

Village of Vermontville

Eaton County, Michigan

Article Two: Zoning Ordinance

Adopted June 12, 2003

Publication Date: July 1, 2003

(Including amendments through January 14, 2021)

**Village of Vermontville
194 South Main Street
Vermontville, MI 49096**

REVISION/AMENDMENT SHEET

Date of Approval	Type of Amendment (Text – Map)	Description of Revision	Area of Ordinance affected	Revision level
Nov. 4, 2004	Text	Addition of Home Orientation text in RS-1 and RS-2	8.19	A
Dec. 9, 2004	Text	Increasing Max. lot coverage from 15% to 25%	10.4.C., 11.4.C., Section 7.8 (Schedule of Regulations)	B
June 14, 2005	Text	Allow Apart./Condo in B-2	Removed 15.3.G. Added to 15.2 Added 15.4.E. Added 15.4.F. Added to page 7-5 (table of permitted uses)	C
Nov. 3, 2005	Map	Rezone 176 W 4th from RS-1 to RS-2	Chapter 7, Village Zoning Map	D
July 13, 2006	Text	Make compliant with Michigan Zoning Enabling Act, Public Act 110 of 2006	Added 24.9 Added to 17.6.D. Changed 20.3.B. Repealed 20.3.B.1-3 Changed 23.4.C. Repealed 23.4.C.1-3 Changed 25.2.C. Repealed 25.2.D. – reserved Added to 23.3.A.	E
Dec. 7, 2006	Text	Define Historical Structures Accessory Buildings Driveways Floor area size	Add/renumber 6.8.H.1) Change wording of C. and add D. and remove F. Change wording of 8.10 Decrease floor size 8.15.A	F
December 7, 2006	Text	Home occupation Major street setbacks Storage of trailer or recreational vehicle Floor area decreased Commercial signs heights Signs in Industrial heights Appeals of Special Land Use Fence height increase Property area for churches Fence height increase Addition of Section 20.22A. Correctional Facility	Wording change 8.18.A.4) Wording change to add A. and B. to 8.28 Add to 8.34.B.3) Change wording 9.4.G. Change wording of 19.6.E. Change wording to 19.7.F. Change wording of 20.3.G. Wording change of 20.18.B.2) Change wording of 20.21.B.1) Wording change for 20.22.B.2) Add 20.22A. A. and B.	F

		Addition of 20.31A Half-way House Non-conforming structure destruction	Add 20.31A. A. and B. Change wording of 22.5.C.	
June 7, 2007	Text	Items to be sold at road side stands	Change wording of 20.42.B.2	G
Jan. 10, 2009	Text	Addition of no. 4	24.3.B.	H
Jan. 10, 2009	Text	Addition	23.2.B. & E.	H

**Article Two: Zoning
Table of Contents**

	Page
CHAPTER 5 TITLE AND PURPOSE	5-1
5.1. Short Title.....	5-1
5.2. Purpose.	5-1
5.3. Interpretation.	5-1
5.4. Scope.	5-1
5.5. Zoning Affects all Structures and Land and the Use thereof.	5-1
5.6. Repeal and Savings.	5-1
5.7. Separability.....	5-2
 CHAPTER 6 DEFINITIONS	 6-1
6.1. Definitions.	6-1
6.2. A.	6-1
6.3. B.	6-1
6.4. C.	6-3
6.5. D.	6-4
6.6. E.	6-5
6.7. F.	6-6
6.8. G.	6-7
6.9. H.	6-8
6.10. I.	6-8
6.11. J.	6-8
6.12. K.	6-9
6.13. L.	6-9
6.14. M.	6-11
6.15. N.	6-12
6.16. O.	6-12
6.17. P.	6-12
6.18. Q Reserved.	6-13
6.19. R.	6-13
6.20. S.	6-14
6.21. T.	6-18
6.22. U.	6-18
6.23. V.	6-19
6.24. W.	6-19
6.25. Reserved.	6-20
6.26. Y.	6-20
6.27. Z.	6-21
 CHAPTER 7 ZONE DISTRICTS, MAP AND DIMENSIONAL STANDARDS	 7-1
7.1. Districts.	7-1
7.2. Map.....	7-1
7.3. Lot Divided by District Line.	7-1
7.4. District Boundaries Interpreted.	7-1

7.5.	Zoning Vacated Areas.	7-2
7.6.	Zoning District Regulations.	7-2
7.7.	Land Uses.	7-2
7.8.	Village of Vermontville Schedule of Regulations	7-4
7.9.	Land Use Table	7-5
CHAPTER 8	GENERAL PROVISIONS	8-1
8.1.	Application of General Provisions.	8-1
8.2.	Accessory Buildings.....	8-1
8.3.	Accessory Uses.	8-2
8.4.	Farm Animals.	8-2
8.5.	Area or Space Required.....	8-3
8.6.	Attached Single Family Dwellings.	8-3
8.7.	Basement Dwellings.....	8-3
8.8.	Conversion of Dwellings.....	8-3
8.9.	Corner Lots.....	8-3
8.10.	Driveways.....	8-3
8.11.	Dwelling Situated Outside of a Manufactured Housing Community, Minimum Requirements.....	8-3
8.12.	Dwelling on Rear of Lot.....	8-4
8.13.	Essential Services.	8-4
8.14.	Existing Sub-Standard Lots.....	8-4
8.15.	Floor Area.	8-5
8.16.	Reserved.	8-5
8.17.	Height Exception.....	8-5
8.18.	Home Occupation.....	8-5
8.19.	Home Orientation.	8-9
8.20.	Lot Area Computation.....	8-9
8.21.	Lot Use.	8-9
8.22.	Lot Width.	8-9
8.23.	Mixed Occupancy.	8-10
8.24.	Travel Trailers, Motor Homes, Campers and Tents.....	8-10
8.25.	Exterior Lighting.	8-11
8.26.	Refuse and Junk.	8-13
8.27.	Satellite Dish Antenna.....	8-13
8.28.	Setback on Major Streets.....	8-14
8.29.	Sewer and Water.	8-14
8.30.	Site Preparation – Excavation and Extraction.....	8-14
8.31.	Swimming Pools.	8-14
8.32.	Temporary Special Use Permits.....	8-15
8.33.	Traffic Visibility.....	8-16
8.34.	Trailer, Truck or Recreational Vehicle Storage.	8-16
8.35.	Transition Zoning.....	8-17
8.36.	Unclassified Uses.	8-17
8.37.	Landscaping, Buffering, and Fences.	8-17
8.38.	Yards.	8-19
8.39.	Zoning Density.....	8-19

8.40.	Site Condominiums.	8-19
8.41.	Garages.	8-20
8.42.	Outdoor Storage.	8-20
8.43.	Combinations of Uses.	8-21
8.44.	Wireless Communication Facilities.	8-21
8.45.	Open Space Preservation Development.	8-30
8.46.	Marihuana Facilities/Establishments Prohibited.	8-31
CHAPTER 9	RA RURAL AGRICULTURAL DISTRICT.....	9-1
9.1.	Purpose.	9-1
9.2.	Permitted Uses.....	9-1
9.3.	Special Land Uses.	9-1
9.4.	District Regulations.....	9-2
CHAPTER 10	RS-1 LOW DENSITY RESIDENTIAL DISTRICT	10-1
10.1.	Purpose.	10-1
10.2.	Permitted Uses.....	10-1
10.3.	Special Land Uses.	10-1
10.4.	District Regulations.....	10-2
CHAPTER 11	RS-2 MEDIUM DENSITY RESIDENTIAL DISTRICT	11-1
11.1.	Purpose.	11-1
11.2.	Permitted Uses.....	11-1
11.3.	Special Land Uses.	11-1
11.4.	District Regulations.....	11-2
CHAPTER 12	RM MANUFACTURED HOME DISTRICT	12-1
12.1.	Purpose.	12-1
12.2.	Permitted Uses.....	12-1
12.3.	Special Land Uses.	12-2
12.4.	District Regulations.....	12-2
CHAPTER 13	MFR MULTI-FAMILY RESIDENTIAL DISTRICT.....	13-1
13.1.	Purpose.	13-1
13.2.	Permitted Uses.....	13-1
13.3.	Special Land Uses.	13-1
13.4.	District Regulations.....	13-2
CHAPTER 14	B-1 GENERAL BUSINESS DISTRICT	14-1
14.1.	Purpose.	14-1
14.2.	Permitted Uses.....	14-1
14.3.	Special Land Uses.	14-1
14.4.	District Regulations.....	14-2
CHAPTER 15	B-2 CENTRAL BUSINESS DISTRICT	15-1
15.1.	Purpose.	15-1
15.2.	Permitted Uses.....	15-1

15.3.	Special Land Uses.	15-1
15.4.	District Regulations.	15-2
CHAPTER 15A PI PUBLIC/INSTITUTIONAL USE DISTRICT		1
15A.1.	Purpose.	1
15A.2.	Permitted Uses.	1
15A.3.	Special Land Use: Adaptive Re-Use of Existing Building.	1
15A.4.	District Regulations.	2
CHAPTER 16 D-1 LIGHT INDUSTRIAL DISTRICT		16-1
16.1.	Purpose.	16-1
16.2.	Permitted Uses.	16-1
16.3.	Special Land Uses.	16-1
16.4.	District Regulations.	16-2
CHAPTER 17 PLANNED UNIT DEVELOPMENT DISTRICT		17-1
17.1.	Purpose.	17-1
17.2.	Definition.	17-1
17.3.	Qualifying Conditions.	17-1
17.4.	Development Requirements.	17-2
17.5.	Applicable Regulations.	17-3
17.6.	Application and Processing Procedures.	17-4
17.7.	Effect of Approval.	17-8
17.8.	Final Site Plan.	17-8
17.9.	Standards for PUD Final Site Plan Approval.	17-8
17.10.	Conditions.	17-9
17.11.	Performance Guarantee.	17-9
17.12.	Commencement of Construction.	17-10
17.13.	Modification of a PUD.	17-10
CHAPTER 18 PARKING AND LOADING STANDARDS.....		18-1
18.1.	Existing Parking.	18-1
18.2.	Off Street Parking Site Development Requirements.	18-1
18.3.	Parking and Loading Provisions.	18-2
18.4.	Required Off-Street Loading Space.	18-4
18.5.	Pre-Existing Businesses and Buildings.	18-5
CHAPTER 19 SIGNS.....		19-1
19.1.	Intent and Purpose.	19-1
19.2.	All Zoning Districts, Prohibited Signs.	19-1
19.3.	All Zoning Districts, Signs for Accessory Uses.	19-2
19.4.	Residential Districts.	19-2
19.5.	Group Housing and Institutional Development.	19-3
19.6.	Commercial Districts.	19-3
19.7.	Industrial District.	19-4
19.8.	Illumination.	19-5
19.9.	Continuation of Non-Conformities.	19-5

19.10.	Erection of New Signs Where Legal Nonconforming signs Exist.....	19-6
19.11.	Billboards.	19-6
CHAPTER 20	SPECIAL LAND USE STANDARDS.....	20-1
20.1.	Special Land Uses.	20-1
20.2.	Data Required for Special Land Use Applications.	20-1
20.3.	Actions on Special Land Use Applications.....	20-2
20.4.	Standards for Granting Special Land Use Approval.	20-4
20.5.	Reapplication.....	20-5
20.6.	Site Plan Amendments in Conjunction with a Special Land Use.	20-5
20.7.	Validity and Revocation of Land Use Permits for Special Land Uses.	20-5
20.8.	Fees.....	20-6
20.9.	Amendments to a Special Land Use.	20-6
20.10.	Minor Amendments to a Special Land Use.....	20-6
20.11.	Accessory Building Greater than the Footprint of the Principal Structure.	20-6
20.12.	Adult Business.....	20-7
20.13.	Agricultural Service Establishment.....	20-9
20.14.	Animal Clinic.	20-9
20.15.	Bed and Breakfast.	20-10
20.16.	Billboards.	20-11
20.17.	Boarding or Lodging House.	20-12
20.18.	Building, Electrical Mechanical and Plumbing Contractors.	20-13
20.19.	Car Wash, Connected to a Public Sewer.....	20-14
20.20.	Cemeteries.	20-14
20.21.	Church.	20-15
20.22.	Construction Equipment, Sales or Supplier.	20-15
20.22A	Correctional Facility.....	20-16
20.23.	Day Care, Group 7-12 Children.	20-16
20.24.	Day Care, Commercial, 13 Children or More.	20-17
20.25.	Dry Cleaning Establishment.....	20-18
20.26.	Dwelling, Earth Sheltered.	20-19
20.27.	Dwelling, Single Family Detached.	20-19
20.28.	Education Facilities.	20-19
20.29.	Foster Care.	20-20
20.30.	Golf Courses.....	20-21
20.31.	Gravel Pit.....	20-22
20.31A	Half-Way House.....	20-25
20.32.	Hardware Store & Building Supplies.....	20-25
20.33.	Hotels and Motels.....	20-26
20.34.	Institutional Use.	20-26
20.35.	Keeping of Horses.	20-26
20.36.	Kennels.....	20-28
20.37.	Laundry Establishment.....	20-29
20.38.	Mini-Warehouses, Self-Storage, 8,000 Square Feet, or Less.....	20-29
20.39.	Places of Assembly, Large and Small.	20-30
20.40.	Publicly Owned Buildings, Exchanges, Utility Offices.	20-31

20.41.	Recreation Facilities.....	20-32
20.42.	Roadside Stands.	20-32
20.43.	Service Station.....	20-33
20.44.	Vehicle Repair Shops.	20-34
20.45.	Vehicle Sales Area.	20-35
20.46.	Wireless Communication Facilities.	20-35
20.47.	Yards for Outdoor Storage.	20-36
20.48.	Adaptive Reuse of Existing Buildings in PI District.....	20-36
CHAPTER 21	SITE PLAN STANDARDS	21-1
21.1.	Description and Purpose.....	21-1
21.2.	Improvements Which Require Site Plan Approval.	21-1
21.3.	Data Required for Site Plans.	21-1
21.4.	Standards for Granting Site Plan Approval.....	21-5
21.5.	Action on Site Plans.	21-6
21.6.	Performance Guarantees.	21-7
21.7.	Validity and Revocation of Site Plan Approval.	21-8
21.8.	Site Plan Amendments.	21-8
21.9.	Drawings of Record.	21-9
CHAPTER 22	NONCONFORMING USES	22-1
22.1.	Description and Purpose.....	22-1
22.2.	Nonconforming Lots.	22-1
22.3.	Nonconforming Structures.	22-1
22.4.	Nonconforming Uses.....	22-1
22.5.	General Conditions.....	22-3
CHAPTER 23	ZONING BOARD OF APPEALS	23-1
23.1.	Purpose.	23-1
23.2.	Creation and Membership.	23-1
23.3.	Meeting of Zoning Board of Appeals.	23-2
23.4.	Powers of Zoning Board of Appeals.	23-2
23.5.	Procedure for Appeals to the Board.	23-5
23.6.	Final Decisions and Rehearing.....	23-6
23.7.	Fees.....	23-7
CHAPTER 24	ADMINISTRATION AND ENFORCEMENT	24-1
24.1.	Administration.....	24-1
24.2.	Land Use Permits and Plot Plans.	24-1
24.3.	Plot Plans.....	24-2
24.4.	Additional Permits Required.	24-3
24.5.	Village Planning Commission.....	24-4
24.6.	Fees and Escrow Accounts.....	24-4
24.7.	Nuisance Per Se.....	24-5
24.8.	Penalties.	24-5
24.9.	Publication and Delivery of Notice of Public Hearing.	24-5

CHAPTER 25	AMENDMENTS AND ADOPTION	25-1
25.1.	Amendments to the Zoning Ordinance.	25-1
25.2.	Amendment Procedure.	25-1
25.3.	Protests.	25-2
25.4.	Publication.....	25-2

**VILLAGE OF VERMONTVILLE, EATON COUNTY, MICHIGAN
CODE OF ORDINANCES**

The Village of Vermontville, Michigan, ordains as follows:

ARTICLE TWO: ZONING

The ordinances adopted by the Village of Vermontville pertaining to the zoning of lands within the Village are assembled in this Article Two: Zoning.

**CHAPTER 5
TITLE AND PURPOSE**

- 5.1. SHORT TITLE.** This chapter shall be known as the Village of Vermontville Zoning Ordinance.
- 5.2. PURPOSE.** The purpose of this chapter is to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and for public and semi-public or other specific uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and determine the size of yards and open spaces; to provide for the orderly development of the Village; to encourage the uses of lands and resources of the Village in accordance with its character and adaptability; to provide for safety in traffic, adequacy of parking and reduce hazards to life and property; defining certain terms used herein; provide for enforcement; establish a zoning board of appeals; and impose penalties for the violation of this chapter.
- 5.3. INTERPRETATION.** In their interpretation and application, any enforcement officer or agency, any court and any Zoning Board of Appeals members shall hold the provisions of this chapter to be minimum acceptable standards and requirements adopted for the promotion of the health, safety, security, and general welfare of the Village of Vermontville.
- 5.4. SCOPE.** This chapter shall affect and regulate the uses and occupancy of all land and every structure in the Village. Where this chapter imposes greater restrictions than those imposed or required by provisions of other laws, ordinances, private restrictions, covenants, deeds or other agreements, the provisions of this chapter shall control.
- 5.5. ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF.** No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, reconstructed, extended, or altered except in conformity with the regulations and provisions of this chapter.
- 5.6. REPEAL AND SAVINGS.** Vermontville Village Zoning Ordinances, including amendments and additions thereto, are repealed. The repeal of said ordinances shall not release any penalty or liability incurred under said ordinances, and such ordinances shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty or liability.

5.7. SEPARABILITY. If any clause, sentence, sub-sentence, paragraph, section or part of this ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

CHAPTER 6 DEFINITIONS

6.1. DEFINITIONS. For the purpose of this chapter, certain terms are herein defined. Any word not defined herein shall have the meaning of common or standard use that is reasonable for the context in which the term is used herein.

6.2. A.

- 1) **Accessory Building.** See building, accessory.
- 2) **Accessory Use.** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
- 3) **Adult Business.** See sexually orientated business.
- 4) **Agricultural Service Establishment.** Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and management services.
- 5) **Alteration of Building.** A change in the supporting members of a building, an addition, diminution, change in use or conversion of a building, or the removal of a building from one location to another, or the alteration of windows and/or doors.
- 6) **Amusement Devices.** Any device, table, board, or machine which may be operated for a fee or charge as a game, contest or amusement.
- 7) **Amusement Establishments.** Any building, structure, premises or part thereof used solely or primarily for operation of amusement devices. Any building, structure, premises or part thereof containing six or more amusement devices shall be considered an amusement establishment.
- 8) **Animal Clinic.** A place where animals are given medical care and the boarding of animals is limited to short term care incidental to clinical use.

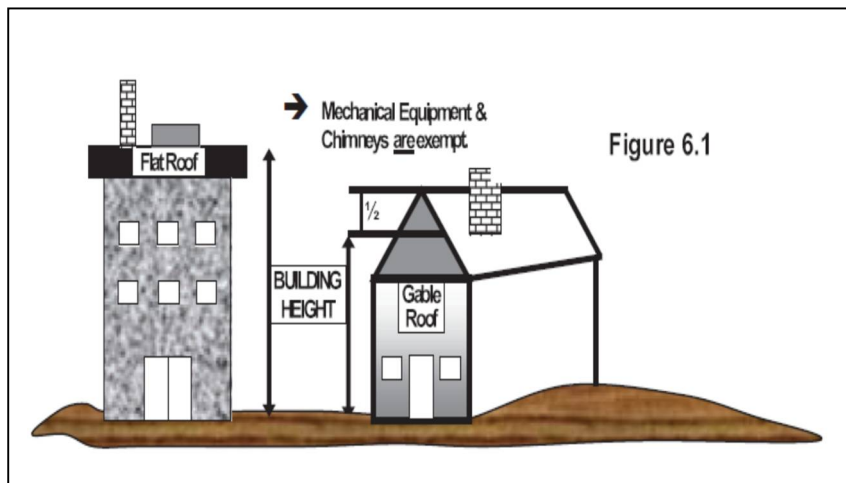
6.3. B.

- 1) **Backyard Farm Animals.** Sheep, goats, chicken, and/or cattle which may be kept, raised, housed or used in the RS-1 or RS-2 Zoning Districts subject to the provisions of Chapter 42 of the Village Code of Ordinances. *[Added by Ord. No. 21-01]*
- 2) **Basement.** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

- 3) **Bed and Breakfast.** A home occupation in an owner-occupied dwelling unit wherein up to three bedrooms are used for transient guest use for compensation.
- 4) **Billboard.** 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.
- 5) **Boarding House.** A dwelling having one 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.
- 6) **Buffer.** Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances. A buffer may include fences or berms, as well as shrubs and trees.
- 7) **Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.
- 8) **Building, Accessory.** A separate structure devoted to use as accessory to the principal use of the premises.

9) **Building Height.**

The vertical distance from the average finished grade of the footprint of the building to the top of the highest roof beams on a flat roof, the deck level on a mansard roof, and the average distance between



the eaves and the ridge level of gable, hip and gambrel roofs. Mechanical equipment, chimneys, air conditioners, church spires and steeples, water towers, and similar appurtenances shall not be included in this measurement. (See Figure 6.1)

- 10) **Building, Primary or Principal.** A building in which the principal use of the lot on which it is located is conducted.
- 11) **Building, Pole.** Any prefabricated or custom-built structure which has timber or wood footings (whether treated or untreated) and a timber or wood frame.

6.4. C.

- 1) **Camp or Campground.** A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by campsite units as temporary living quarters for recreation, education, or vacation purposes.
- 2) **Car Wash, Connected to a Public Sewer.** 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.
- 3) **Cemetery.** Privately owned property which guarantees perpetual care of grounds used solely for the interment of deceased human beings or customary household pets.
- 4) **Co-Location.** The use of a wireless telecommunication tower by more than one wireless telecommunication provider.
- 5) **Church.** 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.
- 6) **Commercial Agriculture.** The production, with the intention of selling for compensation, of plants and animals useful to man. Commercial agriculture consists of family farms where a major part of the family income is from a farm operation, and/or agricultural businesses that support such farms.
- 7) **Condominium Project.** A plan or project consisting of not less than two condominium units established and approved in conformance with the provisions of the Condominium Act, Public Act 59 of 1978.
- 8) **Condominium Subdivision.** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.
- 9) **Condominium Subdivision Plan.** The drawings and information attached to the master deed including, but not limited to, a survey plan, floodplain plan, site plan, utility plan, floor plans, description of the size, location, area, and horizontal boundaries of each unit, number assigned to each unit, vertical boundaries and volume of each unit, building sections, and description of the nature, location, and size of common elements.
- 10) **Condominium Unit.** That portion of a condominium project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. In condominium projects where a condominium unit(s) will consist of a building envelope, the term "Condominium Unit" shall be equivalent to the term "lot," for purposes of

determining compliance with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and the like.

- 11) **Consolidating Master Deed.** Means the final amended master deed for a contractible condominium project, and expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- 12) **Construction Equipment, Sales or Supplier.** 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.
- 13) **Contractor.** A business, generally professionally licensed, involved in the provision of building, heating, electrical, plumbing and mechanical services for residential and commercial construction.
- 14) **Convenience Store.** Any retail establishment offering the sale of prepack aged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

6.5. D.

- 1) **Day Care.** 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 four weeks during a calendar year.
- 2) **Day Care, Family.** Any private facility approved by the state in which day care services are regularly provided to no less than three and no more than six minor children for no less than 15 hours per week.
- 3) **Day Care, Group.** A private home in which seven but not more than 12 minor children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption, including a home that gives care to an unrelated child for more than four weeks during a calendar year.
- 4) **Day Care, Commercial.** A facility, other than a private residence, providing supervisory care for one or more preschool or school age children for periods less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The term includes any facility referred to as a child care center, day nursery, nursery school, drop-in center, or parent cooperative pre-school. A commercial day care center does not include a Sunday school, vacation bible school, or religious instructional class operated by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a 12-month period.

- 5) **Density.** The total number of dwelling units divided by the net rural area acreage.
- 6) **District.** A portion of the Village of Vermontville for which regulations governing land uses are uniform.
- 7) **Dry Cleaning Establishment.** A commercial establishment providing cleaning and dry-cleaning services on-site for businesses and residents. *[Added by Ord. No. 2013-11]*
- 8) **Dwelling.** A building designed or used as the permanent residence for one or more persons, including one family, two family and multiple family, apartment-hotels, and boarding and lodging houses, but not including hotels, motels, tourist cabins or trailers.
- 9) **Dwelling, Earth-Berm.** A dwelling with the ground floor partly below grade but so located where the vertical distance from any grade point to the floor below is less than the vertical distance from grade to ceiling.
- 10) **Dwelling, Earth Sheltered.** 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.
- 11) **Dwelling, Multiple Families.** A dwelling occupied by more than one family and so designed and arranged as to provide independent living, cooking, and kitchen accommodations for each family unit.
- 12) **Dwelling, Single Family Detached.** A detached building or structure designed for the occupancy of one family.
- 13) **Dwelling Unit.** A dwelling designed to be occupied by not more than one family, having permanent provisions for living, sleeping, eating, cooking and sanitation.

6.6. E.

- 1) **Educational Facility.** Any buildings, facilities, grounds or portions thereof, routinely used for education or instruction in any branch of knowledge.
- 2) **Essential Service.** The erection, construction, alteration or maintenance of public utilities by a municipal corporation, public utility, or cable television company, including gas, electrical, steam, communication, safety, water supply systems, or disposal systems, including equipment and accessories in connection therewith necessary for furnishing utility services for public health or safety or general welfare; but not including sanitary landfills or wireless telecommunication antennas.
- 3) **Existing Building.** A building existing or for which the foundations are in place or upon which there has been substantial work done, prior to the effective date of this ordinance, or any amendment thereto.

- 4) **Existing Use.** A use of premises or buildings or structures actually in operation, openly, visibly and noticeably prior to the effective date of this ordinance, or any amendment thereto.

6.7. F.

- 1) **Fabrication and Assembly.** The manufacturing from standardized parts of a distinct object differing from the individual components.
- 2) **Family.**
 - a) One or more persons related by blood, marriage, or adoption occupying a single dwelling unit and living as a single, non-profit housekeeping unit.
 - b) A collective number of individuals occupying a single dwelling unit under one head whose relationship is of a permanent non-transitory and distinct domestic character and cooking and living together as a single and separate housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization which is not a recognized religious order nor include a group of individuals whose association is temporary and/or resort seasonal in nature nor include state licensed residential facilities as defined by the City and Village Zoning Act, being act No. 207 of PA of 1921 as amended.
- 3) **Farm.** A farm is a form of business enterprise in which the entrepreneurial decisions (what shall we produce, how shall we produce it, for whom and for how much) are made by a family or other persons or entity engaged in the production of farm products, as described herein, for profit which provides a major source of income and capital for reinvestment.
- 4) **Farm Animals.** Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing farm animals.
- 5) **Farm Building.** Any building or accessory structure other than a farm or a nonfarm dwelling unit which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and/or milk house.
- 6) **Farm Operation.** A condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.
- 7) **Farm Products.** Those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar

product; or any other product which incorporates the use of food, feed, fiber, fur or flora.

- 8) **Fence.** A structure or barrier, constructed of wood, metal or other durable parts, rails, boards, wire mesh, etc., and used to mark a boundary or to define and enclose a specific area for the purpose of protection, privacy or confinement. Railings, along or adjacent to front stoops, porches, steps, landings, culverts, or bridges, shall not be considered as fences under this definition.
- 9) **Fence, Wall.** A masonry or wood structure used as an enclosure, boundary marker or as a means of retention for either water or earth.
- 10) **Fence, Decorative.** A structure, composed of wood, metal or other durable parts and used in a manner which is designed to add to the aesthetics or attractiveness of the lot upon which it is placed, rather than as an enclosure or barrier. Railings, along or adjacent to front stoops, porches, steps, landings, culverts, bridges or sidewalks, shall not be considered as decorative fences under this definition.
- 11) **Fence, Temporary.** A fence of temporary nature, such as a snow fence, a fence erected around construction works.
- 12) **Floor Area.** The area of all floors computed by measuring the dimensions of the outside walls of a building, excluding porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, attic floor area with less than five feet vertical distance from the floor to finished ceiling and basements.
- 13) **Foster Care.** 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.

6.8. G.

- 1) **Garage-Private.** A building accessory to a residence or a portion of a dwelling used primarily for the storage of passenger vehicles owned by the occupant of the premises.
- 2) **General Retail.** Establishments providing services, entertainment, goods, or merchandise to the general.
- 3) **Golf Course.** 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 that may include a club house.
- 4) **Grade.** That surface of the earth or finished material located adjacent to the structure.
- 5) **Gravel Pit.** 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 off-track use.

- 6) **Greenhouse.** A building or structure constructed chiefly of glass or plastic, in which tender produce or exotic plants are grown or sheltered.
- 7) **Group Housing.** A non-profit or for-profit boarding home for the sheltered care of persons with special needs.
- 8) **Ground Floor.** That floor or level of a structure or building whose vertical distance is closest to grade of all floors or levels of the building or structure and is not a basement and no part of which is a basement.

6.9. H.

- 1) **Historical Structures, Buildings or Properties.** Any construction completed prior to the adoption of the Village Zoning Ordinance of June 12, 2003. *[Revised 12-7-06/revision F]*
- 2) **Home Occupation.** An accessory use of a dwelling unit or accessory building for gainful employment by the resident(s) thereof, involving the provision of handcrafted goods and/or professional services.
- 3) **Hotel.** A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

6.10. I.

- 1) **Industrial Subdivision.** A tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial uses, with consideration to transportation facilities, circulation, parking, utility needs, aesthetics, and compatibility.
- 2) **Institutional or Public Use.** 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.

6.11. J.

- 1) **Junk or Salvage Yard.** An area used to store, dismantle, bail, clean, handle, or process scrapped, used or second hand materials or vehicles but excluding vehicle sales areas, when conducted as a principle use and when selling vehicles that can be physically and legally operated upon Michigan public roads, uses carried on in completely enclosed buildings, and the storage of accessory farm equipment and supplies, when accessory to a farming operation. As broadly applied in the context of this ordinance, the terms junk or salvage yard shall all apply to solid waste processing plants, transfer stations and resource recovery facilities.

6.12. K.

- 1) **kennel.** A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.
- 2) **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.

6.13. L.

- 1) **Laundry Establishments.** A commercial establishment providing laundry services on-site for businesses and residents and includes self-service laundromats. *[Amended by Ord. No. 2013-11]*
- 2) **Living Area.** The net floor area of a dwelling unit used, or intended to be used, for permanent habitation including, but not limited to sleeping, cooking, personal sanitation areas, but excluding storage space in attics, garages, and any below-grade room without a window or door affording egress to the outdoors.
- 3) **Lodging House.** See boarding house.
- 4) **Lot.** A portion of land exclusive of any streets, separated from other parcels by a legal description as shown in a duly executed and recordable land contract or deed or by a subdivision of record or a recorded survey map, either of which is duly recorded with the Eaton County Register of Deeds.
- 5) **Lot Area.** The total area within the boundaries of the lot, excluding any road rights-of-way or access easements.
- 6) **Lot, Corner.** A lot abutting upon two or more roads at their intersection or upon two parts of the same road forming an interior angle of less than 135 degrees. (See Figure 6.2)
- 7) **Lot, Flag.** A large lot not meeting minimum frontage requirements and where access to the public road is by narrow, private right-of-way. (See Figure 6.2)

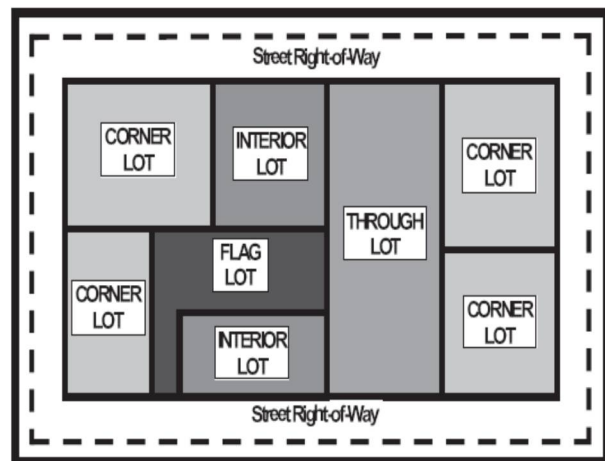
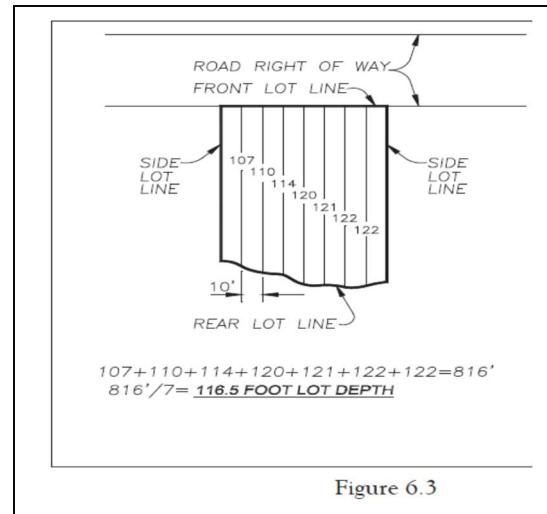


Figure 6.2

- 8) **Lot, Interior.** A lot other than a corner lot. (See Figure 6.2)
- 9) **Lot, Through.** A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot. (See Figure 6.2)
- 10) **Lot Coverage.** The part or percent of a lot occupied by buildings and accessory buildings.

- 11) **Lot Depth.** The average distance measured from the front lot line to the rear lot line. In cases where the front and rear lot lines are not parallel or there is a change in bearing along a front or rear lot line, the lot depth shall be measured by drawing several evenly spaced perpendicular lines at ten foot intervals from the front to rear of the lot and averaging the length of these lines. (See Figure 6.3)

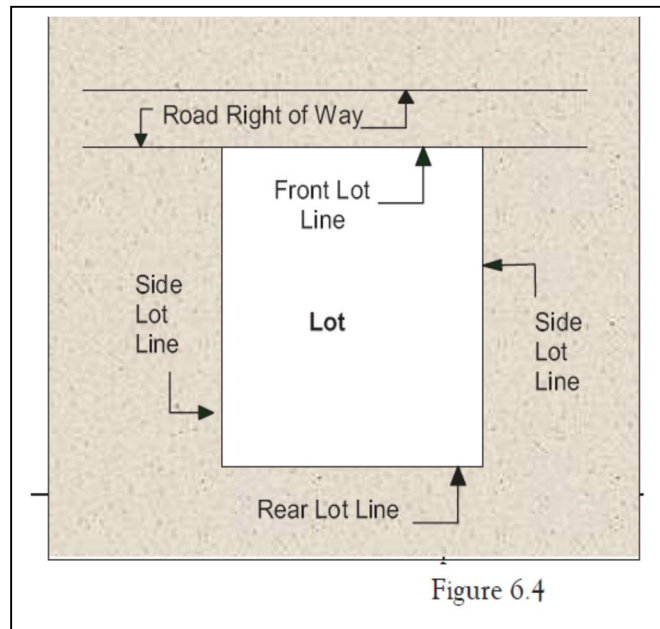


- 12) **Lot Lines.** (See Figure 6.4)

- a) **Lot Line, Front.** The boundary line of the lot immediately adjacent to the street right-of-way upon which the lot fronts. In the case of a new corner lot fronting on two or more streets, the front lot line shall be the shortest boundary line of the lot adjacent to a street right-of-way. For a corner lot in existence at the time of the adoption of this chapter, the front line shall be that which corresponds to the property's street address.

- b) **Lot Line, Rear.** The boundary line which is opposite and most distant from the front lot line.

- c) **Lot Line, Side.** Any lot boundary which is neither a front lot line nor a rear lot line.



- 13) **Lot, Nonconforming.** A lot of record that does not meet the dimensional and area requirements of this ordinance.
- 14) **Lot Width.** The horizontal distance between side lot lines measured parallel to the front lot line, which lot width is not diminished throughout the first 250 feet of such lot.

6.14. M.

- 1) **MMMA.** The Michigan Medical Marihuana Act; Public Act 2008, Initialed Law 1, as amended from time to time. *[Added by Ord. No. 2012-03]*
- 2) **MMMA General Rules.** The General Rules of the Michigan Department of Community Health, issued in connection with the MMMA, as amended from time to time. *[Added by Ord. No. 2012-03]*
- 3) **Manufacturing.** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products.
- 4) **Manufactured Housing.** A structure, transportable in one or more sections which is built on a chassis and designed to be used with or without a permanent foundation, to be used as a dwelling, or any other use when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems in the structure but does not include recreational vehicles or travel trailers or motor homes.
- 5) **Marihuana.** Also known as Marijuana, also known as Cannabis; shall have the meaning given to it in section 7601 of the Michigan Public Health Code, Public Act 368 of 1978, MCL 333.7105, as referred to in section 3(d) of the MMMA, MCL 333.26423(d). Any other term pertaining to Marihuana used in this ordinance and not otherwise defined shall have the meaning given to it in the MMMA or in the MMMA General Rules. *[Added by Ord. No. 2012-03]*
- 6) **Master Deed.** The condominium document recording the condominium project to which are attached, as exhibits and incorporated by reference, the approved bylaws for the condominium project and the condominium subdivision plan for the project. The master deed shall include all the information required by the Condominium Act, Public Act 59 of 1978.
- 7) **Medical Use of Marihuana.** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of Marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the MMMA. The medical use of marihuana shall not be considered a commercial, personal service or retail use, farm or farm operation, agricultural use, processing or industrial use, temporary use, or use similar to these uses or as any use except a home occupation conducted in accordance with the provisions of this ordinance. *[Added by Ord. No. 2012-03]*

- 8) **Mini Warehousing (also known as Self-Storage Units).** 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.
- 9) **Motel.** An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

6.15. N.

- 1) **Net Parcel Area.** See lot area.
- 2) **Nonconforming Use.** A use which is lawfully exercised within a structure or on land at the time of adoption of this ordinance, or any amendment, and which does not conform to the regulations of the district in which it is located.
- 3) **Nonconforming Lot.** Any lot, outlot, or parcel of land lawfully existing at the effective date of this ordinance, or amendments thereto, which does not meet the land area or dimensional requirements of the ordinance.
- 4) **Nonconforming Structure.** Any structure, or portion thereof, lawfully existing at the effective date of this ordinance, or amendments thereto, which does not conform to the dimensional requirements of this ordinance.

6.16. O.

- 1) **One Family or Single Family Dwelling.** See dwelling (single family detached).
- 2) **Open Space.** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public for public or private use and enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.
- 3) **Outdoor Storage.** The keeping, of any goods, junk, material, merchandise, or vehicles in an open and unsheltered area for more than 24 hours.

6.17. P.

- 1) **Parking Area.** A space used for parking motor vehicles, including parking lots, garages, and private driveways, but excluding public right-of-way areas.
- 2) **Parking Area – Private.** A parking area for the private use of the owners or occupants of the lot on which the parking area is located.
- 3) **Parking Area – Public.** A parking area available to the public, with or without compensation, or used to accommodate clients, customers, or employees.

- 4) **Parking Bay.** The parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.
- 5) **Parking Lot.** An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.
- 6) **Parking Space.** A space for the parking of a motor vehicle within a public or private parking area.
- 7) **Personal Services.** Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.
- 8) **Principal Building.** A building in which the principal use of the lot is conducted.
- 9) **Principal Use.** The primary or predominant use of any lot.
- 10) **Processing.** A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried out in a definite manner.
- 11) **Professional Offices.** The office of a member of a recognized profession maintained for the conduct of that profession.
- 12) **Public Areas.** Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other buildings and structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.
- 13) **Public Assembly Areas.** 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, or similar activities involving assembled groups of people
- 14) **Publicly Owned Building.** 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.

6.18. Q RESERVED.

6.19. R.

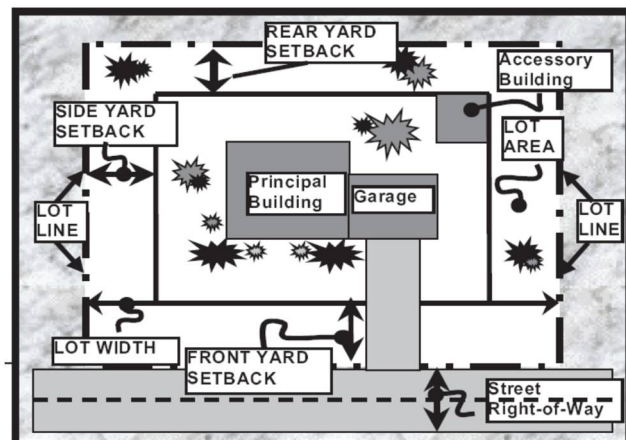
- 1) **Recreation Area, Private.** A parcel of property used as a summer camp for children; travel campgrounds; gun or hunting club; a winter resort used for tobogganing, cross-country skiing or down-hill skiing; a swimming club; a golf course, including miniature golf course; a golf country club; fields (indoor or outdoor) used for baseball, golf driving ranges, batting ranges, ice hockey rinks,

softball, football, soccer, rugby, cricket, field hockey, volleyball, and/or field and track events; courts (indoor and outdoor) used for tennis, badminton, racquetball, squash, and basketball or combination of the uses stated.

- 2) **Recreational Facility.** A place designed and equipped for the conduct of sports and leisure time activities.
- 3) **Recreation Vehicle or Unit.**
 - a) A vehicular type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle which is self-powered. Recreational units of this type shall include, but shall not be limited to, the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers.
 - b) Recreational units shall include, but shall not be limited to, the following: boats, jet skies, boat trailers, snowmobiles, snowmobile trailers, all-terrain vehicles, dune buggies, and similar equipment. If a boat, snowmobile(s), jet ski(s), or dune buggy(s) is on a trailer for transport purposes, this shall be considered as a single recreational unit.
- 4) **Restaurant.** An establishment where food and drink are prepared, served and consumed primarily within the principal building. The term “restaurant” shall include taverns, bars, nightclubs, eateries, delicatessens and similar facilities.
- 5) **Right-of-Way.** A street, alley or other thoroughfare or easement for passage of persons or vehicles.
- 6) **Roadside Stand.** 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.

6.20. S.

- 1) **Service Station or Filling Station.** 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.



- 2) **Setback.** The minimum horizontal distance between a lot line and the nearest front, side or rear building line. **(See Figure 6.5)**
- 3) **Setback Line.** That line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected. **(See Figure 6.5)**
- 4) **Sexually Oriented Businesses.** Establishments, which include but are not limited to:
 - a) **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion pictures machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
 - b) **Adult Bookstore or Adult Video Store.** A commercial establishment that, as one of its principal business purposes, offers for any form of consideration any one or more of the following:
 - i. Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - ii. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
 - iii. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty five percent (35%) or more of yearly sales volume or occupies more than thirty five percent (35%) or more of the floor area or visible inventory within the establishment.
 - c) **Adult Cabaret.** A nightclub, bar, restaurant or similar commercial establishment that regularly features persons who appear in a state of semi-nudity or nudity; live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; films, motion pictures, video cassettes or video reproductions, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities of specified anatomical areas; or

persons who engage in lewd, lascivious or erotic dancing or performance that are intended for the sexual interests or titillation of an audience or customers.

- d) **Adult Motel.** A hotel, motel or similar commercial establishment that:
 - i. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes or video reproductions, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public road right-of-way that advertises the availability of any of the above.
 - ii. Offers a sleeping room for rent for a period of time that is less than 12 hours; or
 - iii. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 12 hours.
- e) **Adult Motion Picture Theater.** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes or video reproductions, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- f) **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified sexual activities or specified anatomical areas.
- g) **Escort.** A person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform striptease for another person.
- h) **Escort Agency.** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for any form of consideration.
- i) **Nude Model Studio.** Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an education institution funded, chartered, or recognized by the State of Michigan.

- j) **Sexual Encounter Center.** A commercial establishment that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex ; or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
- 5) **Site Plan and Site Development Plan.** A print from an ink or pencil drawing on paper or Mylar, drawn to scale, which shows the intended and/or existing location and dimensions of improvements or structures upon a parcel of property including buildings, driveways, parking areas, parking spaces, landscaping, landscaped areas, sidewalks, signs, drainage facilities or similar physical improvements.
- 6) **Sign.** Any device or structure designed to inform or attract the attention of persons not on the premises on which the sign is located.
- 7) **Sign Area.** The area within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising copy (the wording, drawings, display, or message on the sign surface in either permanent or removable form), together with any frame, other materials, or color forming an integral part of the copy or similar device used to differentiate the same from the background, against which it is placed, excluding necessary poles, pole covers, supports, braces, or uprights of the sign unless they bear advertising copy.
- 8) **Sign, Off Premise.** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
- 9) **Single Ownership.** A parcel of real property of record in separate and distinct ownership from adjacent parcels.
- 10) **Specified Anatomical Areas.** Are defined as:
 - a) Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
 - b) Human male genitals in a discernable turgid state even if completely and opaquely covered.
- 11) **Specified Sexual Activities.** Include any of the following:
 - a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
 - b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

- c) Masturbation, actual or simulated; or
 - d) Excretory functions as part of or in connection with any of the activities set forth in a) through c), above.
- 12) **Street or Road.** A public or private roadway which has been dedicated and accepted by the Village or the county for the purpose of providing access to abutting private lots or land, including the space for pavement, sidewalks, and utilities.
 - 13) **Structure.** Anything constructed or erected which requires permanent location on the ground or attachment to something having such location. The term building shall mean the same; and structures shall include, but not be limited to, parking areas, swimming pools and signs or signboards.
 - 14) **Subdivision.** The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development or lease.
 - 15) **Subdivision, Cluster.** A form of development that permits a reduction in lot area and bulk requirements, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.
 - 16) **Swimming Pool.** A constructed basin or structure for the holding of water for swimming and aquatic recreation. Swimming pool does not include plastic, canvas or rubber portable pools temporarily erected upon the ground holding less than 300 gallons of water nor decorative pools with less than two feet of water depth.

6.21. T.

- 1) **Terms.** The present tense shall include the future; the singular number shall include the plural and the plural the singular. The word “shall” is always mandatory. The words “zone” and “district” are the same. Reference to a whole shall apply to any part thereof.

6.22. U.

- 1) **Use.** Any purpose for which a structure or a parcel may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on land.
 - a) **Accessory Use.** A use of a structure or premises which is customarily incidental and subordinate to the principal use of the structure or premises.
 - b) **Use Permitted by Right.** A use or uses which, by their very nature, are allowed within the specified zoning district, provided all applicable regulations of the Village are met. Permitted use includes the principal use of the land or structure, as well as accessory uses, unless specifically stated to the contrary within the provisions of this ordinance.

- c) **Principal Use.** The primary purpose for which land or a structure or building is used.
- d) **Similar Uses.** A use that has the same characteristics as the specifically cited uses.
- e) **Special Use.** A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the Village.
- f) **Temporary Use.** A use or activity, which is permitted only for a limited time and subject to specific regulations.

6.23. V.

- 1) **Vehicle Repair Shop.** 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.
- 2) **Vehicle Sales Area.** 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.

6.24. W.

- 1) **Warehousing.** A building used primarily for the storage of goods and materials.
 - a) **Public Warehouse.** A building used primarily for the storage of goods and materials and available to the general public for a fee.
 - b) **Private Warehouse; Public Warehouse.** A building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or groups of establishments in a particular industrial or economic field.
- 2) **Wireless Telecommunication Antenna.** The device through which wireless telecommunication signals, as authorized by the Federal Communications Commission, are transmitted or received. Not included are AM/FM radio antenna, television antenna, satellite dishes, and licensed amateur radio facilities.
- 3) **Wireless Telecommunications Equipment.** Including wireless telecommunication antennae, wireless telecommunication equipment shelters, wireless telecommunication facilities, wireless telecommunication towers and wireless telecommunication facilities and wireless telecommunication antennas mounted on alternative tower structures subject to Section 8.44.

- 4) **Wireless Telecommunication Equipment Shelter.** The structure in which the electronic receiving and transmitting equipment for a wireless telecommunications is housed.
- 5) **Wireless Telecommunication Facility.** A facility consisting of all structures and equipment involved in transmitting and/or receiving telecommunication signals from mobile communication sources and transmitting those signals to a central switching computer which connects the mobile communication sources and transmitting those signals to a central switching computer which connects the mobile unit to the land-based telephone system. These facilities include but are not limited to private and commercial mobile radio service facilities, personal communication towers (PCS), and cellular telephone towers. Not included in this definition are AM/FM radio towers, television towers, satellite dishes, and federally licensed amateur radio facilities.
- 6) **Wireless Telecommunication Tower.** A structure intended to support equipment used to transmit and/or receive telecommunication signals including but not limited to monopoles, freestanding lattice structures and guyed lattice structures.

6.25. RESERVED.

6.26. Y.

- 1) **Yards.** An open space that lies between the principal building or buildings and the nearest lot line. (See Figure 6.6)
 - a) **Front Yard.** An open unoccupied space unless occupied by a use specifically permitted, extending across the full width of the lot and lying between any street or access easement right-of-way line and the nearest foundation of any part of the building which is roofed or which is more than three feet in height. (See Figure 6.6)
 - b) **Side Yard.** An open unoccupied space unless occupied by a use specifically permitted, on the same lot with the building between the foundation of any part of the building and the side lot line, extending from the front yard to the rear yard. (See Figure 6.6)

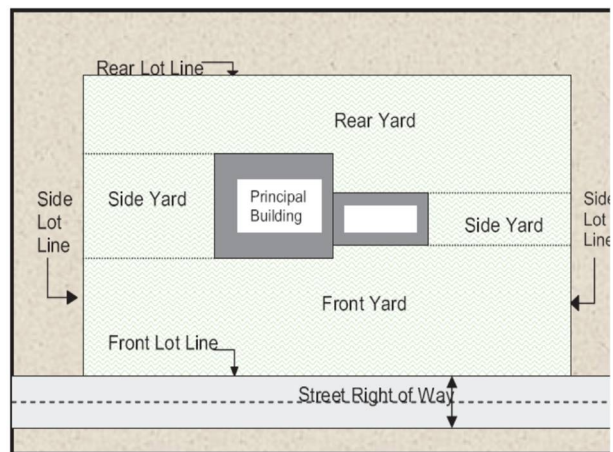


Figure 6.6

- c) **Rear Yard.** A space unoccupied except by an accessory building or use specifically permitted, extending across the full width of the lot between the rear foundation of any building other than an accessory building, and the rear lot line. (See Figure 6.6)

6.27. Z.

- 1) **Zoning Administrator.** An appointed official designated to administer the zoning ordinance and issue zoning permits.
- 2) **Zoning District.** A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.
- 3) **Zoning Lot.** Two or more contiguous lots under single ownership and used or designated by its owner for treatment as one lot for the purposes of determining compliance with the requirements of this ordinance. Once so designated or used, a zoning lot shall not be used or developed except in conformance with the requirements of this ordinance.
- 4) **Zoning Permit.** A document signed by the Zoning Administrator, as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building.

CHAPTER 7

ZONE DISTRICTS, MAP AND DIMENSIONAL STANDARDS

7.1. DISTRICTS. For the purpose of this ordinance, the Village is hereby divided into the following Zoning Districts:

RA Rural Agricultural District
RS-1 Low Density Residential District
RS-2 Moderate Density Residential District
RM Manufactured Home District
MFR Multi-Family Residential District
B-1 General Business District
B-2 Central Business District
D-1 Industrial District
PI Public/Institutional Use District *[Added by Ord. No. 21-02]*

7.2. MAP. The Zoning Map delineating the above districts is hereby declared to be a part of this ordinance. Except where references by dimensions are shown on said map, the district boundary lines follow lot lines, section lines, fractional section lines, or the center lines of streets or alleys as they existed at the time of the adoption of this ordinance.

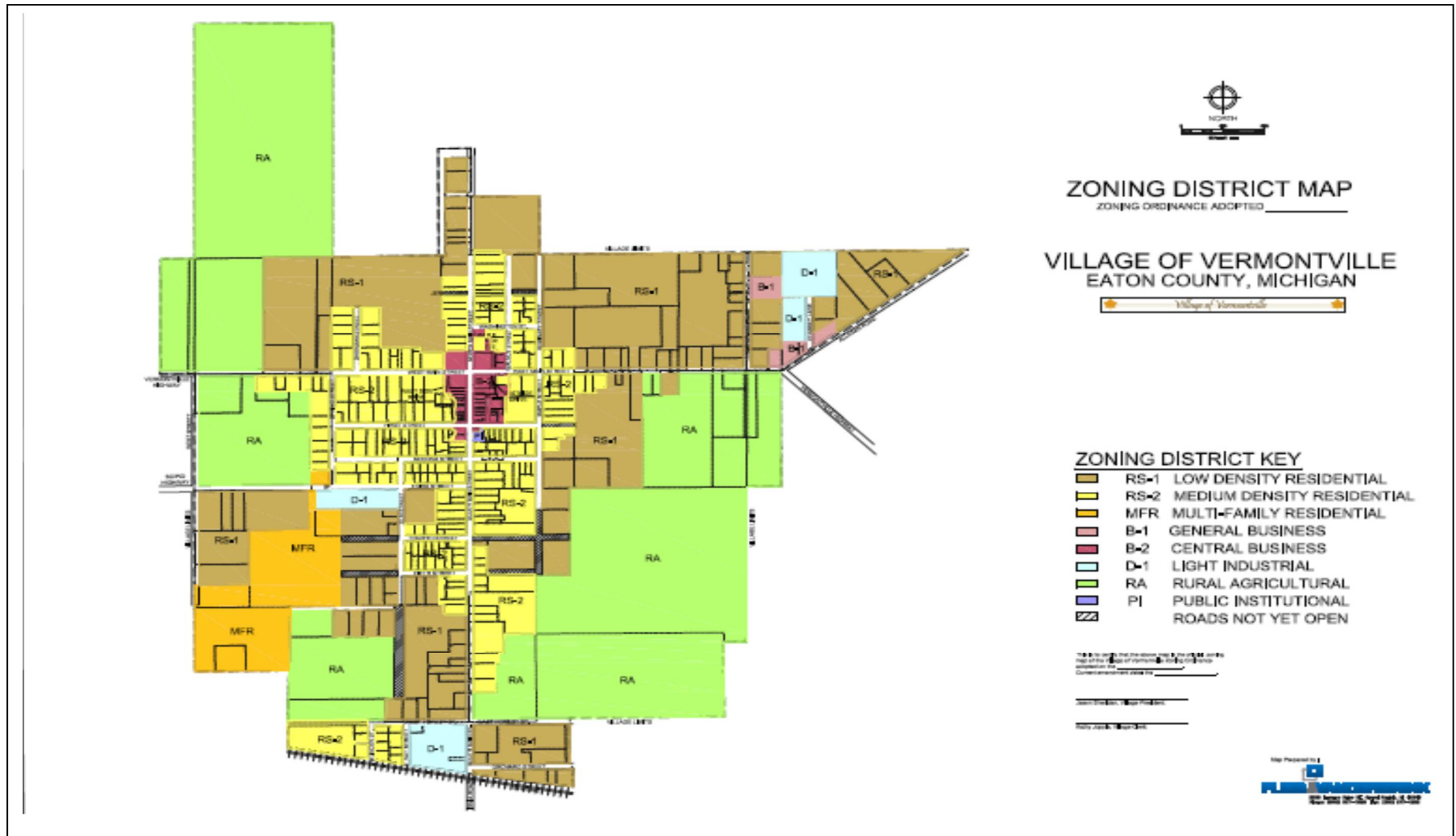
7.3. LOT DIVIDED BY DISTRICT LINE. Where a district boundary line on the Zoning Map divides a lot, each use shall comply with the requirements of the district in which it is located provided however, that no such lot shall contain more than one principal use.

7.4. DISTRICT BOUNDARIES INTERPRETED. When uncertainty exists with respect to the boundary lines of the various districts as shown on the Zoning Map, the Zoning Board of Appeals shall determine the boundaries according to the following rules:

- A. Boundaries indicated as approximately following the centerline of roads, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following recorded lot lines or the line bounding a parcel shall be construed as following such lot or parcel lines.
- C. Boundaries indicated as approximately following a municipal boundary line shall be construed as following such municipal boundary line.
- D. Boundaries indicated as approximately following the centerline of a stream, river, or other drainageway shall be construed to follow such centerline. In the event of a change in shoreline, the boundary shall be construed as following the shoreline existing at the time the interpretation is made.
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections A. through D. above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.

- F. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections A. through E. above, the Zoning Board of Appeals shall interpret the district boundaries.
 - G. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns or heavy lines that, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any road right-of-way.
- 7.5. ZONING VACATED AREAS.** Whenever any road, alley, or other public right-of-way within the Village of Vermontville is vacated, such road, alley, or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.
- 7.6. ZONING DISTRICT REGULATIONS.** The Schedule of District Regulations provides an overview of the dimensional requirements of this zoning ordinance. It is provided for expeditious reference. However, it should not be substituted for a precise reference to the specific language of this ordinance.
- 7.7. LAND USES.** The Schedule of Land Uses summarizes the applicable regulatory standards for the land uses governed under this zoning ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this ordinance.

Zoning Map



7.8. VILLAGE OF VERMONTVILLE SCHEDULE OF REGULATIONS

District	Minimum Lot Area (Sq. Ft. or Acres)	Minimum Lot Width (feet)	Maximum Lot Coverage (%)	Minimum Yard Requirements (feet)/Maximum Height					Maximum Unit Density Per Acre	Minimum Dwelling Unit Size (Sq. Ft.)	Minimum Core Area Feet
				Front	Side	Rear	Stories(a)	Feet			
RA	5 acres	250	10	50	25	50	2 1/2	35	0.2	1,000	20 x 20
RS-1	13,500 sq. ft.	100	25	30	15	30	2 1/2	35	2.5	1,000	20 x 20
RS-2	10,000 sq. ft.	75	25	25	15	25	2 1/2	35	3.5	1,000	20 x 20
RM	5,500 sq. ft.	50	15	20	10	15	2 1/2	35	n/a	720	12 x 20
MFR	15,000	100	30	30	10	25	2 1/2	35	8	600	20 x 20
B1	10,000	80	50	40	20	25	2 1/2	35	n/a		
B2	1,000	20	n/a	5	0	10	2 1/2	35	n/a		
D1	40,000	200	35	70	30	30	2 1/2	35			
PI ¹	None	None	50%	40	20	25	2 1/2	35			

(a) A basement shall not be counted as a story.

[Revision: Max lot coverage in RS-1/RS-2 increased 12-9-04/Revision B], ¹[Added by Ord. No. 21-02]

7.9. LAND USE TABLE

Table of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this ordinance.

Village of Vermontville Uses Permitted by Right and Special Land Use Permit

(R=Use by Right; SLU=Use Permitted as Special Land Use; *Indicates uses that do not require site plan review)

Uses	RA	RS-1	RS-2	RM	MFR	B1	B2	D1	PI ²
Accessory Bldg. ≤ footprint principal structure	R*	R*	R*	R*	R*	R	R	R	
Accessory Bldg. > footprint principal structure	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	
Accessory Uses, Rel. to uses permitted by right						R*	R*	R	
Adult Business						SLU			
Agricultural Service Establishment	SLU								
Amusement Devices						R	R		
Amusement Establishments						R	R		
Animal Clinic	SLU					SLU	SLU		
*Apartment/Condominium style Residential Unit (above ground floor)							R		SLU
Backyard Farm Animals ¹		R	R						
Bank						R			
Bed & Breakfast	SLU	SLU	SLU						SLU
Billboards						SLU	SLU	SLU	
Boarding/Lodging House	SLU	SLU	SLU			SLU			
Building, Electrical, Mechanical & Plumbing Contractors							SLU	R	
Car Wash, connected to public sewer						SLU	R		
Cemeteries	SLU								
Church	SLU	SLU	SLU	SLU	SLU				R
Combinations of Uses Permitted by Right						R	R		
Commercial agriculture	R								
Construction Equip. Sales & Supplies						SLU	SLU	R	
Convenience Store, excluding fuel service						R	R		
Day Care, Group 7-12 children	SLU	SLU	SLU	SLU	SLU				SLU
Day Care, Commercial, 13 children, or more					SLU	SLU	SLU		SLU

Uses	RA	RS-1	RS-2	RM	MFR	B1	B2	D1	PI ²
Dry Cleaning Establishment <i>[Added by Ord. No. 2013-11]</i>						SLU	SLU	SLU	
Dwelling, Earth Sheltered	SLU	SLU	SLU						
Dwelling, Multiple Family				R	R				
Dwelling, single family detached	R*	R*	R*	R*	R*	SLU			
Education Facilities	SLU	SLU	SLU	SLU	SLU				R
Fabrication & Assembly								R	
Farm	R								
Farm, Animals	R								
Farm, operations and farm buildings	R								
Foster Care	SLU	SLU	SLU	SLU	SLU				
General Retail						R	R		
Golf Course	SLU								
Gravel Pit	SLU								
Greenhouses& Nurseries	R								
Group Home	R	R	R	R	R				
Hardware Store & Building Supplies						SLU	SLU		
Home Occupation	R	R	R	R	R				
Hotels and Motels						R	SLU		SLU
Industrial Subdivision								R	
Institutional Use	SLU					SLU	SLU		
Keeping of Horses	SLU								
Kennels	SLU								
Laundry Establishment <i>[Amended by Ord. No. 2013-11]</i>						R	R	R	
Manufactured Housing Community				R					
Manufacturing & Processing								R	
Mini-Warehouse, Self-Store 8K sq. ft. or less	SLU							R	
Mini-Warehouse, more than 8K sq. ft.								R	
Mortuary						R			
Outdoor Storage Yards							SLU	R	
Personal Services						R	R		SLU
Places of Public Assembly, Large and Small	SLU	SLU	SLU	SLU	SLU	SLU	SLU		R
Professional Offices						R	R	R	SLU
Public Parks	R	R	R	R	R		R		R
Publicly Owned Bldg., exchanges, util. Offices						SLU	R		R
Recreation Facilities	SLU					SLU	SLU		
Restaurant						R	R		SLU
Roadside Stands	R	SLU	SLU						

Uses	RA	RS-1	RS-2	RM	MFR	B1	B2	D1	PI²
Service Station						SLU	SLU		
Showroom for Office & Building Trades						R	R	R	
Subdivision, Plat or Condominium	R	R	R	R	R				
Subdivision, Cluster, Plat or Condominium	R	R	R	R	R				
Uses Similar to Uses Permitted by Right						R	R	R	R
Vehicle Repair Shop <i>[Amended by Ord. No. 2013-11]</i>						R	R		
Vehicle Sales Area						R	SLU		
Warehousing, products produced on premises								R	
Wireless Communication Facilities	SLU					SLU		SLU	

[Revised 6/14/05/Revision C], ¹[Added by Ord. No. 21-02], ²[Added by Ord. No. 21-02]

CHAPTER 8 GENERAL PROVISIONS

8.1. APPLICATION OF GENERAL PROVISIONS. The general provisions of this article shall apply in all districts unless specifically stated otherwise.

8.2. ACCESSORY BUILDINGS.

- A. In any zoning district, an accessory building may be erected, detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this ordinance applicable to the permitted principal building. The architectural character of all accessory buildings shall be compatible and similar to the principal building.
- B. Detached and attached accessory buildings may be located as set forth in the appropriate zoning district.
- C. An accessory building may be utilized as a dwelling or as sleeping quarters, for a period of not more than three 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 temporary construction and use of an accessory building on a lot on which there is no principal building, for a period not to exceed 36 months, subject to the standards and procedures set forth in Chapter 21 of this ordinance. In granting any such special land use, the Planning Commission may impose a condition requiring the applicant to deposit with the Village, prior to the issuance of a building permit for the accessory building, an executed performance bond or irrevocable letter of credit, in a form and with content satisfactory to the Planning Commission, and in an amount deemed reasonably necessary by the Planning Commission, conditioned upon the applicant's construction of a principal building on the same lot within the time prescribed by the Planning Commission. In the event of the applicant's failure to construct a principal building on the same lot within the time prescribed by the Planning Commission, the Village may utilize the funds secured by the performance bond or letter of credit to demolish, remove and dispose of the accessory building.
- E. Accessory buildings and all map zoning districts shall be subject to the size requirements stated in those district regulations.

[Revised 12-7-06/revision F (C, D &E)]

8.3. ACCESSORY USES. For purposes of interpreting this ordinance, accessory uses shall be incidental to, and commonly associated with, the principal use. To be “commonly associated” with a principal use, the association of an accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

8.4. FARM ANIMALS. The keeping, housing, raising, use, or medical care of farm animals in the Village is prohibited except as provided in this section.

- A. On those parcels which meet the description of “Category 1” or “Category 2” sites under GAAMPs, farm animals may be kept for commercial production or farming operations as regulated therein.
- B. On those parcels which meet the description of “Category 3” sites under GAAMPs, Farm animals, not to exceed 50 in number, may be kept for commercial production or farming operations provided: 1) the parcel upon which farm animals are proposed to be kept is not located within 1/8th of a mile of a subdivision or platted lots with more than 13 homes or residences; and 2) there is not a non-farm residence within 250 feet of the parcel.
- C. On those parcels which meet the description of “Category 4” sites under GAAMPs, there is no statutory right to farm or to keep or maintain farm animals. Farm animals may be kept on such parcels or any other parcels not involved in commercial farming operations in the RA Rural Agriculture District, provided, however, that a minimum lot area of one acre is required and the number of farm animals kept, housed, raised or used on any such parcel shall not exceed one animal unit for the first acre and one animal unit for each additional one-half acre. Animal units shall be determined as set forth in Table 8.1.
- D. Farm animals may be permitted in the RS-1 and RS-2 Districts subject to the provisions of Chapter 42 of the Village Code of Ordinances.
- E. Commercial kennels and riding stables shall require a minimum of four acres.
- F. Animal clinics are permitted in the B-1 and B-2 Districts on lots not less than one-half acre.

Table 8.1

Types of Animals*	Animal Units per Individual
Cattle (dairy or beef)	1.00
Horses	1.00
Swine	0.5
Sheep, Goats	0.5
Turkeys, Geese, Ducks	0.04
Chicken, Poultry, Fowl	0.02
* The number of Animal Units per Individual for types of farm animals not specifically listed above shall be equal to the type of animal which is most similar in terms of size and quantity of manure output as determined by the Michigan Department of Agriculture or the Michigan State University Extension Service.	

[Section 8.4 amended by Ord. No. 21-01]

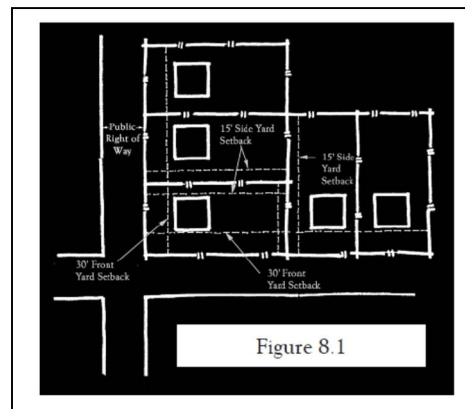
8.5. AREA OR SPACE REQUIRED. No lot, yard, court, parking area or other space shall be so divided, altered or reduced to make it less than the minimum required under this ordinance. If already less than the minimum required, it shall not be further divided or reduced.

8.6. ATTACHED SINGLE FAMILY DWELLINGS. Attached single family dwellings may not be erected and sold as individual units unless they are part of an approved condominium or PUD project.

8.7. BASEMENT DWELLINGS. The use of a basement as a dwelling unit is prohibited in all zones. Any portion of a basement use as sleeping quarters shall be provided with a means of egress.

8.8. CONVERSION OF DWELLINGS. Where permitted, the conversion of any existing dwelling so as to accommodate an increased number of dwelling units shall be subject to all provisions of this ordinance relative to two-family or multiple-family dwellings.

8.9. CORNER LOTS. Where a lot is bounded by two streets, the front yard requirements shall be met for each street, and the remaining two sides shall be regarded as side yards. (See Figure 8.1)



8.10. DRIVEWAYS. A building referral shall not be issued until an applicant has first obtained a driveway permit from the Village. *[Revised 12-7-06/revision F]*

8.11. DWELLING SITUATED OUTSIDE OF A MANUFACTURED HOUSING COMMUNITY, MINIMUM REQUIREMENTS. All dwellings located outside of manufactured housing community shall comply with the following requirements:

- A. All dwelling units must conform to the minimum floor area requirements for the districts in which they are located.
- B. All dwelling units shall provide a minimum height between the floor and ceiling of seven feet six inches.
- C. The minimum width of any single family dwelling unit shall be 20 feet for at least sixty seven percent (67%) of its length, measured between the exterior part of the walls having the greatest length.
- D. All dwellings shall be connected to a sewer system and water supply system approved by the Village or the County Health Department.
- E. Additions of rooms or other areas shall be constructed with similar quality workmanship as the original structure. Permanent attachment to the principal structure shall include construction of a foundation, and no addition shall involve placing a bearing load on a mobile home.
- F. All dwellings shall provide steps or porch areas, permanently attached to the foundation where there exists an elevation differential of more than eight inches between any door and the surrounding grade.
- G. All dwellings shall have a double pitched roof of not less than four feet of rise for each 12 feet of run unless twenty percent (20%) of the single family dwellings within one-half mile have a lesser pitched roof, then a pitch equal to an average of those twenty percent (20%) single family dwellings shall be provided, and the roof shall be covered by either asphalt, fiberglass, or shake shingles.
- H. All manufactured housing units installed outside of manufactured housing communities after the effective date of this ordinance shall not be more than 10 years old at the time of installation and shall be transported in two or more sections.

8.12. DWELLING ON REAR OF LOT. Not more than one principal use shall be located on any one lot or parcel. No dwelling shall be constructed, altered or moved into the area behind a building situated on the same lot, nor shall any building be constructed in front of, or moved in front of, a dwelling situated on the same lot.

8.13. ESSENTIAL SERVICES. Essential services which are located underground or involve the customary placing of utility poles in public rights-of-way or public easements may be placed in any zone, provided that the Planning Commission finds that there will be no adverse effect upon surrounding adjacent property.

8.14. EXISTING SUB-STANDARD LOTS. Any lot in single ownership at the time of adoption of this chapter that fails to comply with the area and lot size requirements of this chapter may be used for a permitted use if ninety percent (90%) or more of all yard requirements are complied with, and no Zoning Board of Appeals action shall be required.

8.15. FLOOR AREA.

- A. **One-Story Single Family Dwellings.** The ground floor area of 900 square feet for each one-story single family dwelling erected, including manufactured homes erected outside of a Manufactured Housing District. *[Revised 12-7-06/revision F]*

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.

- B. **Multi-Story Single Family Dwellings.** There shall be a minimum ground floor area of 680 square feet and a total floor area of 1,200 square feet for each new two- or three-story single family dwelling erected.
- C. Multiple family structures shall have a minimum floor area of six hundred (600) square feet per dwelling unit.

8.16. RESERVED.

- 8.17. **HEIGHT EXCEPTION.** The height limitations of this ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, wireless telecommunication towers or satellite antennae; provided, however, that the Planning Commission may specify a height limit for any building or structure as a condition of special land use approval.

8.18. HOME OCCUPATION.

- A. **General provisions.** A home occupation:
- 1) Shall be conducted entirely within a residential building or within an accessory structure, and is not evident in any way from the street or from any neighboring premises.
 - 2) Shall not change the character of the building in which it is conducted and does not constitute, create or increase a nuisance.
 - 3) Shall be carried on only by the inhabitants of the building plus not more than one non-resident.
 - 4) May only employ mechanical equipment which is similar in power and type usual for household purposes and hobbies. *[Revised 12-7-06/revision F]*
 - 5) Shall not devote more than fifty percent (50%) of one story to such home occupation.
- B. Signs for home occupation shall not exceed four square feet in area.

- C. **Regulations Regarding Specific Home Occupations.** In addition to the general requirements for home occupations specified in Section 8.18.A. above, additional requirements apply to the home occupations listed below as specified herein. No fees required.

1. **Medical Use of Marihuana.**

- a. A registered primary caregiver, operating in compliance with the MMMA General Rules, the MMMA and the requirements of this section, shall be allowed as a Home Occupation, as regulated in this Section 8.18.C. Nothing in this section or in this ordinance is intended to grant, nor shall this section or this ordinance be construed as granting, immunity from criminal prosecution for growing, selling, consuming, using, distributing, or possessing marihuana not in strict compliance with the MMMA and the MMMA General Rules. Also, since federal law is not affected by the MMMA or the MMMA General Rules, nothing in this section or in this ordinance is intended to grant, nor shall this section or this ordinance be construed as granting, immunity from criminal prosecution under federal law. The MMMA does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act or any other applicable federal legislation.
- b. The following standards and requirements shall apply to the location at which the medical use of marihuana is conducted by a primary caregiver.
 1. The medical use of marihuana shall comply at all times and in all circumstances with the MMMA and the MMMA General Rules, as they may be amended from time to time.
 2. A registered primary caregiver must be located outside of a 1,000-foot radius from:
 - a. Any school, including any day care permitted within the Village by this ordinance, to insure community compliance with federal “Drug-Free School Zone” requirements.
 - b. Parks, grounds (i.e., ball fields, Village entrance to Paul Henry/Thornapple Trail, etc.) public buildings, and churches. We do understand the federal Drug Free School Zone requirement; however, parks, ball fields, public library are areas frequented by youth on a regular basis. Churches within the Village also

open their doors to community youth groups for meetings and activities.

3. Not more than one registered primary caregiver shall be permitted to service qualifying patients from a home. The primary caregiver shall be a full-time resident of the home.
4. The medical use of marihuana shall be conducted entirely within the dwelling and any attached garage; this use shall not be eligible for special land use approval to be conducted in whole or in part in an accessory building.
5. Notwithstanding Section 8.18.B. of the zoning ordinance, no sign shall be permitted which in any way identifies this home occupation, or that the medical use of marihuana is taking place on the premises, whether by word, image or otherwise.
6. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marihuana, there shall be no use of material or equipment not generally associated with the normal practices of owning, using and maintaining a dwelling.
7. Except for lawful distribution of marihuana and items used in the administration of marihuana only to qualifying patients associated with the primary caregiver, there shall be no selling of goods, merchandise, supplies or products at the premises.
8. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the home in which electrical wiring, lighting or watering devices that support the cultivation, growing, or harvesting of marihuana are located.
9. If a room with windows is utilized as a growing location for marihuana, any lighting shall employ shielding methods, without alteration to the exterior of the home, to prevent ambient light spillage that may create a distraction for adjacent properties.
10. That portion of a home where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Village's building official and Fire Department to insure compliance with applicable standards.

11. The property and home shall be open for inspection upon request by the Zoning Administrator, building official, the Fire Department and law enforcement officials for compliance with all applicable laws and rules during the stated hours of operation/use and at such other times as anyone is present on the home-occupied premises.
 12. The home in which the medical use of marihuana is being conducted shall comply with subsections 8.18.C.1.b.1., 5., and 7. through 10.
 13. A registered primary caregiver shall not dispense, sell, deliver or transfer marijuana to a qualifying patient on the same premises as a home occupation that is engaged in the cultivation and/or manufacture of marijuana.
- c. A permit shall be issued by the Zoning Administrator upon submission of an accurate and complete application for such permit, upon a form provided by the Village, and following review by the Zoning Administrator to determine compliance with this ordinance. The application fee or other charge, if any, shall be determined by resolution of the Village Council, and in the absence of such resolution, shall be the same as the fee charged for approval of a zoning permit for a single family dwelling.
1. The application for permit shall include the name and address of the applicant; the address of the property; proof that the applicant makes the dwelling their full-time residence, such as driver's license, voter's registration records, or similar records; a current registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in any cultivation and processing operation, and a description of the location at which this operation will take place within the dwelling or attached garage; and such other information as the Zoning Administrator determines to be necessary to demonstrate compliance with the requirements of this Section 8.18.C.
 2. The use shall be maintained in compliance with the requirements of this Section 8.18.C., and all other applicable conditions and limitations. Departure from such conditions and limitations shall be grounds for revocation of the permit. Upon revocation of the permit, the applicant shall not engage in the activity unless and until a new permit is granted.
 3. Information treated as confidential under the MMMA, including the primary caregiver registry identification card, and any information about qualifying patients associated

with that primary caregiver which is received by the Village, shall be maintained separate from the public information submitted in support of the application, shall be kept confidential, and shall not be subject to disclosure under the Freedom of Information Act.

- d. Medical use of marihuana was not permitted prior to adoption of this section, and accordingly such use shall not be treated as having the status of a nonconforming use.
- e. A qualifying patient's use of his or her home for the cultivation of medical marihuana for solely personal use shall not require a permit, but such use shall otherwise comply with all requirements of the MMA and the MMA General Rules, and also with Subsections 8.18.C.1.b.5., 6., and 8. through 11.
- f. The medical use of marijuana shall not be permitted in the Village, except as specifically allowed in this Section 8.18.C.

[Section 8.18.C. added by Ord. No. 2012-03]

8.19. HOME ORIENTATION. On all residential lots under three acres, all new residential construction in the RS-1 and RS-2 Districts shall have the front of the structure oriented less than or equal to 45 degrees from parallel to the road right-of-way in which the property is addressed. The front of the structure shall include traditional improvements such as the main entrance to the structure and windows. If the structure is to be located on a corner lot, the front of the structure shall be parallel to the street right-of-way upon which it is addressed. *[Revised 11-4-2004/Revision A]*

8.20. LOT AREA COMPUTATION. Unless otherwise specified, all minimum lot area requirements for parcels of less than four acres shall be met by computing the lot area, exclusive of existing public or private street rights-of-way.

8.21. LOT USE. No lot or part of a recorded plat or parcel of unplatted land may be devoted to more than one principal use unless otherwise specifically permitted.

8.22. LOT WIDTH.

- A. Except as provided below, minimum lot widths in all districts shall be measured along the front lot lines, and such minimum lot width shall not be diminished throughout a given lot for the front 100 feet of the depth of such lot.
- B. The minimum lot width for lots fronting on cul-de-sac streets shall be measured at the rear of the required front yard and shall not be diminished throughout the depth of a given lot for the next 100 feet lot. Such lots shall have a front lot line of at least 40 feet and in no case shall the lot width within the front yard be less than 40 feet.

8.23. MIXED OCCUPANCY. Before issuing a zoning permit for any premises intended or used for a combination of residential and commercial occupancy, the Zoning Administrator shall request a report from the County Health Officer as to any hazards that exist or may be expected to exist together with recommendations as to additional provisions necessary in the interest of safety or health. Such recommendations shall be complied with before issuance of a permit.

8.24. TRAVEL TRAILERS, MOTOR HOMES, CAMPERS AND TENTS. No travel trailers, motor homes, campers, tents or other similar facilities shall be used and occupied on any lot or parcel of land in the Village of Vermontville for more than 21 days, 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, he may issue a permit and said permit shall limit the time of such use and occupancy to a period of not longer than four months.

- A. For the purpose of this ordinance, a trailer coach and trailer coach home is hereby defined and declared to be any vehicle used or so constructed as to permit its being used as conveyance upon the public streets and highways, and shall include self-propelled and, non self-propelled vehicles so constructed, designed, and reconstructed or added to by means of an enclosed addition or room, in such manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons, and having no foundation other than wheels, jacks, or skirtings.
- 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.
- C. No trailer coach, or trailer coach home shall at any time be parked between the curb line of any street or highway and the lot line of any adjoining lot in the Village of Vermontville.
- D. No person shall park or permit the temporary parking of any occupied trailer coach or trailer coach home, or use or occupy, or permit the use or occupancy of any trailer coach or trailer coach home on any site, lot, field, or tract of land within the limits of the Village of Vermontville, without first securing a permit therefore from the Village Clerk of said Village.
- E. The application for a temporary permit to park, use and occupy a trailer coach or trailer coach home shall be made to the Zoning Administrator and shall provide the following information:

- 1) The address at which it is proposed to park, use and occupy such trailer coach or trailer coach home.
 - 2) The name of the owner of the premises and the name of the owner or occupant in control of the trailer coach or trailer coach home.
- 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 and 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 required by the Village's Schedule of Fees, 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 10 days from the date of occupancy, which said permit may be renewed on application therefore by the said Zoning Administrator for additional periods of 21 days each; provided, that at no time shall the total period of such occupancy exceed a period of four months.
- G. No lot or site shall have placed on it more than one trailer coach or trailer coach home, unless minimum requirements are met for each such trailer coach or trailer coach home on such site or lot.
- 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 seven 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.

8.25. EXTERIOR LIGHTING.

- A. **Intent and Purpose.** To maintain safe nighttime driver performance on public roadways, by minimizing both brightly lighted surfaces and lighting glare, to preserve the restful quality of nighttime, by eliminating intrusive, artificial light and lighting that unnecessarily contributes to "sky glow," and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all plot plans submitted for approval under the terms of this Zoning Ordinance.

B. General Provisions.

- 1) **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this ordinance.
 - a) Residential decorative lighting such as porch lights, low level lawn lights, and special seasonal light such as for Christmas decorating, and residential yard lights whether building mounted or pole mounted.
 - b) Sign lighting as regulated by Chapter 19 hereof.
 - c) Lighting associated with detached single family housing.
- 2) **Regulated Lighting.** The following types of lighting shall be regulated by this ordinance:
 - a) Parking lot lighting and site lighting for commercial, industrial and institutional developments.
 - b) Multiple family developments parking lot lighting and site lighting.
 - c) Publicly and privately owned roadway lighting.
 - d) Building facade lighting.
 - e) Other forms of outdoor lighting which, in the judgment of the Planning Commission is similar in character, luminosity and/or glare to the foregoing.
 - f) All forms of neon lighting.
- 3) **Standards.** Lighting shall be designed and constructed in such as manner to:
 - a) Insure that direct or directly reflected light is confined to the development site.
 - b) Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way, or the light source is not directly visible from beyond the boundary of the site.
 - c) The light from any illuminated source shall be designed so that the light intensity or brightness at any property line shall not exceed one-foot candle.

- d) Lighting fixtures shall have one hundred percent (100%) cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane. No light fixture shall be mounted higher than 20 feet above the average grade of the site.
- e) Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section.
- f) There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon and search lights are not permitted.
- g) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

8.26. REFUSE AND JUNK. Pursuant to Article Four, Chapter 35, the outdoor storage, collection or placing of discarded material, inoperable equipment, inoperable vehicles, or other refuse, junk or trash shall be prohibited in all zoning districts.

8.27. SATELLITE DISH ANTENNA.

- A. The purpose of this section is to regulate the use of such dish antennas in excess of three feet in diameter or with a surface area in excess of nine square feet. Dish antennae of less than three feet in diameter or surface area less than nine square feet shall not be subject to the requirements of this section.
- B. Satellite dish antennae in excess of three feet in diameter or with a surface area in excess of nine square feet shall be subject to the following requirements:
 - 1) Dish antennas exceeding 10 feet in height shall be prohibited in all zoning districts, except the D-1. In the D-1, the height limitations of the district shall apply.
 - 2) Such dish antennas shall not be placed on structures or buildings which are used as dwellings or areas designated as residential districts.
 - 3) Dish antennas shall not be located in front yards or within eight feet of property lines in all districts.
- C. Satellite dish antennae in excess of three feet in diameter or with a surface area in excess of nine square feet shall be permitted in all zoning districts upon approval by the Zoning Administrator, provided the following provisions are satisfied:
 - 1) The dish antenna shall be permanently anchored to a foundation.

- 2) No portion of the dish antenna shall display any advertising, message, or other graphic representation other than the manufacturer's name.
- 3) A dish antenna may be mounted on the roof of a principal or accessory building in the B-1, B-2 and D-1 Districts, provided it shall not exceed a height of six feet above the roof.

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 66 feet from, and parallel to, the center line of the street.
- B. In any district where the average depth of at least two 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. *[Revised 12-7-06/revision F]*

8.29. SEWER AND WATER. A building to be occupied by human beings shall be served by public water or public sanitary sewer facilities.

8.30. SITE PREPARATION – EXCAVATION AND EXTRACTION. Site preparations involving the excavation, extraction, or removal of earth and material shall be prohibited unless it is for the customary and primary purpose of erecting an authorized building, roadway, or other authorized use or improvement on the site and zoning permits have been issued. Any use that must obtain special use approval under Article 20 must likewise meet the requirements for such special use approval.

8.31. SWIMMING POOLS. Prior to the issuance of a zoning permit for the construction of an outdoor swimming pool in any zoning district, the following provisions must be satisfied:

- A. An application for permit, accompanied by a complete and detailed set of plans and specifications of the swimming pool, fencing, and related equipment, meeting as a minimum the following standards:
 - 1) The swimming pool shall not be closer than 10 feet to any side or rear lot line and no part of any pool shall be constructed within a required front yard.
 - 2) The drain line for the pool shall be connected to a storm sewer if one is available. Where a storm sewer is not available, the pool drain may be drained in a manner approved by the County's Building Inspector. No pools shall drain into public or private sanitary sewer or septic systems. All drain connections shall be approved by the County Building Inspector before final approval is given.

- B. The applicant shall document that the installation of swimming pool will meet the provisions of The Regulations and Standards for swimming pools contained in the BOCA Building Code and National Electrical Code.

8.32. TEMPORARY SPECIAL USE PERMITS. The Zoning Administrator may issue Temporary Special Use Permits for the following uses after determining that such uses will not be detrimental to adjacent conforming uses during the permitted period of use. A second Temporary Special Use Permit may be issued by Zoning Administrator at the end of such time limit for good cause shown. A third Temporary Special Use Permit may only be authorized by the Planning Commission as a special use.

- A. **Mobile Homes.** An individual mobile home or other temporary structure may be used as temporary living or working quarters for up to 90 days while a dwelling or structure is being constructed on the same premises. A Temporary Special Permit must be issued prior to any such use.
- B. **Signs and Supplies.** The storage of building supplies and machinery, temporary storage buildings, the assembly of materials and customary trade, contractor, architect and identification signs in connection with a construction project may be authorized by the Zoning Administrator for a period of up to 12 months.
- C. **Seasonal Uses.** The Zoning Administrator may authorize a Temporary Special Permit for up to 30 days for seasonal or unusual non-recurrent temporary uses and signs.
- D. **Parking Areas.** Temporary special permits may be issued by the Zoning Administrator for the use of unimproved parking areas.
- E. Reasonable conditions may be required with the approval of a Temporary Special Permit by the Zoning Administrator. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, 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 of the following requirements:
 - 1) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and land owners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

- 3) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- F. The conditions imposed with respect to the approval of a Temporary Special Permit shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Zoning Administrator and the landowners, in writing. The Zoning Administrator shall maintain a record of conditions which are changed.
- G. A fee for such temporary special permit shall be paid as determined by the Village Council.

8.33. TRAFFIC VISIBILITY. On any corner lot, no fence, structure, wall, berm, or planting over 24 inches in height above the surface elevation of the street, except deciduous trees, shall be erected or maintained within 20 feet of the intersection of right-of-way lines so as to interfere with traffic visibility across the corner of said lot. No structure or planting which is deemed a traffic hazard shall be permitted in any zone. No unshielded light of more than 75 watts may be located nearer than 30 feet to a public street unless said light source is not visible from the public street. All light sources of more than 75 watts used to illuminate signs, parking areas, or premises shall be diffused or shielded so that the direct source is not visible from any public street. All walls and fences shall comply with Section 8.37 of this chapter.

8.34. TRAILER, TRUCK OR RECREATIONAL VEHICLE STORAGE.

- A. The storage or parking of trucks of more than one and one-half tons or trailers of any kind shall be entirely prohibited in the RS-1, RS-2 and MFR Districts. The storage or parking of trucks of more than one and one-half tons or truck trailers of any kind shall be prohibited in any front yard in any other district, except as accessory to a farm use or other authorized use.
- B. The outside storage of recreational vehicles and recreational units is permitted:
 - 1) In rear yard spaces.
 - 2) In one side yard provided it is located between the front yard and the rear yard and provided access from the front yard to the rear yard is not used for such outside storage.
 - 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 21 consecutive days.
[Revised 12-7-06/revision F]

- 4) Recreational vehicles and recreational units designed and designated for primary use upon a roadway or waterway shall be maintained in good repair, and operating condition.
- 5) The open storage of disassembled or component parts for such recreational vehicles or units is prohibited at all times.
- 6) Recreational vehicles shall not be used for lodging or housekeeping purposes, except as otherwise authorized by permit.
- 7) Any recreational vehicle or unit stored out of doors shall be the property of the resident, except that one such authorized unit may be the property of a non-resident.
- 8) No recreational vehicle or recreational unit shall be parked or stored on any roadway or road right-of-way.

8.35. TRANSITION ZONING. Transitional Zoning: The first 75 feet of a lot or lots in single ownership retained in the RA, RS-1, RS-2, RM or MFR Districts where the side yard adjoins a B-1, B-2 or D-1 District, may be utilized for off street parking. In the event any such area in such an area is utilized for off street parking, then there shall be provided on all side lot lines and rear lot lines of such parcel that abuts the RA, RS-1, RS-2, RM or MFR Districts, a buffer as provided in Section 8.37. hereof.

8.36. UNCLASSIFIED USES. Where a proposed use of land or use of building is not contemplated or specified by this ordinance or where the Zoning Administrator has a question as to the appropriateness of a use which, although permitted, involves other features which were not contemplated or specified by this ordinance, the Zoning Administrator shall request a de termination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this ordinance, or that it involves features which were not contemplated or specified herein, then the Planning Commission may permit such use as a special use only after it determines that it will have no adverse effect upon adjacent property, that the use is similar to other uses in the district in which it is proposed to be placed, and the spirit, purpose and intent of the Zoning Ordinance and Master Plan are not impaired by permitting such use at the proposed location.

8.37. LANDSCAPING, BUFFERING, AND FENCES.

A. General Regulations.

- 1) Landscaping shall be installed within 180 days of occupancy of the building or structure unless a longer period is permitted in writing by the Zoning Administrator.
- 2) All landscaping shall be hardy plant materials and shall be maintained thereafter in a neat, healthy and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but not longer than one growing season.

- 3) Not more than thirty percent (30%) of the landscaping shall consist of cobble stones, crushed stones, or other non-living material as ground cover.
- 4) Trees and shrubs in a buffer zone and in front yards shall be arranged in informal groupings and irregular spacing, to simulate a natural setting, unless site specific conditions are such that a more formal arrangement is preferred, as determined by the Planning Commission.
- 5) All plant materials shall be installed so as not to alter drainage patterns on the site or on adjacent properties.

B. Buffer Zones.

- 1) A buffer zone shall be required on the subject lot or parcel along the boundary between differing zoning districts. The following are the requirements to be met for each zone.
 - a) For Residential and Business Districts (RA, RS-1, RS-2, RM, MFR, B-1 and B-2), 1 Deciduous Tree + 4 Shrubs, or 1 Evergreen + 4 shrubs are to be planted for each 20 linear feet along the property line.
 - b) For Industrial Districts, 1 Deciduous Tree + 1 Evergreen + 4 Shrubs, or 2 Deciduous Trees + 4 shrubs are to be planted for each 20 linear feet along the property line.
- 2) Buffering requirements shall not apply where differing adjacent zoning districts are separated by a street. In such case, the front yard landscaping requirements of Section 8.37.A. shall apply.
- 3) Buffering shall be required, even if the abutting parcel is vacant land or open space.

C. 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 greater than four feet in height shall be placed no closer to the front lot line than the front yard setback line.
 - c) 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 six 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 four 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 nor opaque screens. Openings in decorative fences, including gates, when closed, shall exceed fifty percent (50%) of any one square foot of vertical fence surface area.
 - iii) The erection of a decorative fence shall not require a permit from the Zoning Administrator.

8.38. YARDS. Every lot must provide front, rear and side yards as required within its zone district. All front yards must face upon a public or private street.

8.39. ZONING DENSITY. The maximum density of residential development allowable in any district is set forth in Table 7.8. Uses such as hospitals, nursing homes, convalescent homes, migrant housing, or similar uses where humans are housed or care is given shall provide sufficient land to meet the density requirements of the district, assuming each four persons so housed or to whom care is given is equivalent to one dwelling unit.

8.40. SITE CONDOMINIUMS. A site condominium shall be a unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967 as amended. Provided that a site condominium will comply, with all provisions of Article One and this Zoning Ordinance.

Any site condominium unit whose horizontal land area meets the minimum area requirements of a lot or parcel for the zoning district in which it is located, and is the only condominium unit on or over such land area, shall be treated as a separate lot or parcel and may have such buildings constructed thereon and such uses conducted thereon as allowed in such zoning district as if it was a separate lot, provided:

- A. Such buildings and uses are located thereon in relation to site condominium unit boundary lines as if they were lot lines.
- B. All development is in conformance with the provision of the zoning ordinance.

8.41. GARAGES.

- A. **Garages – Private.** May either be attached or detached. An attached garage shall not be considered an accessory building.
- B. **Attached Garage.**
 - 1) An attached garage shall not exceed one hundred percent (100%) of the ground floor area of the attached single family dwelling with a maximum size not to exceed 1,200 square feet in area.
 - 2) Attached garages in the MFR District shall be limited to a maximum of two stalls with a total building size no greater than 600 square feet per dwelling unit.
- C. **Detached Garage.** Detached garages shall be considered accessory buildings subject to Section 8.2.
- D. Free-standing multiple garage structures will be allowed in a MFR District subject to site plan approval by the Planning Commission. The size of the multiple garage structure shall be calculated at a maximum of one stall (300 square feet) per dwelling unit.

8.42. OUTDOOR STORAGE. Yards for storage of heavy machinery, supplies and materials generally used by road builders, earth movers, and construction contractors, or unused motor vehicles, trailers or boats, or parts thereof, which may or may not be not wholly owned by the property owner, shall be only located in areas approved by the Planning Commission. Such storage yards shall be entirely enclosed with a solid fence not less than six feet high and not more than eight feet high constructed and maintained in such suitable manner in accordance with the Village's Zoning Ordinance. In approving or disapproving such a fence to screen outdoor storage, the following standards shall be applied:

- A. The fence shall be constructed of such materials and of such design as to reasonably prevent trespassers from entering the premises by scaling such fence.
- B. The fence shall be constructed of materials which totally obstruct the view of the premises enclosed.
- C. The fence shall be maintained in an attractive manner and shall not be in any way used as a sign or signboard.

8.43. COMBINATIONS OF USES. In the review of site plans and/or special land use permit applications for uses involving combinations of uses otherwise permitted by right or by special land use approval, the Planning Commission shall find that all such uses shall be mutually compatible with one another and that all special land use standards applicable to any such component use in a combined land use shall be met.

8.44. WIRELESS COMMUNICATION FACILITIES.

A. Definitions.

- 1) A wireless communication facility shall be defined as an antenna used for the transmission and/or reception of signals for radio, television, cellular telephone, microwave, enhanced mobile radio, personal communication, pagers and similar devices. A wireless communication facility shall not be deemed to be essential public services as that term is used in this Zoning Ordinance.
- 2) A wireless communication facility support structure shall be a lattice framework or monopole tower or any existing structure suitable for the support of wireless communication facilities, but excluding structures with a total height of less than 30 feet.
- 3) Attached wireless communications facilities shall be wireless communication facilities proposed to be attached to an existing structure.

B. Special Land Use. A proposal to establish a new wireless communication facility and wireless communication facility support structure shall only be permitted in the RA, B-1, B-2 and D-1 Districts, and shall be deemed a special land use, subject to site plan and the conditions set forth below, and if approved, constructed and maintained in accordance with the standards and conditions of this section.

- 1) Attached wireless communication facilities shall be permitted where the existing structure is not, in the determination of the Planning Commission, proposed to be either materially altered or materially changed in appearance.
- 2) Co-location of a new attached wireless communication facility which has been previously approved for such co-location as part of an earlier approval by the Planning Commission shall not require special use approval by the Planning Commission.
- 3) Attached wireless communication facilities consisting of a utility pole located within a public right-of-way shall be permitted where the existing pole is not proposed to be modified in a manner which, in the determination of the Planning Commission, would materially alter the structure, result in an impairment of sight lines or other safety interests or detract from the aesthetic appearance of the site.

C. Application and Review Requirements.

All applications for wireless communication facilities and wireless communication facility support structures shall be reviewed in accordance with the district regulations of the zoning district in which they are located and the following standards and conditions, and if approved, shall be constructed and maintained in accordance with such standards and conditions. In the event of a conflict between the district regulations of the zoning district and the provisions of this section, the more stringent standard shall apply.

1) Application Requirements.

- a) All applications for the required permit to place, construct or modify any part or component of a wireless communication facility or wireless communication facility support structure or for special land use approval for said facilities shall include the following:
 - i) A site plan prepared, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 - ii) The existing form of technology being used and any changes proposed to that technology.
 - iii) As applicable, the planned or proposed and existing service area of the facility and the attached wireless communication facility, and wireless communication facility support structure height and type, and signal power expressed in ERP upon which the service area has been planned.
 - iv) The nature and extent of the applicant/provider's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
 - v) The identity and address of all owners and other persons with a real property interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
 - vi) A certification by a registered professional engineer licensed in the State of Michigan regarding the manner in which the proposed structure will fall, in the event of structural failure due to any cause. The certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.

- vii) A description of the security to be posted at the time of receiving a building permit for the wireless telecommunication support structure to ensure removal of the structure when it has been abandoned or is no longer needed as provided in paragraph D.8) below. The security shall, at the election of the Village, be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by a designated attorney and recordable at the office of the Eaton County Register of Deeds, a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for payment of any costs and attorney's fees incurred by the Village in securing removal.
- viii) The site plan shall include a landscape plan in the event the wireless communication facility support structure is being placed at a location which is not otherwise part of another site plan with landscaping requirements. The purpose of landscaping is to provide screening for the wireless communication facility support structure base, accessory buildings and enclosures. In all cases there shall be fencing of at least six feet in height, which is required for the protection of the tower fully enclosing the wireless communication facility support structure and any accessory structure provided with a locked gate.
- ix) Evidence of site plan approval from the Federal Aviation Administration, if required due to a site's proximity to any local airport, or evidence that such approval is not required.
- x) A maintenance plan, and any applicable maintenance agreement, shall be presented as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
- xi) The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- xii) A disclosure of what is proposed, demonstrating the need for the proposed wireless communication facility support structure to be located as proposed based upon the presence of one or more of the following factors:

- ◆ Proximity to an interstate highway or major thoroughfare.
 - ◆ Areas of population concentration.
 - ◆ Concentration of industrial and/or other business centers.
 - ◆ Areas where signal interference has occurred due to buildings, masses of trees or other obstructions.
 - ◆ Topography of the proposed facility location in relation to other facilities within which the proposed facility is to operate.
 - ◆ Other specifically identified reason(s) creating need for the facility.
- xiii) The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity and/or quality, needs, goals and objectives.
- xiv) A map showing existing and known proposed wireless communication facilities and wireless communication facility support structures within the Village of Vermontville and within Vermontville Township. The map shall also show existing buildings and/or other structures of the same approximate height as the proposed wireless communication facility support structure within a one-half mile radius of the proposed site which could accommodate a feasible co-location of the applicant's proposed attached wireless communication facility. To the extent the information required is on file with the Village, the applicant shall be required only to update as needed.
- xv) For each location identified in the maps required under paragraph C.1)a)xiv) of this section, the application shall include the following information, if known, with the applicant/provider expected to exercise reasonable due diligence in attempting to obtain information through lawful means prior to application:
- ◆ The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.

- ◆ Whether property owner approvals exist or have been requested and obtained.
- ◆ Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility, or if not, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing wireless communication services.

2) **Review Standards - All Applications.** All applications for wireless communication facilities and wireless communication facility support structures shall be meet the following standards.

- a) The wireless communication facility support structure shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally compatible with the natural environment, as well as the environment as altered by development.
- b) The maximum height of all new or modified attached wireless communication facilities and wireless communication facility support structures shall be 175 feet, or such lower maximum heights as approved and/or allowed by the Federal Aviation Administration under CFR 14 Part 77. The accessory building contemplated to enclose such things as switching equipment shall be limited to the lesser of the maximum height for accessory structures within the respective district, or 12 feet. The floor area of any accessory building shall be limited to no more than 300 square feet. The Planning Commission may impose requirements relating to the color and nature of the exterior surface of the accessory building and the roof thereof, so as to cause the building to be reasonably compatible with other buildings in the vicinity.
- c) The setback of wireless communication facility support structure s from any lot line shall be no less than the height of the structure, unless it can be demonstrated and certified by a registered professional engineer, that the wireless communication facility support structure has a lesser fall-zone distance.
- d) Where the wireless communication facility support structure abuts a parcel of land zoned for residential purposes, the Planning Commission may require a greater setback along the portion of the site which abuts said residential property than that provided in the schedule of regulations for the zoning district in which the wireless communication facility support structure is located, if, in the judgment of the Planning Commission, the use of the minimum

required setback distance shall constitute a detriment to persons and property on the adjoining parcel.

- e) There shall be an unobstructed access to the wireless communication facility support structure for operation, maintenance, repair and inspection purposes, which may be provided through an easement. This access shall have a width and location determined by such factors as: The location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless communication facility support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts; minimization of disturbance to the natural vegetation; and the type of equipment which will need to access the site.

- 3) **Review Standards - Special Approval Standards.** In addition, all applications for wireless communication facilities and wireless communication facility support structures submitted shall meet the following standards.

- a) The wireless communication facility support structure shall not, in the judgment of the Planning Commission, constitute a detriment to any persons, property or the general welfare.
- b) A proposal for a new wireless communication facility support structure submitted, shall not be approved unless and until it can be documented by the applicant that the communications equipment planned for the proposed wireless communication facility support structure cannot be feasibly co-located and accommodated on an existing or approved wireless communication facility support structure or other existing structure due to one or more of the following reasons:
 - i) The planned equipment would exceed the structural capacity of the existing or approved wireless communication facility support structure or building, as documented by a qualified and licensed professional engineer, and the existing or approved wireless communication facility support structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment.
 - ii) The planned equipment would cause interference materially impacting the usability of other existing or imminently planned equipment at the wireless communication facility support structure or other existing structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented by any other means.

- iii) Existing or approved wireless communication facility support structures and buildings within a one-half mile radius of the proposed site cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.
 - iv) Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing wireless communication facility support structure or building.
- c) Co-location shall be deemed to be “feasible” for the purposes of this section where all of the following are met:
 - i) The applicant under consideration for co-location shall undertake to pay market rent or other market compensation for co-location.
 - ii) The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - iii) The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennae, and the like.
 - iv) The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Village, taking into consideration the several standards contained within this subsection.

D. General Requirements.

- 1) The division of property for the purposes of locating a wireless communication facility support structure is prohibited unless all zoning conditions are met.
- 2) The Zoning Board of Appeals may grant variances only for (1) the setback requirements of a wireless communication facility support structure, provided that the proposed location will reduce its visual impact on the surrounding area; (2) the maximum height requirement; and (3) the co-location requirements of subparagraph C.3)b).

- 3) Where a wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that an accessory building conforms with all district requirements for accessory buildings, including yard setbacks and building height.
- 4) The Planning Commission shall, with respect to the color of the wireless communication facility support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility, the wireless communication facility support structure and the property surrounding such facilities in a neat and orderly condition.
- 5) Wireless communication facility support structures shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- 6) If a provider fails or refuses to permit co-location on a facility owned or otherwise controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Village of Vermontville. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Village. Any proposed commercial wireless communication facility support structures shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's attached wireless communication facility and a minimum of two comparable attached wireless communication facilities for additional users. Wireless communication facility support structures must be designed to allow for future rearrangement of attached wireless communication facilities upon the wireless communication facility support structure and to accept attached wireless communication facilities mounted at varying heights.
- 7) If a party who owns and/or otherwise controls a wireless telecommunication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such failure or refusal shall be deemed a violation of this Zoning Ordinance, subject to the penalties provided in Chapter 24 of this ordinance.

- 8) When a wireless communications facility has not been used for 180 days or more, or six months after new technology is available which permits the operation of a wireless communication facility without the requirement of a wireless communication facility support structure, the entire wireless communications facility, that portion of the wireless communications facility or wireless communication facility support structure made obsolete by the new technology, shall be removed by the users and/or owners of the wireless communications facility. For the purposes of this section, the removal of antennae or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
- a) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the wireless communications facility.
 - b) If the required removal of the wireless communications facility, a wireless communication facility support structure, or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days' written notice, the Village may remove or secure the removal of the facility, or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the wireless communications facility.
- 9) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- 10) No part of the wireless communication facility or wireless communication facility support structure shall display any name, symbol, words or letters, advertising message, graphic representation or other written or pictorial matter visible from adjacent or nearby lands. No wireless communication facility or wireless communication facility support structure shall be lighted, unless required by the Federal Aviation Administration or the Federal Communication Commission.
- 11) If, in considering the application, the Planning Commission determines that it is appropriate to obtain the services of a communications consultant and/or structural engineer, all reasonable costs and expenses thereof shall be paid by the applicant. Failure to pay such costs and expenses, or to provide information reasonably requested by the Planning Commission,

shall be grounds for the withholding of the issuance of any and all approvals under this ordinance.

8.45. OPEN SPACE PRESERVATION DEVELOPMENT. Residential open space preservation development, as defined herein shall conform to the provisions of the Land Division Act, Act 591 of 1996, and Act 87 of 1997, as amended; and the provisions of Chapters 3, 21 and 31. A division of land on the basis of condominium ownership, which is not subject to the provisions of Act 591 or Act 87, shall comply with the requirements of Article 31 of this ordinance for site condominium approvals.

- A. The terms of this Section 8.45 are intended to offer an optional open space preservation approach to residential development patterns within areas of the Village zoned for two or fewer dwelling units per acre, or if the land is served by a public sewer system, three or fewer units per acre. In no event shall an open space preservation development result in more residential units on a site than would be permitted within the zoning district under conventional development patterns.
- B. Prior to submitting an application for site plan approval to develop lands within the Village for residential purpose, an applicant considering this open space preservation development option shall submit a pre-application therefore to the Village Zoning Administrator. Such pre-application shall:
 - 1) State the intent to undertake an open space preservation development,
 - 2) Indicate the proposed method for the perpetual preservation of open space, and
 - 3) Indicate the proposed number of parcels, calculated as set forth in subparagraph D, of this section. *[Revised by Ord. No. 21-02]*
- C. Not less than twenty percent (20%) of the developable land area will remain perpetually in an undeveloped state by means of a recorded legal instrument which may include, but not necessarily be limited to, a conservation easement, plat dedication, master deed, restrictive covenant or other legal means that runs with the land. Such legal instrument shall be subject to the review and approval of the Village Attorney.
- D. The maximum number of lots that may be approved shall be computed by subtracting from the parcel's total gross developable acreage a fixed percentage of fifteen percent (15%) for street right-of-way purposes, and multiplying the remaining area by the maximum dwelling unit density for the district in accord with the following table:

Maximum Density

<u>Zoning District</u>	<u>(Dwelling Units Per Acre)</u>
RA	0.2
RS-1	2.5

- E. To achieve the permitted density and preserve the required open space, the lot area may be reduced up to twenty percent (20%) of the required lot area for the district and lot width may be reduced up to thirty three percent (33%) of the required lot width in the district.
- F. The Zoning Administrator shall review the pre-application and determine compliance with the requirements of this section. Upon the approval of the Zoning Administrator, the applicant shall submit a request for the applicable land division process - land split, subdivision or site condominium in accordance with applicable standards and rules of the Village. A building permit shall only be issued after all approvals have been granted and a copy of the recorded documents preserving the open space has been filed with the Village Clerk.

8.46. MARIHUANA FACILITIES/ESTABLISHMENTS PROHIBITED.

- A. The following uses are completely prohibited in the Village, and may not be established or operated in any zoning district, by any means, including by way of a variance:
 - 1) Any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, including the following:
 - a) Marihuana grower.
 - b) Marihuana safety compliance facility.
 - c) Marihuana processor.
 - d) Marihuana microbusiness.
 - e) Marihuana retailer.
 - f) Marihuana secure transporter.
 - 2) Any other type of marihuana-related business that is subject to licensing by the state department of licensing and regulatory affairs (“LARA”) under Michigan Initiated Law 1 of 2018 or the rules promulgated thereunder.
 - 3) Any and all types of a “marihuana facility,” as that term is defined and used in the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et seq.*
- B. This Section 8.46 does not limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, *et seq.*, or as reflected in Section 8.18.C. of this ordinance. *[Section 8.48 added by Ord. No. 19-03]*

CHAPTER 9

RA RURAL AGRICULTURAL DISTRICT

- 9.1. PURPOSE.** This district is primarily intended for agricultural operations and the limited development of very low-density single-family dwellings. Such areas may not be well suited for the development of residential neighborhoods and may not be served with utilities.
- 9.2. PERMITTED USES.** No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:
- A. Accessory buildings less than or equal to the footprint of the principal structure, subject to Section 8.2.
 - B. Commercial agriculture.
 - C. Single family detached dwelling.
 - D. Farming.
 - E. Raising or keeping farm animals.
 - F. Farming operations and farm buildings.
 - G. Greenhouses and nurseries.
 - H. Group homes.
 - I. Home occupation, subject to Section 8.18.
 - J. Public parks.
 - K. Roadside stands.
 - L. Subdivisions or condominiums, subject to Chapter 3.
 - M. Open space preservation development or condominiums.
- 9.3. SPECIAL LAND USES.** The following may be permitted after the review and approval of the special land use by the Planning Commission.
- A. Accessory buildings greater than the footprint of the principal structure, subject to Section 8.2, and Section 20.11.
 - B. Agricultural service establishments, subject to Section 20.13.
 - C. Animal clinic, subject to Section 20.14.

- D. Bed and breakfast, subject to Section 20.15.
- E. Boarding/lodging house, subject to Section 20.17.
- F. Cemeteries, subject to Section 20.20.
- G. Church, subject to Section 20.21.
- H. Group day care having 7-12 children, subject to Section 20.23.
- I. Earth sheltered dwelling, subject to Section 20.25.
- J. Educational facilities, subject to Section 20.28.
- K. Foster care, subject to Section 20.29.
- L. Golf courses, subject to Section 20.30.
- M. Gravel pit, subject to Section 20.31.
- N. Institutional use, subject to Section 20.34.
- O. Keeping of horses, subject to Section 20.35.
- P. Kennels, subject to Section 20.36.
- Q. Mini-Warehouse, self storage 8,000 square feet or less, subject to Section 20.38.
- R. Large and small places of assembly, subject to Section 20.39.
- S. Recreation facilities, subject to Section 20.41.
- T. Wireless communication facilities, subject to Section 8.44.

9.4. DISTRICT REGULATIONS. The following requirements are the minimum permitted in the RA District.

- A. **Minimum Lot Area.** The minimum net lot size in the RA Rural Agricultural District shall be five acres.
- B. **Minimum Lot Width.** The minimum lot width shall be 250 feet wide at the front setback line.
- C. **Maximum Lot Coverage.** The maximum lot coverage in the RA Rural Agricultural District shall be ten percent (10%).
- D. **Maximum Building Height.** No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of two and one-half stories or 35 feet from the ground level, whichever is less; except that buildings and structures permitted in

this district under this ordinance for agricultural purposes may be erected, altered or moved on any land or premises in this district to a height of not exceeding 50 feet if first approved by the Planning Commission as a part of the review and approval of a site plan pursuant to Chapter 21 of this Zoning Ordinance.

E. **Minimum Building Setbacks.**

- 1) **Measurement.** All setbacks shall be measured to the foundation, or the face of the building, if cantilevered.
- 2) **Front.** Each lot shall have a front yard of not less than 50 feet in depth from the right-of-way line.
- 3) **Side.** All lots shall maintain a 25-foot side yard along each side lot line.
- 4) **Rear.** Every dwelling or other principal building hereafter erected shall have a rear yard not less than 50 feet in depth.
- 5) **Exceptional Yard Conditions.** Where the shape of the lot or other circumstance results in conditions to which the provisions of this section governing yard requirements are inapplicable or would create a hardship, the Zoning Board of Appeals shall prescribe such requirements.

F. **Dwelling Units per Acre.** The maximum number of dwelling units per acre in the RA Rural Agricultural District is two-tenths of a unit per acre or one dwelling unit per five acres.

G. **Minimum Floor Area.** All dwellings shall contain a minimum of 900 square feet of floor area and a minimum area of living space measuring at least 20 feet by 20 feet in size. *[Revised 12-7-06/revision F]*

CHAPTER 10

RS-1 LOW DENSITY RESIDENTIAL DISTRICT

- 10.1. PURPOSE.** The RS-1 Low Density Residential District is intended to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.
- 10.2. PERMITTED USES.** No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:
- A. Accessory buildings less than or equal to the footprint of the principal structure, subject to Section 8.2.
 - B. Single family detached dwelling.
 - C. Group home.
 - D. Home occupation, subject to Section 8.18.
 - E. Public parks.
 - F. Roadside stands.
 - G. Subdivision or condominium, subject to Chapter 3.
 - H. Open space preservation development or condominium, subject to Chapter 3, and subject to Section 8.45.
- 10.3. SPECIAL LAND USES.** The following may be permitted after the review and approval of the special land use by the Planning Commission.
- A. Accessory buildings greater than the footprint of the principal structure, subject to Section 8.2 and Section 20.11.
 - B. Bed and breakfast, subject to Section 20.15.
 - C. Boarding/lodging house, subject to Section 20.17.
 - D. Church, subject to Section 20.21.
 - E. Group day care having 7-12 children, subject to Section 20.23.
 - F. Earth sheltered dwelling, subject to Section 20.25.
 - G. Educational facilities, subject to Section 20.28.
 - H. Foster care, subject to Section 20.29.

- I. Large and small places of assembly, subject to Section 20.39.
- J. Roadside stand, subject to Section 20.42.

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

- A. **Minimum Lot Area.** The minimum net lot size in the RS-1 Low Density Residential District shall be 13,500 square feet.
- B. **Minimum Lot Width.** The minimum lot width shall be 100 feet.
- C. **Maximum Lot Coverage.** The maximum lot coverage in the RS-1 Low Density Residential District shall be twenty five percent (25%). *[Revised 12-9-04/ Revision B]*
- D. **Maximum Building Height.** No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of two and one-half stories or 35 feet from the ground level, whichever is less.
- E. **Minimum Building Setbacks.**
 - 1) **Measurement.** All setbacks shall be measured to the foundation, or the face of the building, if cantilevered.
 - 2) **Front.** Each lot shall have a front yard of not less than 30 feet in depth from the right-of-way line.
 - 3) **Side.** All lots shall maintain a 15-foot side yard along each side lot line.
 - 4) **Rear.** Every dwelling or other principal building hereafter erected shall have a rear yard not less than 30 feet in depth.
 - 5) **Exceptional Yard Conditions.** Where the shape of the lot or other circumstance results in conditions to which the provisions of this section governing yard requirements are inapplicable or would create a hardship, the Zoning Board of Appeals shall prescribe such requirements.
- F. **Dwelling Units per Acre.** The maximum number of dwelling units per acre in the RS-1 Low Density Residential District is 2.5 units per acre.
- G. **Minimum Floor Area.** All dwellings shall contain a minimum of 1,000 square feet of floor area and a minimum core area of living space measuring at least 20 feet by 20 feet in size.

CHAPTER 11
RS-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

- 11.1. PURPOSE.** The RS-2 Medium Density Residential District is intended to provide for a higher density of single-family homes than the RS-1 District, as well as making residentially related facilities available to serve the needs of the residents within this district.
- 11.2. PERMITTED USES.** No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:
- A. Accessory buildings less than or equal to the footprint of the principal structure, subject to Section 8.2.
 - B. Single family detached dwelling.
 - C. Group home.
 - D. Home occupation, subject to Article Two, Section 8.18.
 - E. Public parks.
 - F. Subdivision or condominium, subject to Chapter 3.
 - G. Open space preservation development or condominium, subject to Chapter 3 and Section 8.45.
- 11.3. SPECIAL LAND USES.** The following may be permitted after the review and approval of the special land use by the Planning Commission.
- A. Accessory buildings greater than the footprint of the principal structure, subject to Section 8.2 and Section 20.11.
 - B. Bed and breakfast, subject to Section 20.15.
 - C. Boarding/lodging house, subject to Section 20.17.
 - D. Church, subject to Section 20.21.
 - E. Group day care having 7-12 children, subject to Section 20.23.
 - F. Earth sheltered dwelling, subject to Section 20.25.
 - G. Educational facilities, subject to Section 20.28.
 - H. Foster care, subject to Section 20.29.

- I. Large and small places of assembly, subject to Section 20.39.
- J. Roadside stand, subject to Section 20.42.

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

- A. **Minimum Lot Area.** The minimum net lot size in the RS-2 Medium Density Residential District shall be 10,000 square feet.
- B. **Minimum Lot Width.** The minimum lot width shall be 75 feet.
- C. **Maximum Lot Coverage.** The maximum lot coverage in the RS-2 Medium Density Residential District shall be twenty five percent (25%). *[Revised 12-9-04/ Revision B]*
- D. **Maximum Building Height.** No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of two and one-half stories or 35 feet from the ground level, whichever is less.
- E. **Minimum Building Setbacks.**
 - 1) **Measurement.** All setbacks shall be measured to the foundation, or the face of the building, if cantilevered.
 - 2) **Front.** Each lot shall have a front yard of not less than 25 feet in depth from the right-of-way line.
 - 3) **Side.** All lots shall maintain a 15-foot side yard along each side lot line.
 - 4) **Rear.** Every dwelling or other principal building hereafter erected shall have a rear yard not less than 25 feet in depth.
 - 5) **Exceptional Yard Conditions.** Where the shape of the lot or other circumstance results in conditions to which the provisions of this section governing yard requirements are inapplicable or would create a hardship, the Zoning Board of Appeals shall prescribe such requirements.
- F. **Dwelling Units per Acre.** The maximum number of dwelling units per acre in the RS-2 Medium Density Residential District is 3.5 units per acre.
- G. **Minimum Floor Area.** All dwellings shall contain a minimum of 1,000 square feet of floor area and a minimum core area of living space measuring at least 20 feet by 20 feet in size.

CHAPTER 12

RM MANUFACTURED HOME DISTRICT

- 12.1. PURPOSE.** The Manufactured Housing Community District is intended to provide for the location and regulation of manufactured housing communities. It is intended that manufactured housing communities be provided with necessary community services in a setting that provides a high quality of life for residents and residential development standards consistent with all other residential districts in the Village of Vermontville. This district shall be located in areas where it will be compatible with adjacent land uses. It is further the intent of this district to prohibit multiple family, office, business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development, or continued use, of the land for manufactured housing communities in the district.

Determining the appropriate location for a manufactured housing community is a uniquely challenging task and may have a crucial impact on adjacent and surrounding land uses. A manufactured housing community contains specific site conditions unlike other types of residential development. Sites with an abundance of natural features such as forested areas, wetlands, and steep slopes are not found to be suitable for the development of a manufactured housing community. In light of these parameters, the absence of a detailed resource inventory in the Village, coupled with the limited availability of public sewer and water facilities, the Village has selected to allow this zoning district to “float” placing the responsibility for the site analysis on the applicant for the placement of the district. The Village and residents shall rely on the comprehensive plan to determine future use and judge/evaluate rezoning requests.

The regulations established by state law, Michigan Public Act 96 of 1987, as amended, the Michigan Manufactured Housing Commission Rules, and this chapter shall govern all manufactured housing communities in the Village. If any portion of the regulations in this chapter exceed the state law or the rules of the Michigan Manufactured Housing Commission, the higher standards are intended to insure that manufactured housing communities meet the development and site plan standards established herein for other comparable residential development and to promote the health, safety and welfare of Village’s residents. It is not the intent of this article to exclude from the Village of Vermontville manufactured homes or persons who engage in any aspect pertaining to the business of manufactured housing.

- 12.2. PERMITTED USES.** No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:
- A. Accessory buildings less than or equal to the footprint of the principal structure, subject to Section 8.2.
 - B. Manufactured housing community, subject to the site requirements of Act 96 of the Acts of 1987 and the rules and regulations of the Michigan Manufactured Housing Commission.

- C. Home occupation, subject to Section 8.18.
- D. Public park.

12.3. SPECIAL LAND USES. The following may be permitted after the review and approval of the special land use by the Planning Commission.

- A. Accessory buildings greater than the footprint of the principal structure, subject to Section 8.2 and Section 20.11.

12.4. DISTRICT REGULATIONS. The following requirements are the minimum permitted in the RM Manufactured Home District.

- A. **Minimum Parcel Size.** The minimum parcel size in the RM Manufactured Home District shall be 15 acres.
- B. **Minimum Lot Width.** All other dimensional standards shall be as set forth in the rules and regulations of the Michigan Manufactured Housing Commission.
- C. **Minimum Floor Area.** All dwellings shall contain a minimum of 720 square feet of floor area and a minimum core area of living space measuring at least 20 feet by 12 feet in size.

CHAPTER 13
MFR MULTI-FAMILY RESIDENTIAL DISTRICT

- 13.1. PURPOSE.** The intent of the MFR Multi-Family Residential District is to provide sites for multiple-family dwelling structures, and to serve as a transitional zoning district between low-density residential districts and non-residential districts.
- 13.2. PERMITTED USES.** No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:
- A. Accessory buildings less than or equal to the footprint of the principal structure, subject to Section 8.2.
 - B. Multiple family dwellings.
 - C. Detached single family dwelling.
 - D. Group home.
 - E. Home occupation, subject to Section 8.18.
 - F. Public parks.
 - G. Subdivision or condominium, subject to Section 3.
 - H. Open space preservation development or condominium, subject to Section 3, and Section 8.45.
- 13.3. SPECIAL LAND USES.** The following may be permitted after the review and approval of the special land use by the Planning Commission.
- A. Accessory buildings greater than the footprint of the principal structure, subject to Section 8.2 and Section 20.11.
 - B. Church, subject to Section 20.21.
 - C. Group day care having 7-12 children, subject to Section 20.23.
 - D. Commercial day care having 13 children or more, subject to Section 20.24.
 - E. Educational facilities, subject to Section 20.28.
 - F. Foster care, subject to Section 20.29.
 - G. Large and small places of assembly, subject to Section 20.39.

13.4. DISTRICT REGULATIONS. The following requirements are the minimum permitted in the MFR Multi-Family Residential District.

- A. **Minimum Lot Area.** The minimum net lot size in the MFR Multi-Family Residential District shall be 15,000 square feet.
- B. **Minimum Lot Width.** The minimum lot width shall be 100 feet.
- C. **Maximum Lot Coverage.** The maximum lot coverage in the MFR Multi-Family Residential District shall be thirty percent (30%).
- D. **Maximum Building Height.** No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of two and one-half stories or 35 feet from the ground level, whichever is less.
- E. **Minimum Building Setbacks.**
 - 1) **Measurement.** All setbacks shall be measured to the foundation, or the face of the building, if cantilevered.
 - 2) **Front.** Each lot shall have a front yard of not less than 30 feet in depth from the right-of-way line.
 - 3) **Side.** All lots shall maintain a 10-foot side yard along each side lot line.
 - 4) **Rear.** Every dwelling or other principal building hereafter erected shall have a rear yard not less than 25 feet in depth.
 - 5) **Exceptional Yard Conditions.** Where the shape of the lot or other circumstance results in conditions to which the provisions of this section governing yard requirements are inapplicable or would create a hardship, the Zoning Board of Appeals shall prescribe such requirements.
- F. **Dwelling Units Per Acre.** The maximum number of dwelling units per acre in the MFR Multi-Family Residential District is eight units per acre.
- G. **Minimum Floor Area.** All dwellings shall contain a minimum of 600 square feet of floor area and a minimum core area of living space measuring at least 20 feet by 20 feet in size.

CHAPTER 14
B-1 GENERAL BUSINESS DISTRICT

- 14.1. PURPOSE.** The B-1 General Business District is intended to serve the overall shopping needs of the population both within and beyond the Village boundaries, including both convenience and comparison goods.
- 14.2. PERMITTED USES.** No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:
- A. Accessory buildings less than or equal to the footprint of the principal structure, subject to Section 8.2.
 - B. Accessory uses related to uses permitted by right, subject to Section 8.3.
 - C. Amusement devices.
 - D. Amusement establishments.
 - E. Bank.
 - F. Combination of uses permitted by right, subject to Section 8.43.
 - G. Convenience store, including fuel service.
 - H. General retail.
 - I. Hotels and motels.
 - J. Mortuary.
 - K. Personal services.
 - L. Professional offices.
 - M. Restaurant.
 - N. Showroom for office and building trades.
 - O. Uses similar to uses permitted by right.
 - P. Vehicle repair shop.
 - Q. Vehicle sales area.
- 14.3. SPECIAL LAND USES.** The following may be permitted after the review and approval of the special land use by the Planning Commission.

- A. Accessory buildings greater than the footprint of the principal structure subject to Section 8.2 and Section 20.11.
- B. Adult businesses, subject to Section 20.12.
- C. Animal clinic, subject to Section 20.14.
- D. Billboards, subject to Section 20.16.
- E. Boarding/lodging house, subject to Section 20.17.
- F. Car wash connected to public sewer, subject to Section 20.19.
- G. Construction equipment sales and supplies, subject to Section 20.22.
- H. Commercial day care having 13 or more children, subject to Section 20.24.
- I. Detached single-family dwelling, subject to Section 20.27.
- J. Hardware store and building supplies, subject to Section 20.32.
- K. Institutional use, subject to Section 20.34.
- L. Laundry and dry cleaning establishment, subject to Section 20.37.
- M. Large and small places of assembly, subject to Section 20.39.
- N. Publicly owned buildings, exchanges or utility offices, subject to Section 20.40.
- O. Recreational facilities, subject to Section 20.41.
- P. Service stations, subject to Section 20.43.
- Q. Wireless communication facilities, subject to Section 8.44.

14.4. DISTRICT REGULATIONS. The following requirements are the minimum permitted in the B-1 General Business District.

- A. **Minimum Lot Area.** The minimum net lot size in the B-1 General Business District shall be 10,000 square feet.
- B. **Minimum Lot Width.** The minimum lot width shall be 80 feet.
- C. **Maximum Lot Coverage.** The maximum lot coverage in the B-1 General Business District shall be fifty percent (50%).
- D. **Maximum Building Height.** No buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of two and one-half stories or 35 feet from the ground level, whichever is less.

E. **Minimum Building Setbacks.**

- 1) **Measurement.** All setbacks shall be measured to the foundation, or the face of the building, if cantilevered.
- 2) **Front.** Each lot shall have a front yard of not less than 40 feet in depth from the right-of-way line.
- 3) **Side.** All lots shall maintain a 20-foot side yard along each side lot line.
- 4) **Rear.** Every principal building hereafter erected shall have a rear yard not less than 25 feet in depth.
- 5) **Exceptional Yard Conditions.** Where the shape of the lot or other circumstance results in conditions to which the provisions of this section governing yard requirements are inapplicable or would create a hardship, the Zoning Board of Appeals shall prescribe such requirements.

CHAPTER 15

B-2 CENTRAL BUSINESS DISTRICT

- 15.1. PURPOSE.** The B-2 Central Business District is intended to serve the local shopping needs of the immediate neighboring area, and is intended to permit light, non-nuisance types of commercial activity that would have slight impact on the abutting area.
- 15.2. PERMITTED USES.** No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:
- A. Accessory buildings less than or equal to the footprint of the principal structure, subject to Section 8.2.
 - B. Accessory uses related to uses permitted by right, subject to Section 8.3.
 - C. Amusement devices.
 - D. Amusement establishments.
 - E. Apartments and condominiums, residential units, above ground floor subject to Section 15.4. *[Revised 6-14-05/Revision C]*
 - F. Car wash connected to public sewer. *[Revised 6-14-05/Revision C]*
 - G. Combination of uses permitted by right, subject to Section 8.43.
 - H. Convenience store, including fuel service.
 - I. General retail.
 - J. Personal services.
 - K. Professional offices.
 - L. Public parks.
 - M. Publicly owned buildings, exchanges, or utility offices.
 - N. Restaurant.
 - O. Showroom for office and building trades.
 - P. Uses similar to uses permitted by right.
- 15.3. SPECIAL LAND USES.** The following may be permitted after the review and approval of the special land use by the Planning Commission.

- A. Accessory buildings greater than the footprint of the principal structure, subject to Section 8.2, and subject to Section 20.11.
- B. Animal clinic, subject to Section 20.14.
- C. Billboards, subject to Section 20.16.
- D. Building, electrical, mechanical and plumbing contractors, subject to Section 20.18.
- E. Construction equipment sales and supplies, subject to Section 20.22.
- F. Commercial day care having 13 or more children, subject to Section 20.24.
- G. *[Removed 6-14-05/Revision C]*
- H. Hardware store and building supplies, subject to Section 20.32.
- I. Hotels and motels, subject to Section 20.33.
- J. Institutional use, subject to Section 20.34.
- K. Laundry and dry cleaning establishment, subject to Section 20.37.
- L. Large and small places of assembly, subject to Section 20.39.
- M. Outdoor storage, subject to Section 8.42 and Section 20.47.
- N. Recreational facilities, subject to Section 20.41.
- O. Service stations, subject to Section 20.43.
- P. Vehicle repair shop, subject to Section 20.44.
- Q. Vehicle sales area, subject to Section 20.45.

15.4. DISTRICT REGULATIONS. The following requirements are the minimum permitted in the B-2 Central Business District.

- A. **Minimum Lot Area.** The minimum net lot size in the B-2 Central Business District shall be 1,000 square feet.
- B. **Minimum Lot Width.** The minimum lot width shall be 20 feet.
- C. **Maximum Building Height.** No buildings or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of two and one-half stories or 35 feet from the ground level, whichever is less.

D. Minimum Building Setbacks.

- 1) **Measurement.** All setbacks shall be measured to the foundation, or the face of the building, if cantilevered.
- 2) **Front.** Each lot shall have a front yard of not less than five feet in depth from the right-of-way line.
- 3) **Side.** There are no minimum requirements for side yards.
- 4) **Rear.** Every dwelling or other principal building hereafter erected shall have a rear yard not less than 10 feet in depth.
- 5) **Exceptional Yard Conditions.** Where the shape of the lot or other circumstance results in conditions to which the provisions of this section governing yard requirements are inapplicable or would create a hardship, the Zoning Board of Appeals shall prescribe such requirements.

E. Dimensional Requirements.

- 1) Apartments and condominiums shall contain a minimum of 600 square feet of floor area.

F. Architectural Requirements.

- 1) New buildings constructed after the creation of this ordinance (June 12, 2003) shall be similar in nature with regard to character, size, and architectural features.

CHAPTER 15A

PI PUBLIC/INSTITUTIONAL USE DISTRICT

15A.1. PURPOSE. The PI Public/Institutional Use District is intended to preserve and promote unique areas of the Village which have historically been characterized by public and quasi-public noncommercial uses, while allowing the adaptive reuse of existing structures within the district for compatible uses.

15A.2. PERMITTED USES. No building or structure, or any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

- A. Churches, including a child care facility, if approved as a special land use if it complies with the requirements of Sections 20.23 and 20.24.
- B. Educational facilities.
- C. Large and small places of public assembly.
- D. Public areas.
- E. Publicly owned buildings, owned or operated by governmental organizations only.
- F. Public parks.
- G. Buildings or premises containing a combination of the above uses.
- H. Uses determined by the Planning Commission to be similar to uses permitted by right in this district. A use listed as permitted by right or with special land use in a different district is not to be considered similar to a use listed above.

15A.3. SPECIAL LAND USE: ADAPTIVE RE-USE OF EXISTING BUILDING. The following may be permitted as an adaptive re-use of an existing building, in accordance with the standards provided in Section 20.48 of this ordinance, after review and approval of the special land use by the Planning Commission.

- A. Bed and breakfast, or hotel.
- B. Residential condominium project.
- C. Personal services.
- D. Professional offices.
- E. Restaurant, not including drive-through facilities.
- F. Child care facilities.
- G. Specialty retail sales, if at least seventy five percent (75%) of the floor area of the building is devoted to the sale of antiques; collectibles; crafts; furniture; books; gift

items; specialty food items such as maple products, candy, coffee, tea, cheeses or bakery items; food items prepared from scratch on site; or similar sales determined by the Planning Commission not to consist primarily of consumer items or other types of general merchandise.

15A.4. DISTRICT REGULATIONS. The following requirements are the minimum permitted in the PI Public Institutional Use District:

- A. **Minimum Lot Area and Width.** No minimum lot area or width is required in the district, provided that required coverage and setback requirements are satisfied.
- B. **Maximum Lot Coverage.** The maximum lot coverage in the district shall be fifty percent (50%).
- C. **Maximum Building Height.** No buildings or structures, or parts thereof, shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of two and one-half stories or 35 feet from ground level, whichever is less, except for spires, steeples and ornaments if approved by the Planning Commission through the process of site plan approval.
- D. **Minimum Building Setbacks.**
 - 1) **Measurement.** All setbacks shall be measured to the foundation or the face of the building, if cantilevered.
 - 2) **Front.** Each lot shall have a front yard of not less than 40 feet in depth from the right-of-way line. Section 8.28 is not applicable to the PI District.
 - 3) **Side.** All lots shall maintain a 20-foot side yard along each side lot line.
 - 4) **Rear.** Every principal building hereafter erected shall have a rear yard of not less than 25 feet in depth.
 - 5) **Building Spacing.** Where more than one principal building is located on the lot, the buildings shall be located a minimum of 40 feet from each other.
 - 6) **Exceptional Yard Conditions.** When the shape of the lot or other circumstances result in conditions to which the provisions of this section governing yard requirements are inapplicable or would cause a practical difficulty, the Zoning Board of Appeals shall prescribe such requirements.
- E. **Architectural Requirements.** New buildings constructed or remodeled after the date of the amendment which added this chapter shall be compatible in appearance with existing buildings in the district and immediate surroundings with respect to color, exterior materials, windows, roof configuration and other architectural features.

- F. **Parking.** Parking shall be as provided for in the B-2 District, and the provisions of Section 18.5 of this ordinance shall be applicable in the PI Public/Institutional Use District.
- G. **Signage.** Signage shall be permitted and regulated as provided in the B-2 District.
- H. **Landscaping and Buffering.** Landscaping and buffering shall be as provided in the B-2 District.

[Ch. 15A added by Ord. No. 2018-06]

CHAPTER 16

D-1 LIGHT INDUSTRIAL DISTRICT

16.1. PURPOSE. The D-1 Light Industrial District is intended to provide locations for various types of industrial and manufacturing uses that are compatible with the abutting area. All uses located within this district shall be designated, constructed and operated so as to contain, treat, or adequately dispose of any type of materials which may be incompatible with adjacent land uses.

16.2. PERMITTED USES. No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

- A. Accessory buildings less than or equal to the footprint of the principal structure, subject to Section 8.2.
- B. Accessory uses related to uses permitted by right, subject to Section 8.3.
- C. Building, electrical, mechanical and plumbing contractors.
- D. Construction equipment sales and supplies.
- E. Fabrication and assembly.
- F. Industrial subdivision, and industrial condominium subdivisions.
- G. Manufacturing and processing.
- H. Mini-warehouse or self storage.
- I. Outdoor storage, subject to Section 8.42.
- J. Professional offices.
- K. Showroom for office and building trades.
- L. Uses similar to uses permitted by right.
- M. Warehousing products produced on the premises.

16.3. SPECIAL LAND USES. The following may be permitted after the review and approval of the special land use by the Planning Commission.

- A. Accessory buildings greater than the footprint of the principal structure, subject to Section 8.2 and Section 20.11.
- B. Billboards, subject to Section 20.16.
- C. Laundry and dry cleaning establishment, subject to Section 20.37.

- D. Wireless communication facilities, subject to Section 8.44.

16.4. DISTRICT REGULATIONS. The following requirements are the minimum permitted in the D-1 Light Industrial District.

- A. **Minimum Lot Area.** The minimum net lot size in the D-1 Light Industrial District shall be 40,000 square feet.
- B. **Minimum Lot Width.** The minimum lot width shall be 200 feet.
- C. **Maximum Lot Coverage.** The maximum lot coverage in the D-1 Light Industrial District shall be thirty five percent (35%).
- D. **Maximum Building Height.** No buildings or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of two and one-half stories or 35 feet from the ground level, whichever is less.
- E. **Minimum Building Setbacks.**
 - 1) **Measurement.** All setbacks shall be measured to the foundation, or the face of the building, if cantilevered.
 - 2) **Front.** Each lot shall have a front yard of not less than 70 feet in depth from the right-of-way line.
 - 3) **Side.** All lots shall maintain a 30-foot side yard along each side lot line.
 - 4) **Rear.** Every principal building hereafter erected shall have a rear yard not less than 30 feet in depth.
 - 5) **Exceptional Yard Conditions.** Where the shape of the lot or other circumstance results in conditions to which the provisions of this section governing yard requirements are inapplicable or would create a hardship, the Zoning Board of Appeals shall prescribe such requirements.
- F. **Industrial Performance Standards.** All uses in the D-1 Light Industrial Zoning District shall comply with the following standards to ensure the health, safety and welfare of the residents of the Village. Any violation of these standards will be corrected, the costs of inspection by experts for compliance to be borne by the violator.
 - 1) **Sound.** Every use shall be so operated that the sound emanating from the operation will be no more audible beyond the boundaries of the immediate site than the volume of traffic sound on the nearest street.
 - 2) **Vibration.** Every use shall be so operated that no vibration will be discernible to the human sense of feeling beyond the immediate site on which such use is conducted.

- 3) **Emission of Glare and Heat.** Any operation producing intense glare and/or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any adjoining parcel or lot.
- 4) **Smoke, Fumes, Gases, Dust, Odors.** Every use shall be operated in such a manner that there shall be no emission of any smoke, atomic radiation, fumes, gas, dust, odors or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot or parcel occupied by such use in such a manner as to create a public or private nuisance.
- 5) **Liquid or Solid Waste.** The discharge of untreated industrial waste into any surface water body and/or the groundwater is prohibited. All methods of sewage and industrial waste treatment and disposal shall be approved by the Village and the state health departments. No effluent shall contain any acids, oils, dust, toxic metals, corrosives or other toxic substance in solution or suspension which would create odors, or discolor, poison or otherwise have a tendency to pollute any surface water body and/or the groundwater in any way.
- 6) **Compliance with Other Laws and Regulations.** Every use shall comply and be operated in a manner consistent with all applicable federal, state and local laws, ordinances, and regulations. *[Added by Ord. No. 19-04]*

CHAPTER 17

PLANNED UNIT DEVELOPMENT DISTRICT

17.1. PURPOSE. This chapter provides enabling authority and standards for the submission, review, and approval of applications to rezone property in the Village of Vermontville for Planned Unit Developments (PUD). It is the intent of this section to authorize the consideration and use of Planned Unit Development regulations for the following purposes:

- A. To encourage the use of land in accordance with its character, features and adaptability.
- B. To promote the conservation of natural features and fragile lands and the preservation of important community resources.
- C. To encourage flexibility and innovation in land use and design to protect the rural character of the community and enhance the quality of life in the Village.
- D. To promote the efficient use of land to facilitate a more appropriate arrangement of buildings, circulation systems, land use and utilities.
- E. To promote the enhancement of housing diversity, shopping, traffic circulation, and recreational opportunities for the people of the Village.
- F. To promote and ensure greater compatibility of design and use between and among neighboring properties.

A Planned Unit Development must comply with this article. The provisions of this article are intended to result in land use and development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this article to ensure appropriate, fair, and consistent decision-making. The Planned Unit Development provisions are not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based.

17.2. DEFINITION. A Planned Unit Development (PUD) shall consist of an area of the Village to be planned, developed, operated, and maintained as a single entity and containing one or more residential, recreational, commercial, industrial, public or quasi-public land uses configured as an integrated entity and carried out in conformance with an approved plan.

17.3. QUALIFYING CONDITIONS.

- A. In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of five acres.
- B. A PUD may be permitted in all zoning districts in accord with the terms of this article and the Village of Vermontville Master Plan.

- C. The applicant must demonstrate that the PUD will result in a recognizable and substantial benefit to the ultimate users and occupants of the project and to the community, where such benefit would otherwise be unfeasible or unlikely. Such benefit may include, but shall not be limited to, the preservation of important natural features, wildlife areas, the provision of open lands, the provision of a mix of housing types or land uses, and/or innovation in design and project configuration.

17.4. DEVELOPMENT REQUIREMENTS.

- A. **In General.** The Village shall evaluate each application for rezoning to PUD in accord with the approval standards set forth at Section 17.6.E.
- B. **Density and Dwelling Unit Computation.** The total number of residential dwelling units permitted in a PUD shall not exceed the base density for the site. The base density shall be determined by the following formula: The total area of any wetlands, floodplain, slopes in excess of eighteen percent (18%), existing rights-of-way and areas proposed for non-residential development (if any) shall be subtracted from the gross area of the site to determine the adjusted parcel acreage. The adjusted parcel acreage shall be multiplied by eighty five percent (85%) to account for rights-of-way, drainage facilities and similar facilities, and the resulting product shall be divided by a minimum lot area reflective of the density objectives for the area as expressed in the Village's future land use plan, rounded to the nearest whole number. In the event the parcel includes more than one future land use area, the calculation set forth in this paragraph shall be applied to the portion of the site lying in such area and the result for all areas shall be summed.
- C. **Landscaping and Grading.** In order to keep all graded areas and cuts to a minimum, to eliminate unsightly grading and to preserve the natural appearance and beauty of the property as far as possible while enabling an economic development, specific requirements may be placed on the size of areas to be graded or to be used for building and on the extent of removal of trees and natural features. All areas indicated as natural open space shall be undisturbed by grading, excavation or structures to the greatest extent possible. Where drainage improvements, utility lines, hiking or bicycle paths or similar recreational improvements are to be placed in natural areas, best engineering and design practices shall be used to make such improvements as unobtrusive as practicable. The PUD Concept and Final Development Plan shall include provision for the retention of existing landscape features and for the installation of appropriate new plantings of varying species, dimensions and design.
- D. **Permitted Uses Within a PUD.** In the PUD District, the Planning Commission may permit any principal or accessory uses as are consistent with the design principles and purposes of this section and the land uses in the general vicinity of the proposed project.

17.5. APPLICABLE REGULATIONS.

- A. Unless specifically recommended by the Planning Commission and waived by the Village Council through the provisions of Section 17.5.B. below, all regulations of the underlying zoning district prior to the PUD rezoning relative to lot size, lot width, yard area, lot coverage, structure height, setback, signs, parking and loading, landscaping, general provisions and other applicable regulations shall apply. In projects with more than one underlying district, the regulations of the least restrictive district shall apply.
- B. Consistent with the Planned Unit Development concept, and to encourage flexibility and creativity in development, departures from the regulations outlined in the immediately preceding paragraph may be granted at the recommendation of the Planning Commission and upon the approval of the Village Board as part of the approval of a Planned Unit Development. Such departures may be authorized if there are features or planning mechanisms incorporated into the project which would achieve the objectives of each of the regulations from which a departure is being requested.
- C. The stages or phases of any PUD development shall be so structured and scheduled that, if later stages or phases of the development are not implemented, the initial stage(s) shall be consistent with the provisions of this section and shall not detract from the feasibility of developing the remaining portion of the subject PUD area in an appropriate and desirable manner.
- D. Private roads within the PUD, if any, shall conform to the terms of Article One, Chapter 3 of the Village Code of Ordinances.
- E. The proposed location and arrangement of structures shall not have a detrimental effect on residents of existing developments in the vicinity of the proposed PUD. Open space shall be used as a transitional device to buffer surrounding uses, as appropriate.
- F. An important aspect of any PUD shall be the integration of land uses and design techniques to create a coherent, attractive and well-defined neighborhood. All Planned Unit Development proposals shall include comprehensive design principals and specific design and construction standards to achieve this result. These standards shall include, but not be limited to:
 - ◆ Landscaping, signage and lighting requirements,
 - ◆ Exterior construction style, materials and color schemes,
 - ◆ Building massing and orientation standards,
 - ◆ Pedestrian and vehicular traffic circulation standards, and
 - ◆ Phasing requirements to achieve a unified neighborhood at every phase.

17.6. APPLICATION AND PROCESSING PROCEDURES.

- A. **In General.** The procedure for application, review and approval of a PUD shall be a two-part process. The first part shall be application and approval of a preliminary concept plan, which shall require a public hearing and approval of the PUD as an amendment to the Vermontville Village official Zoning Map. Such action shall result in an amendment to this Zoning Ordinance and confer upon the applicant concept approval for one year to complete the remainder of the PUD process. The second part of the review and approval process shall be the application for approval of a final development plan for the entire project or for any one or more phases of the project. Final development plan approval shall require the grant of site plan approval by the Planning Commission pursuant to Chapter 21 of this article.
- B. **Preapplication Conference.** Prior to the submission of an application for Planned Unit Development, the applicant shall meet with the Zoning Administrator, and/or such consultants as deemed appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the Planned Unit Development, and the following information:
- 1) A legal description of the property in question.
 - 2) The total number of acres to be included in the project.
 - 3) A site analysis indicating all known natural resources and natural features and the most appropriate areas for development.
 - 4) A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units.
 - 5) A comparison plan indicating the maximum number of dwelling units that may be developed on the site under the terms of the existing Zoning Ordinance, taking into account unbuildable areas as set forth in Section 17.4.B. *[Amended by Ord. No. 21-02]*
 - 6) The approximate number of acres to be occupied and/or devoted to or by each type of use.
 - 7) Departures from the regulations of the ordinance which may be requested.
 - 8) The number of acres to be preserved as open space or recreation space.
 - 9) An outline of the proposed PUD design principals and the benefits that are expected to result from the adoption of the PUD provisions pertaining to the subject site.

Based on the preapplication conference, the Zoning Administrator shall provide the applicant with guidance as to the materials to be included in the preliminary concept plan as set forth in subparagraph C. of this section. The Zoning Administrator may

direct that a market study be prepared for some or all of the elements of the proposed project.

C. **Preliminary Concept Plan:** Following the above conference or conferences, 12 copies of a preliminary concept plan and application for a rezoning to Planned Unit Development shall be submitted. The submission shall be made to the Zoning Administrator who shall forward it to the Planning Commission for consideration at a regular or special meeting. The plan shall be prepared by a licensed professional engineer, community planner or architect and shall be accompanied by an application form and fee as determined by the Village Board. The preliminary concept plan shall contain the following information unless specifically waived by the Zoning Administrator:

- 1) Date, north arrow, and scale which shall not be more than 1"=100'.
- 2) Locational sketch of site in relation to surrounding area.
- 3) A site analysis indicating all known natural resources and natural features and the most appropriate areas for development.
- 4) Legal description of property including common street address.
- 5) Size of parcel.
- 6) All lot or property lines with dimensions.
- 7) General location of all buildings within 100 feet of the property lines.
- 8) General location and size of all existing structures on the site.
- 9) General location and size of all proposed structures on the site.
- 10) General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
- 11) General size and location of all areas devoted to open space.
- 12) Location and description of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
- 13) All areas within the 100-year floodplain, wetland areas or bodies of water.
- 14) Existing topographical contours at a minimum of five-foot intervals.
- 15) A comparison plan indicating the maximum number of dwelling units that may be developed on the site under the terms of the existing Zoning Ordinance, taking into account unbuildable areas as set forth in Section 17.4.B.

- 16) An illustration of any project phases or stages.
- 17) The size and location of water, sanitary sewer and stormwater utilities. In the event the proposed project is to be served by properly permitted community water and sanitary sewer systems in accord with Village policies, the preliminary concept plan shall indicate the size, location and capacity of the proposed well and the location, capacity and type of treatment and discharge for the wastewater system.
- 18) Elevation renderings of key elements of the proposed project consistent with the design principals and standards of the project.
- 19) A narrative describing:
 - a) The nature and concept of the project including a detailed description of the design principals and standards to be achieved within the project.
 - b) The proposed density, number, and types of dwelling units if a residential PUD.
 - c) A statement describing how the proposed project meets the objectives of the PUD including the benefits that are expected to result from the adoption of the PUD provisions pertaining to the subject site.
 - d) A detailed description of the legal mechanisms and structures proposed to assure the perpetual maintenance of all open space proposed.
 - e) A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage or properly permitted community systems.
 - f) A narrative description of the phasing or staging plan.
 - g) A specific listing of all departures from the regulations of the Ordinance which are requested.
 - h) A copy of the project market study, if required, shall be submitted with the narrative.
- 20) Proof of ownership or legal interest in property.
- 21) The name, address and phone number of the applicant.
- 22) The name, address and seal of the professional engineer, planner or architect that prepared the plan.

- D. **Public Hearing.** Prior to setting the public hearing, the applicant shall submit all required and requested information to the Village. Once complete, the Zoning Administrator shall transmit the complete application to the Planning Commission and schedule the Public Hearing before the Planning Commission. Notice of the public hearing shall be delivered and published in accordance with Section 24.9 of this ordinance. *[Revised 7-13-06/Revision E]*
- E. **Standards for PUD Approval.** Following the public hearing, the Planning Commission shall take action on the rezoning application for a PUD pursuant to Article 25 of this Zoning Ordinance. The Planning Commission may recommend to the Village Board approval, denial or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of this section and the following standards:
- 1) Approval of a rezoning to Planned Unit Development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
 - 2) In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 - 3) The proposed development shall be compatible with the Master Plan of the Village.
 - 4) The Planned Unit Development shall not materially change the essential character of the surrounding area.
 - 5) The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Zoning Administrator.
 - 6) The proposed phasing plan is feasible and each of the proposed phases shall be capable of standing on its own and in conjunction with previously constructed phases in terms of the provision of all required services, facilities, open space and amenities to insure the protection of natural resources and the health, safety and welfare of the users of the PUD and surrounding residents.
 - 7) **Village Board Approval.** Upon receipt of the recommendation of the Planning Commission, the Village Board shall approve, deny or approve with conditions the application for a re-zoning to Planned Unit

Development. Alternatively, the Village Board may remand the application to the Planning Commission for further study and recommendation.

- 17.7. EFFECT OF APPROVAL.** The Planned Unit Development amendment including the preliminary concept development plan as approved, the incorporated narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. Such authorization shall remain in effect for a period of one year unless a longer period is granted by the Village Board upon the recommendation of the Planning Commission. All uses not specifically identified in the preliminary concept development plan are disallowed and not permitted on the property. All improvements and uses shall be in conformity with this amendment, except as permitted by Section 17.13. During the period of effectiveness of the concept development plan, the applicant shall be permitted to submit one (or more if the project is to be proposed in phases) site plan applications seeking final site development plan approval pursuant to Section 17.8 of this chapter.

In the event that an application for a final site development plan is not submitted within the time limits set forth in the approved preliminary concept development plan and any extensions thereof that may be permitted and approved, the approval granted under this article shall expire, and the Planning Commission shall commence rezoning proceedings to an appropriate zone district in accord with the Vermontville Village Master Plan.

The applicant shall record an affidavit with the Eaton County Register of Deeds which shall contain the following:

- A. Date of approval of the PUD by the Village Board.
 - B. Legal description of the property.
 - C. Legal description of the required open space along with a plan stating how this open space is to be maintained.
 - D. A statement that the property shall be developed in accordance with the approved PUD final site development plan and any conditions imposed by the Village Board or Planning Commission unless an amendment thereto is duly approved by the Village upon the request and/or approval of the applicant or applicant's transferees and/or assigns.
- 17.8. FINAL SITE PLAN.** After receiving the approval of the rezoning to a PUD and preliminary concept plan, the applicant shall submit a final site plan for review and approval by the Planning Commission prior to starting any construction. The final site plan shall contain the same information required for the preliminary concept plan, the information required for site plan review in Chapter 21, and any additional information required by the Planning Commission in its review of the preliminary concept plan.
- 17.9. STANDARDS FOR PUD FINAL SITE PLAN APPROVAL.** The Planning Commission shall either approve, deny, or approve with conditions the final site development plan. In making its decision, the Planning Commission shall find that the final site plan for the PUD meets the intent of the PUD and the following standards:

- A. The site plan approval standards set forth in Chapter 21 except where specific deviations have been authorized pursuant to the approved PUD preliminary concept plan.
- B. The standards for approval of a PUD set forth in Section 17.6.E.
- C. Ingress and egress to the property and proposed structures, with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in cases of fire, catastrophe, or emergency.
- D. Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
- E. Sewer, water, and storm drainage with reference to locations, availability, and compatibility.
- F. Screening and buffering with reference to type, dimensions, and character.
- G. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.

17.10. CONDITIONS.

- 1) In approving a PUD final site plan, the Planning Commission may impose reasonable conditions which include but are not limited to conditions necessary to: ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protect the natural environment and conserve natural resources and energy; ensure 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 of the requirements of Section 20.3.E. of this article.
- 2) The conditions imposed with respect to the approval of a PUD final site plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are unchanged. The final site plan, as approved, shall act as a restriction upon the development. The development must conform with the final site plan and no land use permit or building permit shall be issued for any improvements that are not in compliance with said plan.

17.11. PERFORMANCE GUARANTEE. The Planning Commission may require the posting of a cash bond, performance bond, irrevocable letter of credit or another form of performance guarantee satisfactory to the Village to assure the completion of the proposed planned unit development, in accord with Section 21.6 of this article.

17.12. COMMENCEMENT OF CONSTRUCTION. Construction of a PUD must be started within one year from the effective date of the final site plan approval. This time limit may be extended one year upon application to the Planning Commission if it is demonstrated that substantial progress is being made in completing plans and securing financing. In the case of a multiple-phase PUD, beginning construction of a phase shall satisfy the requirements of this paragraph even though the total PUD may be a number of years from completion. Provided, however, that consecutive phases must be started within the later of one year of: The schedule set forth in the approved preliminary concept plan, or completion of the previous phase. This time limit may be extended by the Planning Commission annually for a cumulative total of four years, if it is determined by the Planning Commission that conditions beyond the applicant's control have caused the need for the extension, and, taking into consideration any changed facts or circumstances. In the event that construction has not commenced within these time limits and any extensions thereof that may be permitted and approved, the approval granted under this article shall expire. For the purposes of this paragraph, completion of a phase shall be the date all structures intended for occupancy by home owners, tenants, residents or businesses have been approved for occupancy. Where a PUD project is proposed for construction in phases, the planning and construction of each phase, in conjunction with any previously completed phases shall be capable of standing on its own in terms of the provision of all required services, facilities, open space and amenities to insure the protection of natural resources and the health, safety and welfare of the users of the PUD and surrounding residents.

17.13. MODIFICATION OF A PUD.

- A. **Minor Changes.** Minor changes to a PUD final site plan may be approved by mutual agreement of the applicant or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Village regulations or state law. Minor changes include:
- 1) All matters that were approved by the Planning Commission in the final site plan that were not part of the preliminary concept plan,
 - 2) The relocation of structures, roads, planting areas, parking areas, signs, lighting, and driveways provided that all such improvements remain in the same general location as approved in the preliminary concept plan, as determined by the Planning Commission, and
 - 3) Adjustments to building size that does not exceed 5,000 square feet or five percent (5%) of the gross floor area, whichever is smaller.
- B. **Major Changes.** A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted above or changes in, or the addition of other uses not authorized by the original PUD approval.

CHAPTER 18 PARKING AND LOADING STANDARDS

18.1. EXISTING PARKING. Any building which meets the parking requirements of this ordinance on the effective date thereof or at any subsequent time shall continue to comply with all requirements hereof. Any existing building, which partially meets the requirements of this ordinance on the effective date thereof or any subsequent time shall thereafter continue to comply as nearly with these requirements as the highest degree of compliance reached.

18.2. OFF STREET PARKING SITE DEVELOPMENT REQUIREMENTS. All off-street parking areas shall be designed, constructed, and maintained in accordance with the following standards and requirements.

- A. No parking lot shall be constructed until the Zoning Administrator issues a permit therefore.
- B. Before such permit is issued, plans and specifications, location, capacity, size, site, design, surfacing, marking, shall be submitted to the Zoning Administrator showing the lighting, drainage, curb cuts, entrances, exits, and any other detailed features essential to the design and construction of the proposed parking facility.
 - 1) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0 degrees - (parallel park)	12 feet	8 feet	23 feet
30 to 53 degrees	12 feet	8 feet 6 inches	20 feet
54 to 74 degrees	15 feet	8 feet 6 inches	20 feet
75 to 90 degrees	20 feet	9 feet	20 feet

- 2) All parking spaces shall be provided access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- 3) Adequate ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- 4) The parking space required in Article 25 shall be used only for the parking of vehicles used to service the establishments to which it is accessible by its patrons.

- 5) No business involving the repairs or services to vehicles is permitted thereon, or sale or display thereof, shall be conducted from or upon such premises.
- 6) Not more than two buildings for shelter of attendants shall be erected upon any given parking area and each such building shall not be more than 50 square feet in area and not more than 10 feet in height.
- 7) A suitable means of ingress or egress for vehicles to premises used for parking shall be provided and shall open directly from and to a public street, alley or highway. Exits from parking lots serving nonresidential uses, which are adjoining or opposite property zoned for residential purposes shall not exceed 25 feet in width.
- 8) Any increase in effective capacity of any premise use for which off-street parking is required in accordance with this ordinance shall be accompanied by the provision and maintenance of parking space in proper ratio to the increased capacity.

18.3. PARKING AND LOADING PROVISIONS.

- A. **In General.** Floor area as applied in this section, is that area used or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers, but excluding floor areas which are used or intended for use exclusively for storage, for housing of mechanical equipment integral with the building, hallways, or utilities or maintenance facilities. Measurement of floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
- B. **Parking Space Requirements.** The number of required off street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings as specified, shall be determined in accordance with the following minimum parking provisions. Existing businesses and buildings located within the B-2 District as of January 1, 2003, may request a waiver of the requirements of this Section 18.3 as provided in Section 18.5. For uses not specifically listed, the Zoning Administrator shall determine required parking based on the use(s) most similar in terms of parking demand, and/or refer to Parking Generation, Institute of Transportation Engineers, or a similar authority.

1) Residential	
Single-family dwellings	Two parking spaces for each family dwelling unit.
Multiple family dwellings	One and one-half parking spaces per dwelling unit.

Manufactured housing community	One and one-half parking spaces per mobile home unit.
Group and commercial day care	One parking space for each six children plus two visitor spaces.

2) Commercial	
Boarding/lodging houses	One parking space for each individual living or sleeping unit plus two spaces for operating personnel.
Campgrounds	One parking space for each campsite plus one for each two employees.
Restaurants and similar facilities.	One parking space for each three persons permitted as determined by the fire marshall, plus one parking space for each two employees.
Service stations	One parking space for repair and service stall, plus one space for each employee on each shift. Spaces at fuel pumps shall not be counted.
Service and commercial facilities, such as contractors, showrooms, building and lumber yards, greenhouses, and similar facilities.	One space for each 800 square feet of floor space.
Mortuary	One parking space for each 25 square feet of floor area in the viewing rooms, parlors, chapels or individual funeral service rooms.
General retail stores and personal service establishments,	One parking space for each 300 square feet of floor area.
Hotels and motels	One parking space for each sleeping unit, plus one parking space for each employee in the largest shift, plus 75% of the parking requirement for a restaurant, if applicable.
Places of public assembly	One parking space for each three seats in all public meeting spaces.

3) Office	
Office, general office	One space for each 400 square feet of floor area.
Clinics and medical practices, including animal clinics	Four spaces for each doctor, plus one for each employee.

4) Industrial	
Light industry	One parking space for each employee in the largest shift, plus 10 parking spaces for visitor parking purposes.

5) Institutional	
Churches	One parking space for each four seats.
Elementary and junior high schools	One parking space for each school employee, plus 10 parking spaces for visitor parking.
High schools and colleges	One parking space for each employee, plus 10 parking spaces for visitor parking plus one parking space for each 10 students in addition to the requirements for any place of public assembly, such as an auditorium.
Government buildings	One parking space for each 800 square feet of floor area, plus one parking space for each two employees.
Golf courses	Four spaces per hole, plus one for each employee.

- C. **Off Street Parking.** Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided collectively such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the preceding table; provided further, that the total of such off-street parking facilities required for joint or collective use may be reduced by the Planning Commission in accordance with the following standards:

- 1) Uses for which the collective off-street parking facilities are to serve do not operate during the same hours of the day, or night.
- 2) Not more than fifty percent (50%) of the off-street parking facilities required for theaters, churches, bowling alleys, dance halls, and establishments for sale and consumption of alcoholic beverages, food, or refreshments may be supplied by off-street parking facilities provided for other buildings.
- 3) The required off-street parking for a particular use may be reduced by its proportionate share of any public owned parking lot within 300 feet of street travel.

18.4. REQUIRED OFF-STREET LOADING SPACE. On the same premises with every building structure or part thereof, erected, enlarged or changed in use for that involve the routine receipt or distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for off-street standing, loading, and unloading services in order to avoid undue interference with public use of the streets or

alleys and thus, help relieve traffic congestion. Accessory off-street loading spaces shall be not less than 12 feet in width, 25 feet in length, and 14 feet in height, whether open or enclosed.

18.5. PRE-EXISTING BUSINESSES AND BUILDINGS. The requirements of Section 18.3 may be waived by the Planning Commission, as follows:

- A. **Application Required.** An applicant for site plan approval may append to the application a request for a waiver of the parking requirements of Section 18.3 only for buildings and businesses in existence as of January 1, 2003 located within the B-2 District. New buildings and businesses proposed within the B-2 District after January 1, 2003 shall comply with the provisions of Section 18.3.
- B. **Alternative Parking Arrangements and Substantial Compliance.** The applicant shall demonstrate the extent to which the requirements of Section 18.3 can be met in the proposed site plan and the reasons that full compliance cannot be achieved.
- C. **Review and Approval.** The Planning Commission shall review each request for a waiver under this section, and may approve such waiver if it finds:
 - 1) Adequate alternative parking arrangements are available to serve the proposed use or business.
 - 2) The waiver of the parking requirements of Section 18.3 shall not result in significant conflicts in land uses in the vicinity.
 - 3) The requested waiver shall not act to provide a competitive advantage to the applicant when compared to similar businesses within the B-2 District.

CHAPTER 19

SIGNS

19.1. INTENT AND PURPOSE. It is necessary to regulate the location, size, placement, and certain features of signs in the Village of Vermontville to enable the public to locate goods, services, and facilities without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein. Accordingly, it is the intention of this chapter to establish regulations governing the display of signs which will:

- A. Promote and protect the public health, safety, comfort, morals and convenience.
- B. Enhance the economy and the business and industry of the Village by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public.
- C. Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision.
- D. Reduce conflict among signs and light and between public and private environmental information systems.
- E. Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

19.2. ALL ZONING DISTRICTS, PROHIBITED SIGNS. The following signs shall not be allowed in any district:

- A. Signs which are obsolete, that do not relate to existing business, products or services provided or produced on site.
- B. Signs which are illegal under state laws or regulations and applicable local ordinance or regulations.
- C. Signs that are not clean and in good repair.
- D. Signs not securely affixed to a supporting structure.
- E. Signs that are not official traffic signs which appear to or attempt to regulate, warn or direct the movement of traffic which interfere with or resemble any official traffic sign, signal or device.
- F. Signs which are not consistent with the standards in this ordinance or provided in Sections 19.8 through 19.10.
- G. Signs, except official traffic signs, located in, projecting into or overhanging within a public right-of-way or dedicated public easement unless with the express

permission of the governmental agency having jurisdiction over such right-of-way or easement.

- H. Signs that project above the maximum height limitation of the use district in which it is located or signs which project above the height of the principal structure on the property.
- I. Signs in excess of 20 feet in height which are supported by their own device.

19.3. ALL ZONING DISTRICTS, SIGNS FOR ACCESSORY USES. Signs advertising accessory uses as regulated by Section 8.3 of this Zoning Ordinance, shall meet all requirements of this section.

19.4. RESIDENTIAL DISTRICTS. In the RA, RS-1, RS-2, RM and MFR Districts the following signs shall be permitted.

- A. One non-illuminated two-sided sign advertising the sale or lease of the lot or building not exceeding six square feet in area on any one lot.
- B. One two-sided sign announcing a home occupation or professional service not to exceed four square feet in area and being placed no closer to the street or highway line than 15 feet.
- C. One one-sided permanent sign advertising a recorded subdivision or development not to exceed 24 square feet of sign area and placed no closer to any street line than 15 feet. Such sign and supporting structure shall not encompass a total area greater than 48 square feet or have a height greater than six feet as measured from the ground up. Such sign may be illuminated provided the total wattage of all sources of illumination does not exceed 100 watts and all light sources and adjacent reflecting services are shielded from view from adjacent properties.
- D. One semi-permanent, non-illuminated plat sign illustrating the plat, which may indicate such information as lots sold, etc., not to exceed 32 square feet in sign area or placed closer than 15 feet to any street line. Such sign and supporting structure shall not encompass a total area greater than 48 square feet of area. Such sign may be placed in the plat or off site in close proximity to the plat, provided that any such sign located off site shall first be approved by the Planning Commission.
- E. Signs containing words such as "NO HUNTING," "NO TRESPASSING," "BEWARE OF DOG," or similar expressions, with a surface area of not more than two square feet.
- F. Required for traffic or parking control in planned developments.
- G. Name plates and numbers identifying the occupant and locations of dwelling units, not to exceed two square feet in area.
- H. Historical markers and public notice signs placed by public agencies.

- I. Political signs with a maximum sign area of eight square feet. Such signs will be allowed two months prior to an election and must be removed immediately following said election.
- J. One construction sign identifying a building project including the names of the developer and the various professionals and contractors involved. Such sign shall be allowed only during the time in which the development is actually under construction, shall not exceed 32 square feet in sign area, be placed closer than 15 feet to any street line or located in a side yard setback extended to the street line. Such sign shall require approval as part of the building permit for the construction.

19.5. GROUP HOUSING AND INSTITUTIONAL DEVELOPMENT. In all districts where allowed by the Village Zoning Ordinance, one sign may be attached flat against a building wall, a freestanding wall or otherwise be made part of the entrance treatment to an apartment or mobile home park, nursing home, camp, church, school and similar development. Such sign shall not exceed 24 square feet in sign area and such signs may be illuminated but all light sources and immediately adjacent reflecting surfaces shall be shielded from view off the site.

19.6. COMMERCIAL DISTRICTS. In the B-1 and B-2 Districts, signs shall meet the following conditions:

- A. All signs permitted in the RA, RS-1, RS-2, RM and MFR District shall be permitted in the B-1 and B-2 Districts, subject to the same standards and limitations required for those districts as set forth in Section 19.4 of this chapter.
- B. Permanent freestanding signs shall meet the following requirements:
 - 1) Total sign area shall not exceed 32 square feet per sign face or if more than two faces, a total of 64 square feet of sign area, indicating the location of a business physically located in the Village.
 - 2) All such signs shall not be located within the road right-of-way or road easement and shall not be located so as to obstruct visibility for pedestrians or motorists. Signs shall not be located in a side yard setback extended to the street line.
 - 3) For signage purposes, buildings housing multiple business shall be treated as a single land use.
- C. Directional entrance signs used to identify driveways and traffic flow shall be limited to one per driveway and shall not exceed four square feet per sign face and eight square feet in total sign area.
- D. Signs made of paper, cardboard or similar degradable material will not be permitted on the exterior walls other than a real estate sign not to exceed 16 square feet in area limited to signs advertising the sale or rental of the premises on which the same is located.

- 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 100 square feet. Coordinated wall covering signs and “super graphics” not indicating an advertising message are not considered part of the wall signage. *[Revised 12-7-06/revision F]*
- F. Temporary signs, banners and flags shall be allowed under the following conditions:
 - 1) Temporary signs may be in use for one period not to exceed 90 days in any 365 period.
 - 2) Flags, pennants and banners may be in continuous use for a period not to exceed 30 days in any 120-day period.
 - 3) All temporary signs shall be securely affixed to permanent structures on the site and shall be located in accordance with the terms of this section.
 - 4) The total sign area of signage including temporary signs, flags, pennants, banners and permanent signs shall not exceed the size and area requirements of Section 19.6.B. and E.
 - 5) Such signs must be kept in good repair.
- G. All plans for construction and design of signs shall be submitted to the Zoning Administrator and be approved as part of the land use permit.

19.7. INDUSTRIAL DISTRICT. In the Industrial District (D-1), signs shall be permitted and/or meet the following conditions:

- A. All signs permitted in RA, RS-1, RS-2, RM and MFR District shall be permitted in the D-1 District, subject to the same standards and limitations required for those districts as set forth in Section 19.4 of this chapter.
- B. Not more than one permanent freestanding sign or one wall sign per parcel or lot shall be permitted, subject to the following limitations:
 - 1) Total sign area shall not exceed 32 square feet per sign face or if more than two faces, a total of 64 square feet of sign area, indicating the location of a business physically located in the Village.
 - 2) All such signs shall not be located within the road right-of-way or road easement and shall not be located so as to obstruct visibility for pedestrians or motorists. Signs shall not be located in a side yard setback extended to the street line.
 - 3) For signage purposes, buildings housing multiple business shall be treated as a single land use.

- C. One, one-sided permanent sign advertising a recorded industrial park, subdivision or development shall be permitted. Such sign shall not exceed 50 square feet in sign area and shall be placed no closer to any street line than 15 feet. Such sign and supporting structure shall not encompass a total area greater than 100 square feet or have a height greater than six feet as measured from the ground up. Such sign may be illuminated provided the total wattage of all sources of illumination does not exceed 100 watts and all light sources and adjacent reflecting services are shielded from view from adjacent properties.
- D. Directional entrance signs used to identify driveways and traffic flow shall be limited to two per driveway and shall not exceed four square feet in sign area per sign face and eight square feet in total sign face.
- E. Signs made of paper, cardboard or similar degradable material will not be permitted on the exterior walls than a real estate sign not to exceed 16 square feet in area limited to signs advertising the sale or rental of the premises on which the same is located.
- 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 100 square feet. Coordinated wall covering colors and “super graphics” not indicating an advertising message are not considered part of wall signage. *[Revised 12-7-06/revision F]*
- G. All plans for construction and design of signs shall be submitted to the Zoning Administrator and be approved as part of the land use permit.

19.8. ILLUMINATION. Illuminated signs shall be permitted in the B-1, B-2 and D-1 Districts as follows:

- A. All illumination of signs and any other outdoor features shall not be of a flashing, moving, or intermittent type.
- B. Illumination of signs shall be directed or shielded so as not to interfere with adjacent highways or adjacent property.

19.9. CONTINUATION OF NON-CONFORMITIES. Nonconforming signs may be continued and shall be maintained in good condition, but shall not be:

- A. Expanded or altered so as to increase the degree of nonconformity of the sign;
- B. Re-established after its discontinuance for 275 days;
- C. Continued in use after cessation or change of the business or activity to which the sign pertains; or

- D. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty percent (50%) of the estimated replacement cost, as determined by the Zoning Administrator.

19.10. ERECTION OF NEW SIGNS WHERE LEGAL NONCONFORMING SIGNS EXIST. On lots where an existing on-premises sign exceeds the sign area allowed by this section, and in that respect is a legal nonconforming sign, no new on-premises sign, either freestanding or attached to a building, shall be erected until such existing legal nonconforming on-premises sign is brought into compliance with this section. When a use or parcel is subject to site plan review pursuant to Chapter 21 or an amendment to an existing site plan per Chapter 21 is required, all signs and sign structures shall be brought into compliance with this Chapter 19, within three years of the site plan approval date.

19.11. BILLBOARDS. Refer to Section 20.16.

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. ACTIONS 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. *[Revised 7-13-06/revision E]*
- 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 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than five and not more than 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. *[Repealed 7-13-06/Revision E "thru"]*
- 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 cannot 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 wellbeing 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. *[Revised 12-7-06/revision F]*

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 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 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 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 6.2.A.1) 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. *[Amended by Ord. No. 21-02]*
 - B. **Regulations and Conditions.**
 - 1) On parcels of up to five 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 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 commercial vehicle is permitted in an accessory building.

20.12. ADULT BUSINESS.

- A. **Definitions.** See definitions for sexually oriented businesses, Section 6.1.94).
- 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 organization, 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 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.”
- C. 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.
- D. Hours of operation shall be limited to 8:00 A.M. to 11:00 P.M., Mondays through Saturdays.

- E. 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.
- F. 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.
- G. 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 25 watts, and
 - 5) Have no holes or openings, other than doorways, in any side or rear walls.
- H. **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 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 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 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.

- I. **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 set back 100 feet from all property lines and the road right-of-way.
 - 2) No storage of manure or dust producing material within 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, biohazard 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 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 AND 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 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 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 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 100 square feet.
- 6) The height of a billboard shall not exceed 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 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 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 feet in height or evergreen screening, not less than eight feet in height.
[Revised 12-7-06/revision F]
 - 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 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. *[Revised 12-7-06/revision F]*
 - 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.

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 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 feet, nor more than 16 feet in height. *[Revised 12-7-06/revision F]*
 - 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.

20.22A 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. *[Revised 12-7-06/revision F]*

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 four weeks during a calendar year.
- B. **Regulations and Conditions.** Day care facilities serving seven to 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 six-foot high privacy fence along the area adjoining another residence, and a minimum four-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 seven 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 four weeks during a calendar year.
- B. **Regulations and Conditions.** Day care facilities serving 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 six-foot high privacy fence along the area adjoining another residence, and a minimum four-foot high fence in the remaining area devoted to the day care area.
 - 3) Any dumpsters on site shall be enclosed on four 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 seven or more people.
- c) A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.
- 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. DRY CLEANING ESTABLISHMENT.

- A. **Definition.** A commercial establishment providing cleaning and dry cleaning services on-site for businesses and residents.
- B. **Regulations and Conditions.** 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 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. *[Section 20.24 amended by Ord. No. 2013-11]*

20.26. 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 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. *[Section 20.26 amended by Ord. No. 2013-11]*

20.27. DWELLING, SINGLE FAMILY DETACHED.

- A. **Definition.** A detached building or structure designed for the occupancy of one 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 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 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 five 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 five 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 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 2,000 square feet for each occupant, provided, however, that no lot shall contain less than 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 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 feet shall be graded to angles which do not exceed one foot in elevation for each three 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 25 feet of any property line or road right-of-way and no machinery will be erected or maintained within 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 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 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 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 years. Those permits granted for a period exceeding one year shall be inspected a minimum of once a year by the Zoning Administrator to insure compliance with the permit and ordinance. *[Amended by Ord. No. 21-02]*
- 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:
- 11) Modification of the plan is necessary so that it will conform with the existing laws.

- 12) It is found that the previously approved plan is clearly impractical to implement and maintain.
- 13) The approved plan is obviously not accomplishing the intent of the ordinance.

20.31A HALF-WAY HOUSE.

- C. **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.
- D. **Regulations and Conditions.** Half-way houses shall be subject to the general approval standards of Section 20.4. *[Revised 12-7-06/revision F]*

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 displays after business hours shall be located on not be less than one-half acres. *[Amended by Ord. No. 09-07]*
 - 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 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 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 contiguous acre shall be required for the first horse, and one-half of an acre shall be required for each additional horse.
- 3) Horses shall be kept in fenced enclosures located no closer than 50 feet from all property lines and road rights-of-way.
- 4) No horse shall be kept closer than 100 feet to any water well. *[Amended by Ord. No. 21-02]*
- 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 feet in height and not higher than six 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 effects of dust emission to surrounding properties. *[Amended by Ord. No. 21-02]*

- 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, biohazard 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, biohazard 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 acre of land, 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 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 ESTABLISHMENT.

- A. **Definitions.** A commercial establishment providing laundry services on-site for businesses and residents and includes self-service laundromats.
- B. **Regulations and Conditions.** Laundry 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) A landscaped buffer not less than 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.
 - 3) All parking areas and driveways shall be provided with a dust-free surface.
 - 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. *[Amended by Ord. No. 2013-11]*

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 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 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 50 or more.
- 2) **Small Places of Public Assemble.** A place of public assembly shall be considered a small facility if it has either less than 5,000 square feet in gross floor area or total seating capacity of no more than 300 in the largest room intended for public assembly.
- 3) **Large Places of Public Assemble.** A place of public assembly shall be considered a large facility if it has either 5,000 square feet or more in gross floor area, total seating capacity of more than 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 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 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 use s 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 32 square feet and are operated for more than six weeks in any 12-month period shall be subject to the following requirements:
 - 1) The total floor area of the roadside stand shall not exceed 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 sign with a combined surface area of 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 feet in height.
 - 2) Minimum road frontage of 150 feet shall be required.
 - 3) Minimum lot area shall be increased 500 square feet for each fuel pump unit in excess of four, and 1,000 square feet for each service bay in excess of two, and 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 50 feet from any lot line and 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 eight 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 100 feet.
 - 2) Any outdoor vehicle storage or sales area which adjoins a residential property shall be enclosed with a six-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 24 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 feet nor more than 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.

20.48. ADAPTIVE REUSE OF EXISTING BUILDINGS IN PI DISTRICT.

- A. **Purpose.** The purpose of this section is to permit the development of a new use for a building in the PI Public/Institutional District originally designed for a special use or purpose, to promote the continued maintenance of a building with historical, cultural or local significance.
- B. **Regulations and Conditions.** The adaptive reuse of a building shall be subject to the following requirements:
 - 1) The building shall be located in the PI Public/Institutional Use District.
 - 2) The use proposed must be of a type allowed for an adaptive reuse in Chapter 15A of this ordinance.
 - 3) The building shall have been constructed prior to 1950 and shall be determined by the Planning Commission to have historical, cultural, architectural or local significance. Buildings constructed prior to 1900 shall be presumed to satisfy this requirement.
 - 4) The architectural features of the exterior of the building shall be preserved, restored or promoted with respect to scale, facade, rooflines, windows, doors, materials, steeples, and other notable architectural features.
 - 5) Additions or renovations may be permitted by the Planning Commission upon determination that the proposed addition or renovation is reasonably

necessary and convenient to the adaptive reuse proposed, that it preserves the appearance of the facade of the building, and is compatible with the existing building in terms of scale, materials, windows, rooflines and other architectural features.

- 6) Any adaptive reuse shall comply with any conditions specified in this chapter or ordinance specifically for that type of use, unless the Planning Commission determines that waiver or modification of such specific requirements would promote the purpose of the preservation of the buildings and the promotion of their adaptive reuse.
- 7) All activities, except outdoor dining if approved, shall be conducted indoors. Occasional special outdoor events of two days or less up to four times a year may be approved by the Zoning Administrator. *[Section 20.48 added by Ord. No. 2018-06]*

CHAPTER 21 SITE PLAN STANDARDS

21.1. DESCRIPTION AND PURPOSE. It is the purpose of this chapter to require site development plan review and approval for buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development. The regulations contained in this chapter are intended to promote:

- A. Safe and convenient traffic movement, both within a site and in relation to access streets;
- B. Harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites;
- C. Conservation of natural amenities and resources; and
- D. Compliance with the provisions of this ordinance and all other applicable Village, state, and federal laws.

21.2. IMPROVEMENTS WHICH REQUIRE SITE PLAN APPROVAL. Prior to the establishment of any new use, addition to an existing use, or the erection of any structure in any zoning district, a site plan shall be reviewed and approved by the Planning Commission, subject to the following conditions.

- A. **Site Plan Review Required.** Site plan review is required for all principal uses and structures permitted in all zoning districts (except individual single-family and two-family dwellings erected on a single lot or parcel and their accessory structures, if the footprint of said structure is less than that of the principal structure) and all special land uses.
- B. **Conformance to Ordinance Requirements.** All site plans shall conform to the requirements of the Zoning Ordinance.
- C. **Land Clearing.** No person shall undertake any activity such as grading, clearing, cutting and filling, excavating, or tree removal in preparation for a use or structure which requires site plan review and approval until the proposed use or structure is authorized by a land use permit.

21.3. DATA REQUIRED FOR SITE PLANS.

- A. **Planning Commission Review.** Site plan review by the Planning Commission is required for the development of all principal uses and structures permitted in all zoning districts (except individual single-family and two-family dwellings erected on a single lot or parcel and their accessory structures, if the footprint of said structure is less than that of the principal structure) and all special land uses. In considering a proposed site plan, the Planning Commission may seek the advice of the Zoning Administrator as well as professional advice from engineers, community planners or others as needed. Every application for a site development

plan approval shall contain plans that locate the development site and graphically demonstrate existing and proposed natural, man-made and legal features on and near the site in question. Site plans shall show the following information:

- 1) Geographic location.
- 2) Name, address and phone number of the applicant and property owner.
- 3) Name of development (if any).
- 4) North arrow.
- 5) Legend.
- 6) **Location.** A location map that shows the location of the project in the broad context of the Village.
- 7) **Scale.** Development site plans shall be drawn to a readable scale, such that all features required to be shown on the plans are readily discernible. The Zoning Administrator shall make the final determination whether the plans submitted are drawn to the appropriate scale.
- 8) **Existing Natural, Man-Made, and Legal Features.** Site development plans shall show all existing natural, man-made, and legal features on the lot where the development is to take place, including but not limited to those listed below. In addition, the zoning of adjacent properties shall all be specified.
 - a) Existing natural features shall include:
 - i) Tree line of wooded areas.
 - ii) Individual trees 12 inches in diameter or more, identified by common or scientific name.
 - iii) Streams, ponds, drainage ditches, swamps, boundaries of floodways, and floodplains.
 - iv) If more than five acres of land are to be developed, base flood elevation data.
 - v) Contour lines (shown as dotted lines) with no greater than two-foot contour intervals.
 - b) Existing manmade features:
 - i) Vehicle accommodation areas (including parking areas, loading areas, and circulation areas, all designated by surface

material and showing the layout of existing parking spaces and direction of travel lanes, aisles, or driveways.

- ii) Streets, private roads, sidewalks, and other walkways, all designated by surface material.
- iii) Curbs and gutters, curb inlets and curb cuts, and drainage grates.
- iv) Other stormwater or drainage facilities, including manholes, pipes, and drainage ditches, including sizes and materials.
- v) Underground utility lines (sizes and materials), including water, sewer, electric power, telephone, gas, and cable television.
- vi) Above ground utility lines and other utility facilities.
- vii) Fire hydrants.
- viii) Buildings, structures, and signs.
- ix) Location of exterior light fixtures.
- x) Location of dumpsters.
- c) Existing legal features:
 - i) The zoning of the property, including zoning district lines where applicable.
 - ii) Property lines (with dimensions identified).
 - iii) Street right-of-way lines.
 - iv) Utility or other easement lines.
- 9) Proposed changes in existing features or new features. Site plans shall also show proposed new legal features (especially new property lines, street right-of-way lines, and utility and other easements), as well as proposed man-made features, including, but not limited to, the following:
 - a) Lot dimensions, including lot widths.
 - b) The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets, or street right-of-way lines.

- c) Building elevations for typical units of new buildings or exterior remodeling of existing buildings, showing exterior building materials, building heights, and proposed wall sign or window sign area.
- d) Areas intended to remain as usable open space. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.
- e) Streets and street name showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths. Public roads in subdivisions shall also be shown and clearly labeled as such.
- f) Curbs and gutters, curb inlets and curb cuts, and drainage grates.
- g) Other stormwater or drainage facilities (proposed sizes and materials), including manholes, pipes, drainage ditches, retention ponds, etc.
- h) Sidewalks and walkways, showing widths and surface material.
- i) Outdoor illumination with lighting fixtures sufficiently identified to demonstrate orientation and extent of illumination.
- j) Underground utility lines (proposed sizes and materials), including water, sewer, electric power, telephone, gas, and cable television. Water and sewer pipeline sizes shall be labeled.
- k) Above ground utility lines.
- l) Fire hydrants.
- m) Dumpsters and dumpster pads and enclosures.
- n) Proposed contour lines resulting from earth movement (shown as solid lines) at no greater than two-foot contour intervals (existing lines should be shown as dotted lines).
- o) Scale drawings of all signs requiring permits pursuant to the provisions of Chapter 19 of this ordinance, together with an indication of the location and dimensions of all such signs.
- p) Vehicle accommodation areas (including parking areas, handicapped parking areas, loading areas, and circulation areas), all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel lanes, aisles, and driveways.

- q) Proposed landscaping or construction of other devices to comply with the screening and buffering requirements of this ordinance. Plans shall label shrubbery by common or scientific name, show the distance between plants, and indicate the height at the time of planting and expected mature height and width. Plans shall label trees by common or scientific name, and show the circles of the mature crowns.
- 10) Documents and written information in addition to plans. In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested:
- a) Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.
 - b) Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development and that all necessary easements have been provided.
 - c) Legal documentation establishing property owner associations or other legal entities responsible for control over required common areas and facilities.
 - d) Bonds, letters of credit, or other surety devices.
 - e) Time schedules for the completion of phases in the occurrence of a staged development.
 - f) Calculations for drainage and stormwater design detention/retention.

21.4. STANDARDS FOR GRANTING SITE PLAN APPROVAL. Each site plan shall conform to the applicable provisions of this ordinance and the standards listed below:

- A. **Arrangement of Structure.** Site plans shall demonstrate that buildings, parking areas, signs, walls, fences, and the like are designed to minimize adverse effects on development users and the occupants of adjacent properties. *[Amended by Ord. No. 21-02]*
- B. **Natural Features.** Site plans shall demonstrate that as many natural features as possible have been retained, particularly where such features provide a buffer between adjoining properties or assist in preserving the general appearance of the neighborhood or help control soil erosion or stormwater.

- C. **Vehicular and Pedestrian Traffic.** Site plans shall fully conform to the driveway and traffic standards of the Michigan Department of Transportation and the Eaton County Road Commission. Further, the site plan shall demonstrate that there is proper relationship between existing and proposed roadways, parking areas, and that the safety and convenience of pedestrian and vehicular traffic has been assured.
- D. **Public Safety.** Site plans shall fully conform to the applicable fire safety and emergency vehicle access requirements of the Eaton County Construction Code.
- E. **Drainage.** Site plans shall fully conform to the Eaton County Drain Commission standards.
- F. **Erosion.** Site plans shall fully conform to the Eaton County Soil Erosion and Sedimentation Control Ordinance.
- G. **Hazardous Waste Management.** Site plans shall demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment.
- H. **Public Health.** Site plans shall fully conform to the requirements of the Michigan Department of Public Health and the Eaton County Health Department.
- I. **Statutory Compliance.** Site plans shall fully conform to all applicable state and federal statutes.
- J. **Conformance with Village Master Plan.** Site plans shall fully conform to the land use policies, goals and objectives of the Village of Vermontville Master Plan.

21.5. ACTION ON SITE PLANS.

- A. **Submission of Site Plan for Planning Commission Review.** The applicant shall provide to the Zoning Administrator two copies of the proposed site plan rendered on 24"x36" paper and 10 copies of the proposed site plan rendered on 11"x17" paper. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the site plan is complete, the Zoning Administrator shall place the site plan on the Planning Commission's agenda.
- B. **Action.** The Planning Commission shall disapprove, approve, or approve with conditions the site plan. The Planning Commission may impose conditions in addition to the specific requirements of this ordinance. Conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, 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. Any conditions required by the Planning Commission, together with the reasons for those conditions, shall be provided in writing to the applicant.

- C. **Approval of Site Plans.** A site plan shall be approved if it contains the information required by and is in compliance with the Zoning Ordinance, the conditions imposed pursuant to the ordinance, and other Village planning documents.
- D. **Approved Site Plans.** Two copies of the approved site plan, including any written conditions, shall be maintained by the Zoning Administrator for future review and enforcement activities. One copy shall be returned to the applicant. If any variance was granted by the Zoning Board of Appeals, written evidence of the variances(s) shall be filed with the site plan and a copy provided to the applicant.
- E. **Site Plan Approval for Special Land Uses.** The approval of site plans reviewed in conjunction with a special land use application may occur coincident with or subsequent to the approval of the special land use.
- F. **Appeals.** No decision or condition related to a site plan approval shall be taken to the Zoning Board of Appeals.

21.6. PERFORMANCE GUARANTEES. To ensure compliance with the Zoning Ordinance requirements and any conditions imposed thereunder, the Planning Commission may require the deposit of a performance guarantee.

- A. A performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in the amount of the estimated cost of the approved site improvements. The Village shall have the right to determine the form of the performance guarantee.
- B. **Deposit.** The performance guarantee shall be deposited with the Village prior to the issuance of a land use permit. Upon receipt of the performance guarantee, the Village shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account.
- C. **Return.** Upon satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Village shall return to the applicant the performance guarantee deposited and any accrued interest.
- D. **Completion of Improvements.** In the event the applicant fails to make the improvements for which the performance guarantee was required within the time period established by the Village, the Village shall have the right to use the performance guarantee and any accrued interest to complete the improvements. If the performance guarantee is not sufficient to allow the Village to complete the improvements for which it was posted, the applicant shall be required to pay the Village the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Village use all or a portion of the performance guarantee to complete the required improvements, any amounts remaining after the improvements are made shall be applied first to cover the Village's administrative costs related to the completion of the improvements, with the balance being returned to the applicant.

- E. **Performance Guarantees Required by Other Agencies.** If the applicant has been required to post a performance guarantee with another governmental agency other than the Village to ensure the completion of an improvement associated with the approved site plan, the applicant shall not be required to deposit with the Village a performance guarantee for that specific improvement.
- F. **Performance Guarantee Agreement.** At the time the performance guarantee is deposited with the Village and prior to the issuance of a land use permit, the applicant and Village shall enter into an agreement incorporating the provisions of this section.

21.7. VALIDITY AND REVOCATION OF SITE PLAN APPROVAL.

- A. **Validity of Approval.** An approved site plan shall be valid for a period of 12 months from the date of Planning Commission approval. If construction has not commenced and proceeded meaningfully toward completion by the end of this 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.
- B. **Revocation.** The Planning Commission shall have the authority to revoke site plan approval following a hearing if construction of the approved improvements does not proceed in conformance with the approved site plan. Upon discovery of a violation, the Zoning Administrator may issue a stop work order and a notice to appear for a hearing before the Planning Commission. Notice of the hearing date shall be provided to the applicant no less than 10 days prior to the date of the meeting.

21.8. SITE PLAN AMENDMENTS.

- A. **Approval Required.** Site plan amendments shall be reviewed and approved in the same manner as the original submittal and require the mutual consent of the property owner and the approving body or person. Minor site plan amendments, as defined in Section 21.8.B., may be approved by the Zoning Administrator. *[Amended by Ord. No. 21-02]*
- B. **Minor Site Plan Amendments.** Minor site plan amendments shall be limited to the following site plan changes:
 - 1) Moving walls within the confines of the approved building footprint because of a natural impediment such as soil conditions or subsurface geology.
 - 2) Moving the ingress and egress drive a distance up to 100 feet, if required by the Eaton County Road Commission, the Michigan Department of Transportation or the Village of Vermontville Department of Public Works.

- 3) Substituting a landscape material provided a nurseryman or landscape architect certifies that the substituted species is of a similar nature and quality.
- 4) Changing the location and/or design of exterior light fixtures provided that there will be no change in the intensity of site lighting and the location conforms to the requirements of this ordinance.
- 5) Changing the dimensions or location of approved signage provided that the sign conforms to the requirements of this ordinance.
- 6) Altering the location of an accessory structure that is less than 100 square feet in area provided that the location does not encroach on any approved parking, loading, or landscape areas and otherwise conforms to the requirements of this ordinance.
- 7) Changing the height and/or material of fencing provided that the height conforms to the requirements of the ordinance and that any substituted material is similar in character and quality.

C. **Approval Required.** A site plan amendment shall be approved if the Planning Commission finds that the change will not adversely affect the initial reasons for granting approval.

21.9. DRAWINGS OF RECORD. Upon completion of required improvements, the applicant shall submit drawings of record, certified by a surveyor or engineer, to the Zoning Administrator. All submitted drawings of record shall be on a mylar sheet of at least 18 inches by 24 inches. In the case of a condominium subdivision, the applicant shall provide two copies of the recorded master deed and any exhibits.

CHAPTER 22 NONCONFORMING USES

- 22.1. DESCRIPTION AND PURPOSE.** Nonconformities are lots, structures, and uses that do not conform to one or more of the requirements of this chapter, or a subsequent amendment, which were lawfully established prior to the effective date of adoption of this chapter. The purpose of this article is to specify the conditions under which a nonconformity is permitted to continue to exist, as well as the conditions, which under a nonconformity must be discontinued.

A nonconformity shall not be permitted to continue to exist if it was unlawful at the time of establishment. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises, or additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district.

Nothing in this chapter shall be deemed to require a change of plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which construction has been diligently conducted. Actual construction shall include the placing and attaching of construction materials in a permanent position.

- 22.2. NONCONFORMING LOTS.** A principal building and customary accessory buildings may be erected on a nonconforming lot provided that all zoning requirements are met. If the variation of a setback or other zoning restriction is required in order to erect a structure on a nonconforming lot, then such structure shall only be permitted if a variance is granted by the Zoning Board of Appeals.

- 22.3. NONCONFORMING STRUCTURES.** A nonconforming structure may be continued provided it remains otherwise lawful. A nonconforming structure shall not be enlarged or altered in any way, which increases its nonconformity. If a nonconforming structure is moved it shall thereafter conform to the regulations for the district in which it is located after it is moved.

22.4. NONCONFORMING USES.

- A. Nonconforming Uses in General.** Except as provided for nonconforming single-family residential uses, a nonconforming use may be continued provided it remains otherwise lawful.

- 1) A nonconforming use shall not be enlarged or moved, in whole or in part, to any other portion of the lot or parcel that was not occupied by the use at the time the use became nonconforming. However, a nonconforming use may be extended throughout any part of a building, which was designed for such use, and which existed at the time the use became nonconforming.

- 2) A structure occupied by a nonconforming use shall not be structurally altered in any manner or moved except in connection with a change to a use permitted in the district in which it is located.

B. Nonconforming Residential Uses. A nonconforming residential use may be expanded or enlarged as follows:

- 1) The principle building may be enlarged by a maximum of twenty percent (20%) of the total square footage, which existed when the use became nonconforming, provided that all applicable yard and other zoning restrictions are met.
- 2) An accessory building may be constructed in accordance with the applicable provisions of this Chapter 8.

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 six months, or more, then any subsequent use of the property shall conform to the requirements of this Article 2, Zoning Ordinance. When determining the intent of the property owner to abandon a nonconforming use, the Zoning Administrator shall consider such factors as the following:

- 1) Whether the property, buildings and grounds have fallen into disrepair.
- 2) Whether signs or other indications of the existence of the nonconforming use have been removed.
- 3) Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
- 4) Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use.

D. Substitution of Uses. A nonconforming use may be changed to another nonconforming use upon approval of the Planning Commission subject to the following conditions:

- 1) No structural alterations are required to accommodate the new nonconforming use and the proposed use is equally or more appropriate in the district than the existing use. In approving such a request, the Planning Commission may require appropriate conditions in accordance with the purposes and intent of this chapter.
- 2) Once a nonconforming use is changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.

- 3) When a nonconforming use is replaced by a permitted use, it shall thereafter conform to the regulations of the district in which the use is located and the nonconforming use may not thereafter be resumed.

22.5. GENERAL CONDITIONS. The following general conditions apply to all nonconforming lots, nonconforming structures, and nonconforming uses.

- A. **Change of Tenancy or Ownership.** The tenancy or ownership of a nonconformity may be transferred or changed. However, in the case of a nonconforming use, there shall be no change in the nature or character of such nonconformity, except as permitted by this chapter.
- B. **Maintenance and Repairs.** Normal maintenance and incidental repairs, including repair or replacement of non-bearing walls, fixtures, wiring or plumbing, may be performed on any nonconforming structure or structure containing a nonconforming use.

A nonconforming structure or structure that contains a nonconforming use which is unsafe or unlawful due to a lack of repairs or maintenance, as determined by the Zoning Administrator or building official, may be restored to a safe condition. Where enlargement or structural alteration is necessary to allow compliance with health and safety laws, the cost of such work shall not exceed forty percent (40%) of the replacement cost of the existing structure as determined by the Village Assessor.

- 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. Restoration on said property must be started within two years of destruction. An extension could be applied for at the Village Office. The right to use as nonconforming expires if property is sold before application to rebuild is applied for. *[Revised 12-7-06/revision F] [Amended by Ord. No. 10-001]*

CHAPTER 23 ZONING BOARD OF APPEALS

23.1. PURPOSE. To ensure that the objectives of this ordinance are fully and equitably achieved, that a means is provided for competent interpretation of this ordinance; that flexibility be provided for in the strict interpretation of this ordinance; and, that the spirit of the ordinance be observed, public safety secured, and substantial justice done.

23.2. CREATION AND MEMBERSHIP.

- A. **Creation of Board.** A Zoning Board of Appeals is hereby created, which shall perform its duties and exercise its powers in accordance with City and Village Zoning Act (Public Act 207 of 1921, as amended).
- B. **Number of Members, Appointment.** The board shall consist of five members, all appointed by the Village Council. Appointments shall be in accord with Section 5 of Act 207 of 1921, as amended. Two members shall be appointed, one each from the membership of the Village Council and the Village Planning Commission. The Council member so appointed shall not be a member of the Planning Commission. The Village Council member of the Zoning Board of Appeals shall not serve as Chairperson. Each member of the Board of Appeals shall be a resident of the Village of Vermontville and shall be a qualified and registered elector of the Village. Appointed members may be removed for cause by the Village Council only after consideration of written charges. Any appointive vacancies in the Zoning Board of Appeals shall be filled by the Village Council for the remainder of the unexpired term. *[Revised 1-10-09]*
- C. **Alternate Members.** The Village Council may also appoint, in accordance with Act 207 of 1921, as amended, not more than two alternate members for the same term as regular members of the Zoning Board of Appeals. The alternate members may be called on a rotating basis to sit as regular members of the Board of Zoning Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in a case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- D. **Election of Officers.** The Zoning Board of Appeals shall annually elect its own Chairman, Vice-Chairman, and Secretary. The compensation of the appointed members of the Board of Appeals shall be fixed by the Village Council.
- E. The Zoning Board of Appeals member who also serves on the planning commission or as a village council member is prohibited from voting on matters that that person previously voted on in his or her capacity as a planning commission member or as a village council member. *[Revised 1-10-09]*

23.3. MEETING OF ZONING BOARD OF APPEALS. The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties.

- A. **Meetings and Quorum.** Meetings shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals Rules of Procedure shall specify. A majority of the total membership of the Zoning Board of Appeals shall comprise a quorum. The concurring vote of a majority of the members serving on the Zoning Board of Appeals shall be required to take any action; provided, however, that a use variance shall not be granted unless approved by at least a two-thirds vote of the members of the Zoning Board of Appeals. The Zoning Board of Appeals shall not conduct any business unless a quorum is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act, Public Act 267 of 1976. *[Revised 7-13-06/Revision E]*
- B. **Records.** The Zoning Board of Appeals shall maintain a record of its proceedings that shall be filed in the office of the Village Clerk and shall be a public record. The record shall contain the grounds for every determination made by the Zoning Board of Appeals, including all evidence and data considered, all findings of fact and conclusion drawn for each case, and the final rule on each case.
- C. **Witnesses.** The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of any witness in order to ensure a fair and proper hearing.

23.4. POWERS OF ZONING BOARD OF APPEALS. Except as otherwise provided, the Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator or Planning Commission, or other official administering or enforcing the provisions of this ordinance as provided herein. Within this capacity, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination including the following:

- A. **Administrative Review.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, or decision made by the Zoning Administrator or Planning Commission in the administration or enforcement of this ordinance.
- B. **Interpretation of Zoning Ordinance.** The Zoning Board of Appeals shall hear and decide upon the following requests:
 - 1) Interpret the provisions of this ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of this article, the chapter in which the language is contained, and all relevant provisions of this Article 2-Zoning.

- 2) Determine the precise location of the boundary line between zoning districts when there is dissatisfaction with the decision made by the Zoning Administrator.
- 3) Classify a use that is not specifically mentioned with in the use regulations of any zoning district based on a comparable permitted or conditional land use, in accordance with the purpose and intent of each district. If no comparable use is found, the Zoning Board of Appeals shall so declare, the effect being that the use is not permitted until or unless the text of this ordinance is amended to permit it.

C. **Dimensional Variances.** The Zoning Board of Appeals shall have the power to authorize dimensional variances from site development requirements, such as lot area and lot width, building height and bulk regulations, yard width and depth requirements, off-street parking and loading requirements, sign landscape requirements, and other similar requirements of this ordinance.

- 1) **Approval Criteria.** To obtain a dimensional variance, the applicant must demonstrate that compliance with the terms of this article presents practical difficulties by showing:
 - a) That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, of the property involved and that the practical difficulty is not due to the applicant's personal or economic hardship.
 - b) That the need for the variance is not the result of actions of the property owner (self-created) or previous property owners.
 - c) That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome. The potential that a property owner may incur additional costs in complying with this article shall not, in and of itself, make compliance unnecessarily burdensome.
 - d) That the variance will do substantial justice to the applicant as well as to other property owners in the district, or that a lesser application of the standards would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 - e) That the variance will not cause adverse impacts on surrounding property, property values, or the use and enjoyment of property in the neighborhood.

- f) That the variance shall not permit the establishment within a district of any use, which is not permitted by right, or any use for which a special land use permit is required.
 - 2) **Conditions.** The Zoning Board of Appeals may impose conditions upon a dimensional variance approval. The conditions may include those necessary to protect the natural environment and conserve natural resources, to ensure compatibility with adjacent land uses, and to promote the use of land in a socially and economically desirable manner. Conditions imposed upon a dimensional variance approval shall be stated in the record or order and shall remain unchanged except upon application to the Zoning Board of Appeals and the property owner. Similarly, any changes in conditions shall be reflected in the record of order.
 - 3) **Effect of Approval.** The dimensional variance shall expire at the end of 12 months, unless a land use permit authorizing the construction has been obtained and construction has started and proceeds to completion in accordance with the terms of the land use permit.
 - 4) **Recording Requirement.** The Zoning Administrator shall record a copy of the land use permit with the County Register of Deeds.
- D. **Use Variances.** The Zoning Board of Appeals shall have the power to grant use variances to the zoning district use restrictions to the extent provided by the City and Village Zoning Act (Act 207 of 1921, as amended) and applicable Michigan case law. Any petition for a use variance shall be reviewed by the Village Attorney to determine whether, in the opinion of the Village Attorney, statute or case law allows the petition.
- 1) **Approval Criteria.** To obtain a use variance, the applicant must demonstrate that an unnecessary hardship exists by showing:
 - a) That the property as a whole cannot be reasonably used for any of the uses permitted by right or special land use approval in the zoning district in which the property is located.
 - b) That the variance is needed due to unique circumstances peculiar to the property and not general to neighborhood conditions.
 - c) That the need for the variance is not the result of actions of the property owner (self-created) or previous property owners.
 - 2) **Conditions.** The Zoning Board of Appeals may impose conditions upon a use variance approval. The conditions may include those necessary to protect the natural environment and conserve natural resources, to ensure compatibility with adjacent land uses, and to promote the use of land in a socially and economically desirable manner. Conditions imposed upon a use variance approval shall be stated in the record of order and shall remain

unchanged except upon application to the Zoning Board of Appeals and at the mutual agreement of the Zoning Board of Appeals and the property owner. Similarly, any changes in conditions shall be reflected in the record of order.

3) **Effect of Approval.** The use variance shall expire at the end of 12 months, unless a land use permit authorizing the construction has been obtained and construction has started and proceeds to completion in accordance with the terms of the land use permit.

4) **Recording Requirement.** The Zoning Administrator shall record a copy of the land use permit with the County Register of Deeds.

E. **Conditions.** The Zoning Board of Appeals may impose conditions including performance guarantees in connection with any of its decisions, as the Board shall deem to be necessary and/or reasonable to minimize any possible detrimental effects that may arise from its decision and to otherwise promote the purposes of this ordinance.

23.5. PROCEDURE FOR APPEALS TO THE BOARD.

A. **Notice of Appeal.** The following procedures shall be observed in filing of a notice of appeal:

1) Ordinance interpretation and variance requests may be made by any aggrieved persons or by any official of the Village on a form provided for that purpose.

2) The appeal of a ruling of the Planning Commission or Zoning Administrator in the enforcement of this ordinance shall be taken within 21 days of the date of the Zoning Administrator's decision on a form provided for that purpose.

3) Upon receipt of a notice of appeal, the official from whom the appeal is taken shall transmit to the Zoning Board of Appeals all the papers constituting the record upon which the appealed action was taken.

B. **Hearing.** Upon receipt of a request for ordinance interpretation, variance or notice of appeal, the chairperson of the Zoning Board of Appeals shall schedule a reasonable time and date for a public hearing.

C. **Notice of Hearing.** Notice of the public hearing shall be delivered and published in accordance with Section 24.9 of this ordinance. *[Repealed 1-3 on 7-13-06/revision E]*

D. **Power to Subpoena.** The Board shall have the power to subpoena witnesses; administer oaths; compel testimony; and require the production of reports, papers, files and other evidence pertinent to the matters before it.

- E. **Stay of Action.** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed, except by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court on due cause shown.
- F. **Board Decisions.** All such decisions of the Board shall be made at a public meeting by motion and seconded and by toll call vote. The motion shall be in the form of findings of fact and shall state the reasons for the findings by the Board. If the grant of a special exception or variance includes conditions or safeguards, such conditions and safeguards, and the reasons therefore, shall be stated in the motion. The Board shall decide an appeal within a reasonable time.
- G. **Final Record.** The requisite written findings of fact, the conditions attached, and the decisions and orders of the Zoning Board of Appeals in disposing of the appeal, shall be entered into the official record for each case. Such record shall show the reasons for the determination, with a summary of the evidence introduced, and reasons for imposition of any conditions imposed.
- H. **A Variance Runs with the Land.** A variance shall run with the land, except that if no building permit has been obtained within one year of the effective date of the variance, the variance shall become null and void. The Zoning Board of Appeals shall review any subsequent application for a variance on the applicable conditions and circumstances which exist at the time of the subsequent application.

23.6. FINAL DECISIONS AND REHEARING.

- A. **Final Decisions.** Except as provided in this section, a decision of the Zoning Board of Appeals shall be final. The Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
 - 1) The applicant who brought the matter before the Zoning Board of Appeals made misrepresentations concerning a material issue which was relied upon by the Zoning Board of Appeals in making its decision.
 - 2) There has been a material change in circumstances regarding the Zoning Board of Appeals findings of fact that occurred after the hearing.
 - 3) The Village Attorney, by written opinion, states that in the attorney's opinion the Zoning Board of Appeals decision made or procedure used was clearly erroneous.
- B. **Rehearing Procedure.** A rehearing may be requested by an applicant or by the Zoning Administrator or the Zoning Board of Appeals may order a rehearing on its own motion according to the following procedures:

- 1) A request for rehearing which is made by the applicant or the Zoning Administrator must be made within 21 days from the date of approval of the Zoning Board of Appeals minutes regarding the decision for which the rehearing is being requested.
- 2) A request for rehearing which is made by the Zoning Board of Appeals on its own motion or upon request of the Zoning Administrator may be granted at any time as long as the applicant has not been prejudiced by any delay. Whenever the Zoning Board of Appeals considers granting a rehearing on its own motion or upon the request of the Zoning Administrator, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served at least nine days before the time set for the hearing if served by mail, or at least seven days before the time set for the hearing if served by personal service. If the Zoning Board of Appeals grants the rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being heard shall have been satisfied.

C. Appeals from final decisions of the Zoning Board of Appeals shall be to Circuit Court of Eaton County, as provided by law.

23.7. FEES. Fees for appeals to the Zoning Board of Appeals shall be established by Resolution of the Village Council.

CHAPTER 24

ADMINISTRATION AND ENFORCEMENT

- 24.1. ADMINISTRATION.** It shall be the duty of the Zoning Administrator, appointed by, and on such terms determined by the Village Council, to administer this Article 2-Zoning Ordinance and to enforce the provisions contained herein.
- 24.2. LAND USE PERMITS AND PLOT PLANS.** The Village of Vermontville Planning Commission is responsible for approving land use permits as set forth in this ordinance. A Zoning Administrator may be empowered to issue permits for conforming land uses, act as inspector to determine compliance with this article, maintain regular office hours, keep a file record of all permits, and prepare summary reports for the Village Council and Planning Commission at reasonable times or when requested. No land use permit will be issued until a plot plan is presented and approved. No construction or authorized use shall commence until the Zoning Administrator issues a land use permit.
- A. It shall be unlawful to change the type of use of land, or to change the type of use, or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use until the Zoning Administrator has issued a land use permit.
 - B. All land use permit applications shall be made in writing to the Zoning Administrator on forms provided for that purpose. A record of all such applications shall be kept on file by the Zoning Administrator. Any land use permit issued under the provisions of this article shall be valid only for a period of one year following the date of issuance thereof and shall be posted during said time on any existing building or lot and in such a manner as to be visible from the highway for inspection.
 - C. When the Zoning Administrator receives an application for a land use permit which requires action by the Zoning Board of Appeals or Planning Commission, such application, along with all supporting information, shall be conveyed by the Zoning Administrator to the Zoning Board of Appeals or the Planning Commission.
 - D. If any application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval and deliver a copy to the applicant.
 - E. The Zoning Administrator may prior to or after issuance of a land use permit require:
 - 1) Applicant to provide proof of ownership, including an abstract, deed or title insurance commitment or a title history search.
 - 2) A registered survey, if the proposed structure could violate the terms of this article, including staking for side lot, high water mark and of the proposed site for the building or addition.

- F. The development or usage proposed by a land use permit shall be subject to an inspection by the Zoning Administrator after trenches are dug and prior to footing construction. Where a permit is issued for a use where a structure is not being constructed, an inspection shall be made prior to occupancy. The permit holder shall be responsible to notify the Zoning Administrator with at least a two working-day notice regarding the time that the development/construction will be ready for inspection. Failure of the permit holder to make proper notification for inspection shall automatically void the permit, requiring the issuance of a new permit.
- G. The applicant shall bear the entire responsibility to provide the Zoning Administrator with all necessary supporting documentation required pursuant to this article including the applicants' and owners' address and telephone number, the address of the property proposed for development, a legal description of the property to be developed and the parcel's Village tax number.
- H. Fees for land use permits and inspections shall be established by the Village Council.

24.3. PLOT PLANS. As used in this section, a plot plan includes the documents and drawings required by this Article 2-Zoning Ordinance to insure that a proposed land use or activity is in compliance with this article, and state and federal statutes.

- A. A plot plan must be submitted to the Zoning Administrator before authorization for a land use or activity regulated by this Article 2-Zoning Ordinance can be approved.
- B. The plot plan, as approved, shall become part of the record of approval; and subsequent actions relating to the activity authorized shall be consistent with the approved plot plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the Zoning Administrator.
- C. Work on land use projects shall be started within one year following date of approved permit, or substantial work, such as building foundations, shall be completed. Otherwise, the permit shall expire and a new permit shall be required. The Administrator may grant a reasonable extension.
- D. A site plan submittal, review and approval by the Planning Commission shall substitute for a plot plan approval under this Section 24.3.
- E. The procedures and requirements for the submission and approval of plot plans shall include all applicable standards that may apply to land use, activity, new construction or improvements; including the following:
 - 1) Land and building measurements
 - 2) General topographical information
 - 3) Map of land areas

- 4) Building plans
- 5) Septic system location and capacity
- 6) Water well location
- 7) Setback from front, sides and back lot lines
- 8) General type of construction
- 9) Location of accessory buildings
- 10) Number of families to be housed
- 11) Ingress and egress.

If commercial or industrial, add the following:

- 12) Type of business
- 13) Number of employees
- 14) Noise pollution factor
- 15) Waste disposal
- 16) Each property shall have adequate number of off-street parking spaces, loading, and access facilities for all occupants, employees, and patrons.
- 17) Any additional information that will assist in the consideration for granting approval.

24.4. ADDITIONAL PERMITS REQUIRED. The following permits must be secured before land use development is started:

- A. Eaton County Health Department Permit.
- B. Eaton County Road Commission Driveway Permit.
- C. **Soil Erosion Permit.** If a proposed earth change is to be located within 500 feet of lake, or land area over one acre in size.
- D. Eaton County Construction Code Permit.
- E. Any other permits as legally required by the Village, county, state, and/or federal governments.

24.5. VILLAGE PLANNING COMMISSION.

- A. The Village Council shall maintain a Planning Commission composed of not less than five members under provisions of the Municipal Planning Commission Act, Act 285 of 1931. *[Revised 03-04]*
- B. The Village Council, by resolution, has transferred all powers and duties of a Zoning Board to the Planning Commission, as outlined in Act 207 of 1921 as amended, and as permitted in Section 12 of the Municipal Planning Commission Act, Act 285 of 1931.
- C. The Village Planning Commission may adopt rules, bylaws and regulations to govern its activities under the terms of this article.

24.6. FEES AND ESCROW ACCOUNTS. Upon the filing of an application for a land use permit, special land use permit, Planned Unit Development, Zoning Board of Appeals review, variance or rezoning, an administrative fee, as determined by the Village Council, shall accompany said application.

- A. A schedule of fees as established by the Village Council shall be maintained at the office of the Zoning Administrator.
- B. Fees shall be paid to the Zoning Administrator prior to the processing of any application required under this article.
- C. For any application for site plan approval, a special land use permit, Planned Unit Development, variance, or other use or activity requiring a permit under this article, the Planning Commission may require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee shall be required for any project with more than 10 dwelling units, or more than 10,000 square feet of enclosed space, or which requires more than 20 parking spaces. An escrow fee may be requested for any other project which may, at the discretion of the Zoning Administrator or Planning Commission, create an identifiable and potentially negative impact on public infrastructure or services, or on adjacent properties and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made.
 - 1) The escrow shall be used to pay professional review expenses of engineers, community planners and any other professionals whose expertise the Village values to review the proposed application and/or site plan of an applicant. Professional review will result in a report to the Village indicating the extent of conformance or nonconformance with this article and to identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the Village and a copy of the statement of expenses for the professional services rendered.

- 2) No application for approval for which an escrow fee is requested will be processed until the escrow fee is deposited with the Village Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant shall be entitled to a refund of any unused escrow fees at such time as all outstanding questions and issues with respect to the application have been resolved.
- 3) If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any zoning or other permit issued by the Village in response to the applicant's request.

24.7. NUISANCE PER SE. Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this article or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this article are hereby declared to be a nuisance per se.

24.8. PENALTIES.

- A. Any person, partnership, limited liability company, corporation, or association who creates or maintains a nuisance per se as defined in Section 24.8 above or who violates or fails to comply with any provision of this article or any permit issued pursuant to this article shall be responsible for a municipal civil infraction. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this article. Nothing in this section shall exempt the offender from compliance with the provisions of this article.
- B. The Village President and the Village Zoning Administrator are hereby designated as the authorized Village officials to issue municipal civil infraction citations directing alleged violators of this article to appear in court.
- C. In addition to enforcing this article as a municipal civil infraction, the Village may initiate proceedings in the circuit court to abate or eliminate the nuisance per se or any other violation of this article.

24.9. PUBLICATION AND DELIVERY OF NOTICE OF PUBLIC HEARING. Except where expressly stated otherwise, in this ordinance, whenever a public hearing on a zoning application is required by this ordinance or by the Michigan Zoning Enabling Act, notice of the public hearing shall be published and delivered in accordance with the requirements of this section.

- A. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Village.
- B. For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special land use applications, a notice of public

hearing shall be mailed by way of U.S. first class mail or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:

- 1) The applicant.
- 2) All persons to whom real property is assessed within 300 feet of the property that is the subject to the application.
- 3) The occupants of all structures within 300 feet of the property that is the subject of the application.
- 4) If a structure contains more than four dwelling units, notice of the hearing may be given to the owner or manager of the structure instead of to each occupant of the dwelling unit.

If the above-described 300-foot radius extends outside of the Village's boundaries, then notice must be provided outside of the Village boundaries, within the 300-foot radius, to all persons in the above-stated categories.

C. The notice of public hearing shall include the following information:

- 1) A description of the nature of the application or request.
- 2) An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if 11 or more adjacent properties are being proposed for rezoning.
- 3) State when and where the application or request will be considered.
- 4) Identify when and where written comments will be received concerning the application or request.

CHAPTER 25 AMENDMENTS AND ADOPTION

25.1. AMENDMENTS TO THE ZONING ORDINANCE. For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the Village, this article shall not be amended except to correct an error in the article or, because of changed or changing conditions in a particular area or in the Village generally, to rezone an area, to extend the boundary of an existing district or to change the regulations and restrictions thereof. Such amendment to this article may be initiated by any person, firm, or corporation by filing an application with the zoning official; by motion of the Village Council; or by the Planning Commission requesting the Zoning Administrator to initiate an amendment procedure.

25.2. AMENDMENT PROCEDURE.

- A. **Application.** Applications for amendments to this article shall be filed with the Zoning Administrator on an appropriate form provided by the Village and accompanied by the required fee. All applications for amendments to this article, without limiting the right to file additional material, shall contain the following:
- 1) The applicant's name, address and interest in the application as well as the name, address and interest of every person, firm, or corporation having a legal or equitable interest in the land.
 - 2) The nature and effect of the proposed amendment.
 - 3) If the proposed amendment would require a change in the Zoning Map, a complete legal description of the entire land area effected, the present zoning classification of the land, the names and addresses of the owners of all land and the legal descriptions of their land within the area to be rezoned. Also, a fully dimensioned drawing shall be submitted showing the land which would be affected, the zoning classification of all abutting districts, all public and private rights-of-way and easements bounding and intersecting the land under consideration, and the location of all existing and proposed buildings.
 - 4) If the proposed amendment will correct an alleged error, a detailed explanation of such alleged error and detailed reasons the proposed amendment will correct the same.
 - 5) The changed or changing conditions in the area or in the municipality that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 - 6) All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.

- B. **Receipt of Application.** The Zoning Administrator, upon receipt of an application to amend the article, shall review the application for completeness and refer same to the Planning Commission for study and report. The Planning Commission shall cause a complete study of the proposed amendment and hold a public hearing in accordance to paragraph C. below.
- C. **Public Hearing.** Notice of the public hearing for an amendment to this article shall be delivered and published in accordance with Section 24.9 of this ordinance. If a notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing. *[Revised 7-13-06/revision E]*
- D. *[Repealed 7-13-06/revision E - (D is reserve for future use)]*
- E. **Planning Commission Recommendation.** Following the public hearing, the Planning Commission shall prepare a report and its recommendations regarding the proposed amendment, and transfer such to the Village Council.
- F. **Village Council Action.** After the Planning Commission has held a Public Hearing and has made a written report to the Village Council indicating their recommendation on the proposed amendment, the Village Council may adopt the proposed amendment, decline to adopt the proposed amendment, or may adopt it in whole, part, or with or without additional changes. The Council may also hold a public hearing of the proposed amendment or refer the proposed amendment back to the Planning Commission for further study and review or for additional public hearing.

25.3. PROTESTS. In case a protest against a proposed amendment is presented, duly signed by the owners, or part owners, of twenty percent (20%) of the land proposed to be altered, or by the owners of at least twenty percent (20%) of the area of land included within the area extending outward 100 feet from any point on the boundary of the land included in the proposed change, such amendment shall not be passed except by the three-quarter vote of the Village Council.

If a parcel of land is owned by the entireties, by joint tenants, by tenants in common or by legal and equitable owners, any one of such owners may sign the protest for the parcel so zoned. In determining the land area upon which percentages shall be calculated, there shall be included all the property in a common ownership as a single unit. For purposes of this subsection, publicly owned land shall be excluded in calculating the twenty percent (20%) land area requirement.

25.4. PUBLICATION. Following adoption of this article and any subsequent amendments thereto, the Village Council shall publish one notice in a newspaper of general circulation in the village within the Village. The content of such notice shall be in accord with Section 4 of the City and Village Zoning Act (Act 207 of 1921, as amended).