LANDSCAPING, BUFFERING, AND FENCES.**

A. General Regulations

- (1) All plant materials shall be installed so as not to alter drainage patterns on the site or on adjacent properties.
- (2) A landscaped buffer zone shall be required on a subject lot or parcel along the boundary between differing zoning districts.

- (3) Buffering requirements shall not apply where different adjacent zoning districts are separated by a street. In such case, the front yard landscaping requirements of Section 8.37A shall apply.
- (4) Buffering shall be required, even if the abutting parcel is vacant land or open space.

B. Fences, walls, and decorative fences: Fences, walls, and decorative fences shall comply with the following regulations and requirements:

(1) Location:

- (a) Fences, walls and decorative fences shall not be located outside or beyond the property or lot lines of the lot upon which said improvement shall be placed.
- (b) Fences and walls shall be located no closer to the side lot line than the side yard setback line for residential corner lots that front or face onto the side street. Fences and walls may be located nearer the side yard line when said side yard is not on a street.

(2) Height:

- (a) Fences and walls shall not exceed eight (8) feet in height in any district. However, the Planning Commission may approve a greater height in the B-1, B-2 or D-1 Districts if the increased height will better screen a use from the roadway or adjacent residential uses.
- (b) Decorative fences shall not exceed eight (8) feet in height as measured from the grade to the top of the highest horizontal rail.

(c) Design and Type:

- (i) All fences shall be constructed with the finished side exposed, the support posts placed on the inside, and in a manner which serves to enhance the aesthetic appearance of the neighborhood or surrounding area, except in cases where the Zoning Administrator deems it impractical.
- (ii) Decorative fences shall be constructed, by way of illustration, in a style similar to split rail or wrought iron fences. Decorative fences must be designed so that they are neither solid fences or opaque screens.

- (iii) The erection of a decorative fence shall not require a permit from the Zoning Administrator.

Martin moved to table this section, seconded by Williams, all ayes.

Section 12. Attached Garages. Section 8.41.B(1) of the Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety as follows:

- (1) An attached garage shall not exceed Two Hundred Percent (200%) of the ground floor area of the attached single family dwelling.

Villanueva moved to table this section, seconded by Samann, all ayes.

Section 13. RA District – Minimum Floor Area – Repeal. Section 9.4.G of the Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety as follows:

G. Minimum Floor Area: All dwellings shall contain a minimum of one thousand (1,000) square feet of floor area and a minimum core area of living space measuring at least twenty (20) feet by twenty (20) feet in size.

Viele moved to approve this section with the change of 1,000 sq ft to 900 sq ft. Seconded by Williams, all ayes.

Section 14. RS-1 District – District Regulations. Section 10.4 of the Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety as follows:

**10.4 DISTRICT REGULATIONS.** The following requirements are the minimum permitted in the RS-1 Low Density Residential District.

A.-B. [no change]

- C. Maximum Lot Coverage: The maximum lot coverage in the RS-1 Low Density Residential District shall be Twenty Five Percent (25%); provided, however, that the Planning Commission may approve, as a special land use, a lot coverage up to One Hundred Percent (100%) of the lot, within the allowable setbacks, subject to the procedures and standards of Chapter 21 of this Ordinance.
- D.-F. [no change]
- G. [repealed]

Section 15. RS-2 District – District Regulations. Section 11.4 of the Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety as follows:

**11.4 DISTRICT REGULATIONS.** The following requirements are the minimum permitted in the RS-2 Medium Density Residential District.

- A.-B. [no change]
- C. Maximum Lot Coverage: The maximum lot coverage in the RS-2 Medium Density Residential District shall be Twenty Five Percent (25%); provided, however, that the Planning Commission may approve, as a special land use, a lot coverage up to One Hundred Percent (100%) of the lot, within the allowable setbacks, subject to the procedures and standards of Chapter 21 of this Ordinance.
- D.-F. [no change]
- G. [repealed]

Williams moved to send these two sections back to PC for reworking, seconded by Martin, all ayes.

Section 16. Signs in Commercial District. Section 19.6.E of the Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety as follows:

- E. All signs applied to the face of a building in the B -1 and B-2 Districts shall not project more than Fifty Percent (50%) above the roof line of the building [as measured by Fifty Percent (50%) of the height of the sign] and the sign area shall not exceed the lesser of Twenty Percent (20%) of the wall area, or one hundred (100) square feet. Coordinated wall covering signs and “super graphics” not indicating an advertising message are not considered part of the wall signage.

Martin moved to approve, seconded by Williams, all ayes.

Section 17. Signs in Industrial District. Section 19.7.F of the Zoning Ordinance of the

Village of Vermontville is hereby amended so as to read in its entirety as follows:

- F. Wall signs applied to the face of a building in the D-1 District shall not project more than Fifty Percent (50%) above the roof line of the building [as measured by Fifty Percent (50%) of the height of the sign] and the sign area shall not exceed the lesser of Twenty Percent (20%) of the wall area, or one hundred (100) square feet. Coordinated wall covering colors and “super graphics” not indicating an advertising message are not considered part of wall signage.

Villanueva moved to approve, Patrick seconded, all ayes.

Section 18. Special Land Uses – Appeals. Section 20.3.G of the Zoning Ordinance of

the Village of Vermontville is hereby amended so as to read in its entirety as follows:

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

Patrick moved to approve with the change of may to shall. Seconded by Villanueva, all ayes.

Section 19. Accessory Buildings Larger than Principal Structure. Section 20.11 of the

Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety as follows:

**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, having a ground floor area or building footprint greater than the

ground floor area or building footprint of the principal building on the same parcel.

B. Regulations and Conditions:

- (1) Accessory buildings that are subject to this section shall comply with all yard, setback and height standards of this Zoning Ordinance.
- (2) If an accessory building is attached to a principal building by either a common foundation, common wall, a 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.

Williams moved to table, Samann seconded, all ayes.

Section 20. Special Land Use for Building, Electrical Mechanical and Plumbing

Contractors. Section 20.18.B(2) of the Zoning Ordinance of the Village of Vermontville is hereby amended to read in its entirety as follows:

- (2) All outdoor storage and 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 at the time of planting.

Martin moved to approve, seconded by Patrick, opposed by Williams and Viele, 5 ayes.

Section 21. Special Land Use for Church. Section 20.21.B(1) of the Zoning

Ordinance of the Village of Vermontville is hereby amended to read in its entirety as follows:

- (1) All churches shall be located on a parcel of at least one (1) acre.

Martin moved to approve, seconded by Villanueva, opposed Williams and 6 ayes.

Section 22. Special Land Use for Construction Equipment, Sales or Supplier. Section

20.22.B(2) of the Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety as follows:

- (2) The site shall be fenced on both sides and the rear with chain link or similarly durable fencing not less than eight (8) feet in height nor more than 16 feet in height.

Patrick moved to approve, seconded by Martin, all ayes.

Section 23. Special Land Use for Correctional Facilities. Chapter 20 of the Zoning Ordinance of the Village of Vermontville is hereby amended by the addition of Section 20.22A, which shall read in its entirety as follows:

**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.

Patrick moved to approve, seconded by Villanueva, all ayes.

Section 24. Special Land Use for Halfway Houses. Chapter 20 of the Zoning Ordinance of the Village of Vermontville is hereby amended by the addition of Section 20.31A, which will read in its entirety as follows:

**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.

Williams moved to approve, seconded by Patrick, all ayes.

Section 25. Special Land Use for Hardware Store and Building Supplies. Section 20.32.B(1) of the Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety as follows:

- (1) A proposed facility that includes outdoor storage or displays after business hours shall be located on not less than one-half (0.5) acres.

Williams moved to table, seconded by Viele, all ayes.

Section 26. Special Land Use for Roadside Stands – Partial Repeal. Section 20.42.B(2) of the Zoning Ordinance of the Village of Vermontville is hereby repealed in its entirety and reserved for future use.

Williams moved to table, seconded by Samann, all ayes.

Section 27. Abandonment of Nonconforming Use. Section 22.4.C of the Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety as follows:

- C. Abandonment of Nonconforming Use. If a property owner has an intent to abandon the nonconforming use of any parcel of land or structure and, in fact, abandons the nonconforming use for a period of one (1) year or more, then any subsequent use of the property shall conform to the requirements of this ordinance. In determining the intent of the property owner to abandon a nonconforming use, the Zoning Administrator shall consider such factors as the following:

(1)-(4) [no change]

Williams moved to table, seconded by Martin, all ayes.

Section 28. Termination of Nonconforming Structure by Destruction. Section 22.5.C of the Zoning Ordinance of the Village of Vermontville is hereby amended so as to read in its entirety as follows:

- C. Termination by Destruction. In the event that a nonconforming structure or structure containing a nonconforming use is partially or completely destroyed by casualty loss or act of God, the structure may be restored or reconstructed, but

shall not be rendered more nonconforming than as it existed immediately preceding the casualty loss or act of God.

Williams moved to approve, Martin seconded, all ayes.

Section 29. Nonconforming Historical Structures, Buildings and Properties. Section 22.5 of the Zoning Ordinance of the Village of Vermontville is hereby amended by the addition of subsection D thereto, which will read in its entirety as follows:

- D. Historical Structures, Buildings and Properties. Notwithstanding any other provision or requirement of this chapter, any historical structure, building or property that was rendered lawfully nonconforming by virtue of the Zoning Ordinance adopted June 12, 2003, may continue to be used in the same manner and to the same extent that it was being used immediately preceding June 12, 2003.

The Planning Commission does not recommend approval of this ordinance amendment. This amendment is already covered in full by Chapter 22 Nonconforming Uses of the Zoning Ordinance. Sections 22.2 Nonconforming Lots, and 22.3 Nonconforming structures are already in place.

Viele moved to accept the PC recommendation of not approving this section, seconded by Williams, all ayes.

Motion to adjourn by Samann, seconded by Williams, all ayes

Adjourned at 9:30pm

Shirley Harmon

Village Clerk