



Zoning Ordinance

Adopted: November 10, 2021

Effective: November 26, 2021

Village of Stevensville Zoning Ordinance

Table of Contents

Article I – Title, Purpose, Scope, & Definitions	1-1
Section 1.01. Title.....	1-1
Section 1.02. Purpose	1-1
Section 1.03. Scope and interpretation	1-1
Section 1.04. Legislative Authority.....	1-1
Section 1.05. Construction of Language	1-2
Section 1.04. Definitions.....	1-2
Section 1.04.01. “A”	1-2
Section 1.04.02. “B”	1-3
Section 1.04.03. “C”	1-5
Section 1.04.04. “D”	1-6
Section 1.04.05. “E”	1-7
Section 1.04.06. “F”	1-7
Section 1.04.07. “G”	1-9
Section 1.04.08. “H”	1-9
Section 1.04.09. “I”	1-10
Section 1.04.10. “J”	1-10
Section 1.04.11. “K”	1-10
Section 1.04.12. “L”	1-10
Section 1.04.13. “M”	1-13
Section 1.04.14. “N”	1-14
Section 1.04.15. “O”	1-14
Section 1.04.16. “P”	1-15
Section 1.04.17. “Q” Reserved.....	1-16
Section 1.04.18. “R”	1-16
Section 1.04.19. “S”	1-17
Section 1.04.20. “T”	1-21
Section 1.04.21. “U”	1-21

Section 1.04.22. “V” 1-21

Section 1.04.23. “W” 1-21

Section 1.04.24. “X” Reserved. 1-22

Section 1.04.25. “Y” 1-22

Section 1.04.26. “Z” 1-23

Article II – Zoning Districts, Map, and Application of Regulations 2-1

 Section 2.01. Districts Established..... 2-1

 Section 2.02. District Boundaries 2-1

 Section 2.03. Boundaries Interpreted 2-1

 Section 2.04. Zoning of Vacated Areas..... 2-2

 Section 2.05. District Requirements..... 2-2

 Section 2.06. Application of Regulations..... 2-2

Article III – R1 Single-Family Residential District 3-1

 Section 3.01. District and Intent 3-1

 Section 3.02. Permitted Uses 3-1

 Section 3.03. Special Land Uses 3-1

 Section 3.04. Site Development Requirements..... 3-1

Article IV – R2 Duplex Dwelling District 4-1

 Section 4.01. District and Intent 4-1

 Section 4.02. Permitted Uses 4-1

 Section 4.03. Special Land Uses 4-1

 Section 4.04. Site Development Requirements..... 4-1

Article V – R3 Multiple family District 5-1

 Section 5.01. District and Intent 5-1

 Section 5.02. Permitted Uses 5-1

 Section 5.03. Special Land Uses 5-1

 Section 5.04. Site Development Requirements..... 5-1

Article VI – R4 Mobile Home Park District 6-1

 Section 6.01. District and Intent 6-1

 Section 6.02. Permitted Uses 6-1

 Section 6.03. Special Land Uses 6-1

Section 6.04. Site Development Requirements..... 6-1

Article VII – C1 General Commercial District..... 7-1

Section 7.01. District and Intent..... 7-1

Section 7.02. Permitted Uses 7-1

Section 7.03. Special Land Uses..... 7-2

Section 7.04. Site Development Requirements..... 7-2

Section 7.05. Design Standards 7-3

Article VIII – C2 Central Business District..... 8-1

Section 8.01. District and Intent..... 8-1

Section 8.02. Permitted Uses 8-1

Section 8.03. Special Land Uses..... 8-1

Section 8.04. Site Development Requirements..... 8-2

Section 8.05. Design Standards 8-3

Article IX – Reserved 9-1

Article X – I1 Industrial District 10-1

Section 10.01. District and Intent..... 10-1

Section 10.02. Permitted Uses 10-1

Section 10.03. Special Land Uses..... 10-1

Section 10.04. Site Development Requirements..... 10-2

Section 10.05. Design Standards 10-2

Article XI – PD Planned Development District 11-1

Section 11.01. District and Intent..... 11-1

Section 11.02. Objectives and Qualifying Conditions..... 11-1

Section 11.03. Permitted Uses and Residential Density 11-2

Section 11.04. Non-Residential or Mixed Use PDs..... 11-3

Section 11.05. Design Standards 11-3

Section 11.06. Open Space..... 11-4

Section 11.07. General Application Procedures..... 11-5

Section 11.08. Preliminary Planning Commission Review (Optional)..... 11-5

Section 11.09. Procedures for PD Plan and PD Rezoning..... 11-6

Section 11.10. PD Plan and Rezoning Standards for Approval..... 11-8

Section 11.11. PD Final Site Plan..... 11-9

Section 11.12. Approved PDs..... 11-9

Article XII – Site Plan Review 12-1

Section 12.01. Purpose 12-1

Section 12.02. Site Plan Required 12-1

Section 12.03. Optional Sketch Plan Review 12-1

Section 12.04. Application Procedure 12-2

Section 12.05. Action on Application and Site Plans..... 12-3

Section 12.06. Site Plan Review Standards..... 12-4

Section 12.07. Approved Site Plans 12-4

Section 12.08. Changes to Approved Site Plan 12-5

Section 12.09. Appeals..... 12-5

Section 12.10. Performance Guarantees..... 12-6

Article XIII – General Provisions..... 13-1

Section 13.01. Purpose and Scope 13-1

Section 13.02. Required Area and Access 13-1

Section 13.03. Principal Structure or Use 13-1

Section 13.04. Pubic Water and Sanitary Sewer Service Required 13-2

Section 13.05. Accessory Buildings, Structures, and Uses 13-2

 Section 13.05.01. General Standards 13-2

 Section 13.05.02. Residential Accessory Buildings 13-2

 Section 13.05.03. Nonresidential Accessory Buildings 13-4

Section 13.06. Front Yard Setback Averaging 13-5

Section 13.07. Projections into Required Yards..... 13-5

Section 13.08. Exceptions to Height Regulations 13-6

Section 13.09. Sidewalks Required. 13-6

Section 13.10. Identification of Buildings 13-6

Section 13.11. Essential Public Services 13-7

Section 13.12. Clear Vision Corners..... 13-7

Section 13.13. Fences and Walls 13-8

Section 13.14. Landscaping and Screening..... 13-9

Section 13.14.01. Intent 13-9

Section 13.14.02. Applicability and General Requirements 13-9

Section 13.14.03. Specific Requirements..... 13-10

Section 13.14.04. Planting Specifications..... 13-15

Section 13.15. Outdoor Lighting 13-16

Section 13.16. Reserved 13-19

Section 13.17. Swimming Pools 13-19

Section 13.18. Home Occupations 13-19

Section 13.19. Regulations for Dwellings..... 13-20

Section 13.20. Keeping of Animals 13-22

Section 13.21. Voting Place..... 13-22

Section 13.22. Reserved 13-22

Section 13.23. Floodprone Areas 13-22

Section 13.24. Dumpster and Refuse Containment 13-22

Section 13.25. Unclassified Uses 13-24

Section 13.26. Temporary Uses 13-25

Section 13.27. Outdoor Storage and Parking of Recreation Vehicles 13-27

Section 13.28. Performance Standards 13-27

Article XIV – Special Land Uses..... 14-1

Section 14.01. Intent..... 14-1

Section 14.02. Application Procedures 14-1

Section 14.03. Special Land Use Review Standards 14-3

Section 14.04. Specific Standards for Special Land Uses..... 14-4

Section 14.04.01. Adult foster care congregate care facilities 14-4

Section 14.04.02. Adult foster care large group homes 14-4

Section 14.04.03. Assisted living facilities 14-4

Section 14.04.04. Reserved 14-5

Section 14.04.05. Breweries or wineries 14-5

Section 14.04.06. Colleges, universities, and private schools 14-5

Section 14.04.07. Contractor’s offices and yards 14-6

Section 14.04.08. Reserved 14-6

Section 14.04.09. Equipment sales, rental, and repair facilities..... 14-6

Section 14.04.10. Funeral homes or mortuaries..... 14-7

Section 14.04.11. Gas stations 14-7

Section 14.04.12. Hospitals 14-8

Section 14.04.13. Reserved 14-8

Section 14.04.14. Manufacturing, processing, assembly,
and fabrication establishments..... 14-8

Section 14.04.15. Reserved 14-8

Section 14.04.16. Open air businesses..... 14-8

Section 14.04.17. Outdoor entertainment and event venues 14-9

Section 14.04.18. Outdoor recreation facilities 14-9

Section 14.04.19. Outdoor storage facilities or yards 14-10

Section 14.04.20. Reserved 14-10

Section 14.04.21. Permitted uses containing drive-through facilities 14-10

Section 14.04.22. Reserved 14-11

Section 14.04.23. Petroleum storage facilities..... 14-11

Section 14.04.24. Place of public assembly 14-11

Section 14.04.25. Power generating facilities..... 14-11

Section 14.04.26. Private clubs or lodges 14-12

Section 14.04.27. Reserved 14-13

Section 14.04.28. Reserved 14-13

Section 14.04.29. Self-storage facilities 14-13

Section 14.04.30. Sexually oriented businesses 14-13

Section 14.04.31. Reserved 14-15

Section 14.04.32. State licensed group care residential facilities (7-12 persons)..... 14-15

Section 14.04.33. Tattoo or piercing parlors..... 14-16

Section 14.04.34. Utility-scale solar energy systems..... 14-16

Section 14.04.35. Vehicle service and repair facilities 14-19

Section 14.04.36. Reserved 14-19

Section 14.04.37. Vehicle sales facilities..... 14-19

Section 14.04.38. Vehicle wash facilities..... 14-20

Section 14.04.39. Warehousing and storage facilities 14-20

Article XV – Parking and Loading..... 15-1

 Section 15.01. Purpose and Intent..... 15-1

 Section 15.02. Applicability..... 15-1

 Section 15.03. Location of facilities..... 15-1

 Section 15.04. Number of Off-Street Parking Spaces Required..... 15-2

 Section 15.05. Adjustment of Standards..... 15-4

 Section 15.06. General Standards..... 15-4

 Section 15.07. Construction, Layout, and Maintenance 15-5

 Section 15.08. Loading / Unloading Spaces 15-7

Article XVI – Signs 16-1

 Section 16.01. Purpose and Intent..... 16-1

 Section 16.02. Permit Required..... 16-1

 Section 16.03. General Standards..... 16-2

 Section 16.03.01. Illumination 16-3

 Section 16.03.02. Electronic Message Boards 16-4

 Section 16.03.03. Construction and Maintenance. 16-5

 Section 16.04. Exempt Signs..... 16-5

 Section 16.04.01. Temporary signs..... 16-6

 Section 16.05. Prohibited signs 16-7

 Section 16.06. Permitted signs 16-8

 Section 16.06.01. Signs permitted in all districts 16-8

 Section 16.06.02. Residential districts..... 16-8

 Section 16.06.03. Nonresidential districts 16-9

 Section 16.07. Billboards..... 16-9

 Section 16.08. Nonconforming Signs..... 16-9

Article XVII – Nonconforming Uses, Lots, and Structures..... 17-1

 Section 17.01. Purpose and intent..... 17-1

 Section 17.02. General Provisions..... 17-1

 Section 17.03. Nonconforming Lots of Record..... 17-2

 Section 17.04. Nonconforming Structures and Buildings 17-2

 Section 17.05. Nonconforming Uses 17-3

Article XVIII – Zoning Board of Appeals 18-1

 Section 18.01. Creation and membership..... 18-1

 Section 18.02. Removal 18-2

 Section 18.03. Meetings and records 18-2

 Section 18.04. Jurisdiction..... 18-2

 Section 18.05. Application and Review Procedures..... 18-3

 Section 18.05.01. Application..... 18-3

 Section 18.05.02. Official record 18-3

 Section 18.05.03. Decisions..... 18-4

 Section 18.06. Variances..... 18-5

Article XIX – Administration and Enforcement..... 19-1

 Section 19.01. Zoning Administrator..... 19-1

 Section 19.02. Zoning Permits..... 19-1

 Section 19.03. Amendments..... 19-2

 Section 19.04. Public Hearings and Notices 19-6

 Section 19.05. Performance guarantee 19-7

 Section 19.06. Enforcement 19-8

 Section 19.07. Fees and Applicant Escrow Accounts 19-9

 Section 19.08. Administrative Liability 19-9

 Section 19.09. Severability 19-9

 Section 19.10. Repealer 19-10

 Section 19.11. Effective Date 19-10

Article I – Title, Purpose, Scope, & Definitions

Section 1.01. Title

This Ordinance shall be known, referred to, and recited as the Stevensville Village Zoning Ordinance.

Section 1.02. Purpose

1. This Ordinance shall affect the use and occupancy of all land and every building in the Village. This Ordinance has been made and designed to:
 - A. Lessen congestion in the streets;
 - B. Secure safety from fire, panic, and other dangers;
 - C. Promote health and general welfare;
 - D. Provide adequate light and air;
 - E. Prevent the overcrowding of land;
 - F. Avoid undue concentration of population;
 - G. Facilitate the adequate provision of transportation, water, sewers, schools, parks and other public improvements;
 - H. Conserve property values;
 - I. Encourage the most appropriate use of land; and
 - J. Keep with the general trend and character of population and building development.

Section 1.03. Scope and interpretation

1. Zoning applies to every building, structure, or use. No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance. The regulations herein established shall be the minimum regulations for proposing and protecting the public health, safety, and welfare, except when otherwise provided by state law.
2. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of the other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement. Where this Ordinance imposes a greater restriction imposed or required by such existing provisions of law or ordinances or by such rules, regulations, or permits, the provisions of this Ordinance shall control.

Section 1.04. Legislative Authority

This Ordinance is enacted in accordance with the Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101 *et seq.*), as amended.

Section 1.05. Construction of Language

The following rules of construction shall apply to the text of this Ordinance:

1. The particular shall control the general.
2. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
4. Words used in the present tense shall include the future, and words used in the singular shall include the plural and the plural the singular unless the context clearly indicates the contrary.
5. A “building” or structure” includes any part thereof.
6. The word “person” includes any individual, corporation, firm, partnership, joint venture, trust, incorporated association, or combination thereof, or any other similar entity.
7. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
 - A. “And” indicates that all connected items, conditions, provisions, or events shall apply.
 - B. “Or” indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - C. “Either...or” indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.
8. Terms not herein defined shall have the meaning customarily assigned to them.
9. The words "erected" or "erection" as applied to any building or structure, shall be construed to include the words "built," "constructed," "reconstructed," "moved upon" or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
10. The word “herein” means in this Ordinance.
11. The word “regulation” means the regulations of this Ordinance.
12. Lists of examples prefaced by "including the following", "such as," or other similar preface shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar examples which are not expressly mentioned.

Section 1.04. Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Section 1.04.01. “A”

ACCESS — A way or means of approach to provide vehicular or pedestrian physical entrance to a property or place.

ACCESSORY USE, BUILDING, OR STRUCTURE — A use, building, or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building, or structure.

ADULT FOSTER CARE LARGE GROUP HOME OR CONGREGATE CARE FACILITY — A structure constructed for foster care purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737 and provides services for more than 12 individuals.

ASSISTED LIVING FACILITIES — A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living, which may or may not include a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, and where the facility remains primarily residential in use.

Section 1.04.02. “B”

BASEMENT — That portion of a building which is partly or wholly below grade such that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A "basement" shall not be counted as a story (Fig. 1.01).

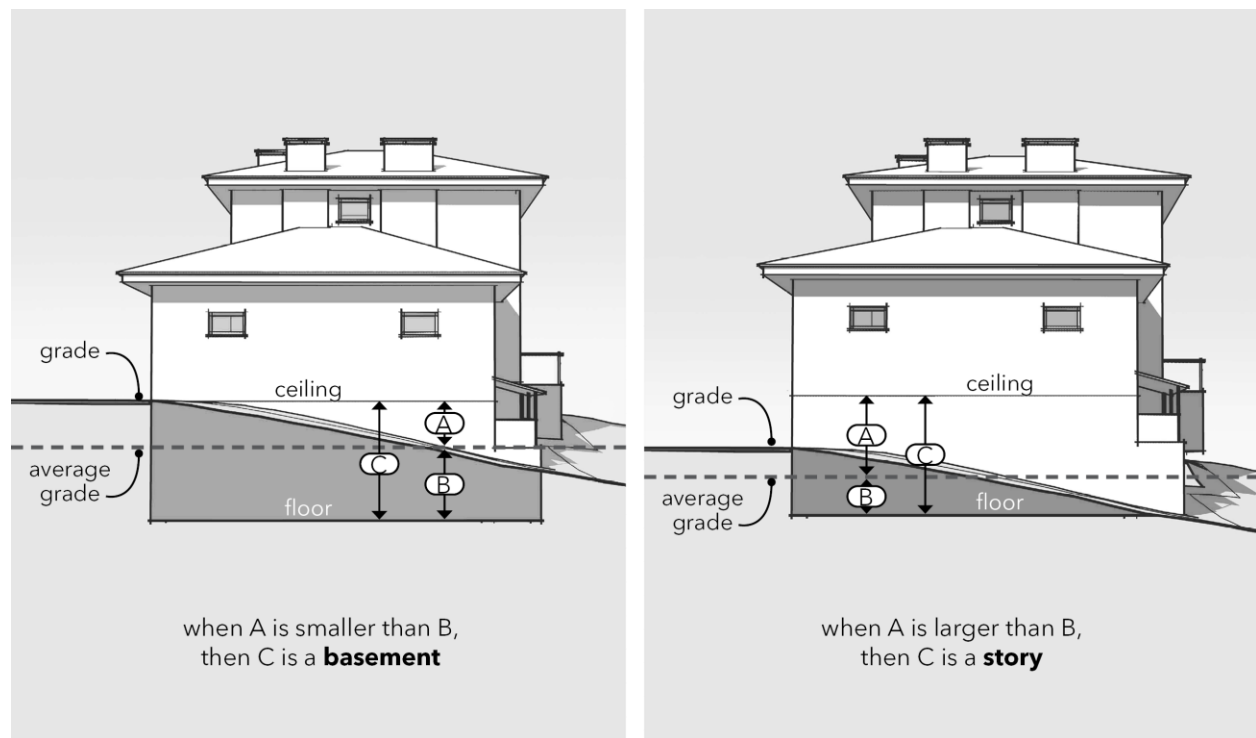


FIGURE 1.01. BASEMENT

BUILDABLE AREA —The area of a lot where a building may be erected after required yards have been provided (Fig. 1.02).

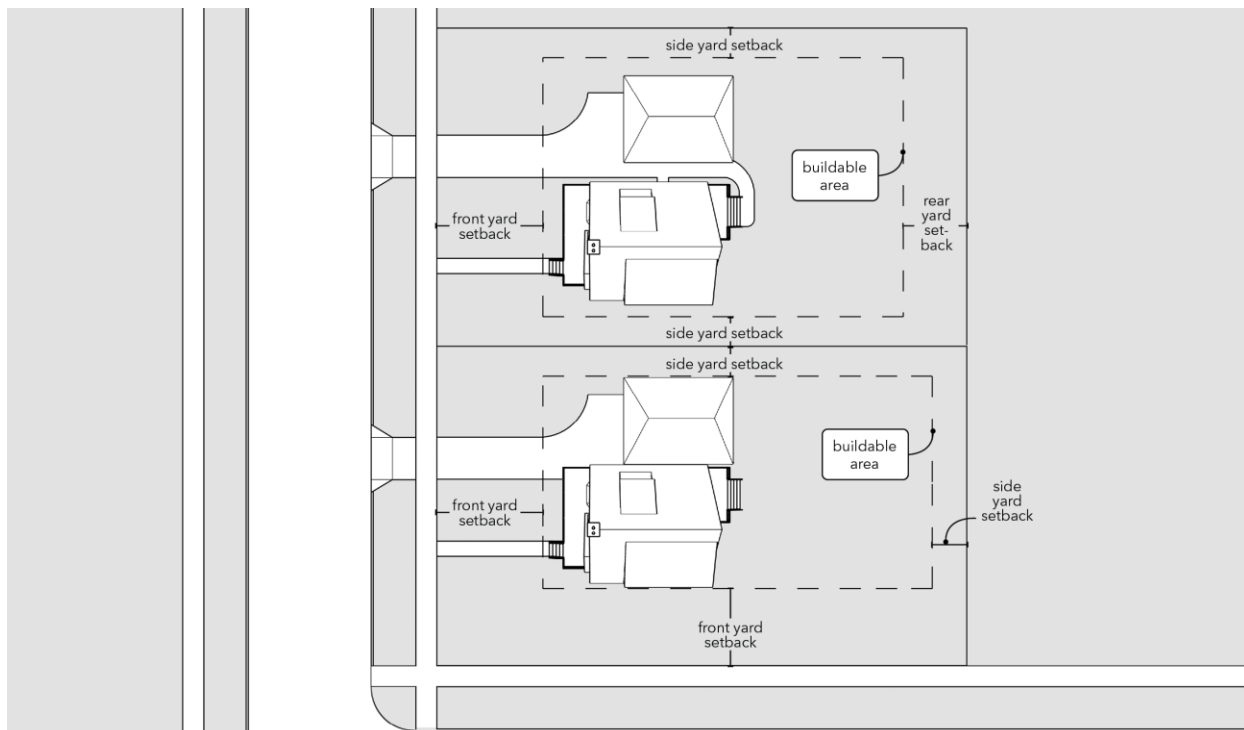


FIGURE 1.02. BUILDABLE AREA

BUILDING — Means an enclosed structure having a roof supported by columns, walls, arches, or other devices, and used or intended to be used for the housing, sheltering, or enclosure of persons, animals, chattels, or property of any kind. The term "building" also includes, but is not limited to, mobile homes, manufactured homes, storage sheds, garages, greenhouses, and pole barns.

BUILDING FOOTPRINT — The total area contained within the exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building exclusive of unroofed porches, terraces, patios, decks, and steps, and of awnings and nonpermanent canopies.

BUILDING HEIGHT — The vertical distance from grade plane to the average height of the highest roof surface (Fig. 1.03).

BREWERY OR WINERY — A business primarily involved in the retail sales and services of wine or beer, including on-site tasting, and which may also involve small-scale processing where the majority of the products produced are consumed on the premises.

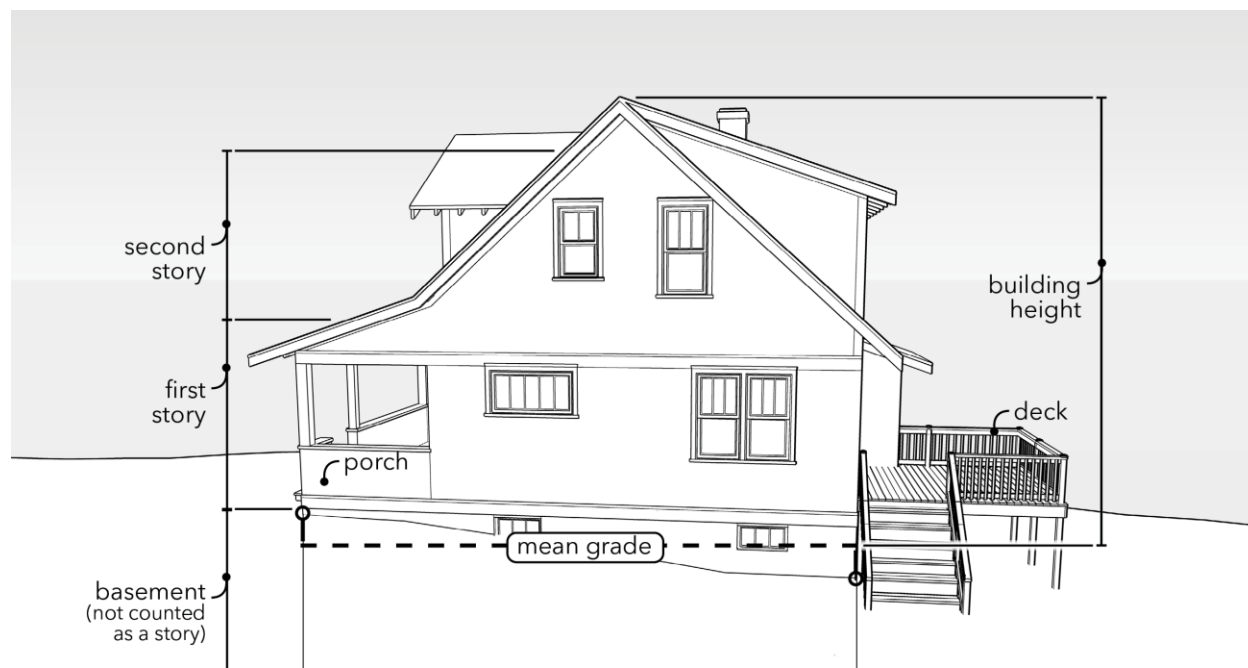


FIGURE 1.03. BUILDING HEIGHT

Section 1.04.03. “C”

CHILD CARE FACILITY — A facility other than a private residence, licensed by the Michigan Department of Social Services, in which one or more preschool or school-age children are given care and supervision for periods of less than 24 hours per day, and where a parent or legal guardian is not immediately available to the child. A child care facility includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care facility or day care center does not include any of the following:

1. A Sunday school, a vacation Bible school or a religious class that is conducted by a religious organization where children are in attendance for not greater than four 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.
2. A facility operated by a religious organization where children are cared for not greater than four hours while persons responsible for the children are attending religious classes or services.
3. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.

4. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.
5. A program that primarily provides therapeutic services to a child.

COLLEGE OR UNIVERSITY — Any building or part thereof that is designed, constructed, or used for post-secondary education, whether public or private, to award associate, baccalaureate, or higher degrees and which meets state requirements where applicable.

CONTRACTOR'S OFFICES AND YARDS — A facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by building construction professionals, contractors, and subcontractors. Such facilities typically will include outdoor storage, assembly, or staging areas.

Section 1.04.04. "D"

DOMESTICATED ANIMALS — Animals commonly domesticated and kept in homes, including, but not limited to, dogs, cats, birds, fish, rabbits, small rodents, small reptiles, and similar animals that do not represent an unusual risk to persons or property.

DENSITY — The number of dwellings per unit of land.

DRIVE-THROUGH FACILITY — Any place or premises used in whole or in part for the sale, dispensing, or provision of goods or services to customers in automobiles, including those establishments where customers may serve themselves and may eat or drink food, refreshments, or beverages on the premises.

DRIVEWAY — A private roadway providing access to a street

DUMPSTER — An accessory use of a property where trash or recyclable material, or other type of waste or refuse, is stored temporarily, having a capacity of at least one cubic yard.

DWELLING OR DWELLING UNIT — A building or portion thereof that is used exclusively for human habitation and which provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation. For the purposes of this Ordinance, short-term rentals shall be considered as dwelling units if the short-term rental is in compliance with Article V, "Rental Units" of Chapter 6, "Buildings and Building Regulations" of the adopted Code of Ordinances of the Village of Stevensville.

DWELLING, MULTIPLE-FAMILY — A building containing three (3) or more attached dwelling units and is surrounded by open space or yards.

DWELLING, SINGLE-FAMILY — A building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards, designed for and occupied by one family only.

DWELLING, TWO-FAMILY or DUPLEX — A building containing two (2) attached dwelling units and is surrounded by open space or yards.

Section 1.04.05. “E”

ESSENTIAL SERVICES — Means the erection, construction, alternation, or maintenance by public utilities, as defined herein, or by municipal departments, boards of commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety or general welfare.

EQUIPMENT SALES, RENTAL, AND REPAIR FACILITIES — An establishment which offers materials and equipment for sale, rental, or repair, including but not limited to, tools, lawn and garden equipment, party supplies, construction equipment, and other similar goods and equipment. Equipment sales, rental, and repair facilities may also include the incidental storage, maintenance, and servicing of such equipment.

EXOTIC ANIMALS — Any species of animal, reptile, or bird that is not indigenous to the environs of Stevensville and that is not, in the judgment of the Zoning Administrator, normally considered a farm animal or a domesticated animal, and that may potentially be dangerous to humans, domestic animals, or property if not properly managed.

Section 1.04.06. “F”

FABRICATION — To construct, make and form, build, or manufacture goods.

FAMILY —

1. One or more persons, occupying a single dwelling unit, all related by blood, legal adoption, or marriage, and not more than three other persons; or
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. The term "family" shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration or other similar determinable period of time.

FARM — The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

FENCE — An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FENCE, OPEN — A fence where the spacing between the vertical support post members have been enclosed to render a structure that is predominantly open and results in limited or no obstructions to vision.

FINANCIAL INSTITUTION — An establishment where the principal business involves the provision of financial and banking services to consumers or clients, such as banks, credits agencies, investment companies, brokers and dealers of securities and commodities, security and commodities exchanges, and insurance agencies.

FLOOR AREA, GROSS — The sum of the horizontal areas of all floors of a building or an addition to an existing building, measured from the exterior faces of the exterior walls. For all office buildings and for any other building where the principal use thereof shall include the basement, the basement floor area shall be included, except that part which contains heating and cooling equipment and other basic utilities (Fig. 1.04).

FLOOR AREA, RESIDENTIAL — Means, for the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings; and excluding areas of basements, unfinished attics, attached garages or carports, breezeways, and enclosed and unenclosed porches and decks.

FLOOR AREA, USABLE — The sum of horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls, that are used for or intended to be used principally for the sale of merchandise or services, or for use to serve patrons, clients, or customers and all areas devoted to employee work space. Such floor area that is used or intended to be used principally for the storage or processing of merchandise, hallways, elevators, or stair bulkheads or for utilities or sanitary facilities, shall not be considered usable floor area (Fig. 1.04).

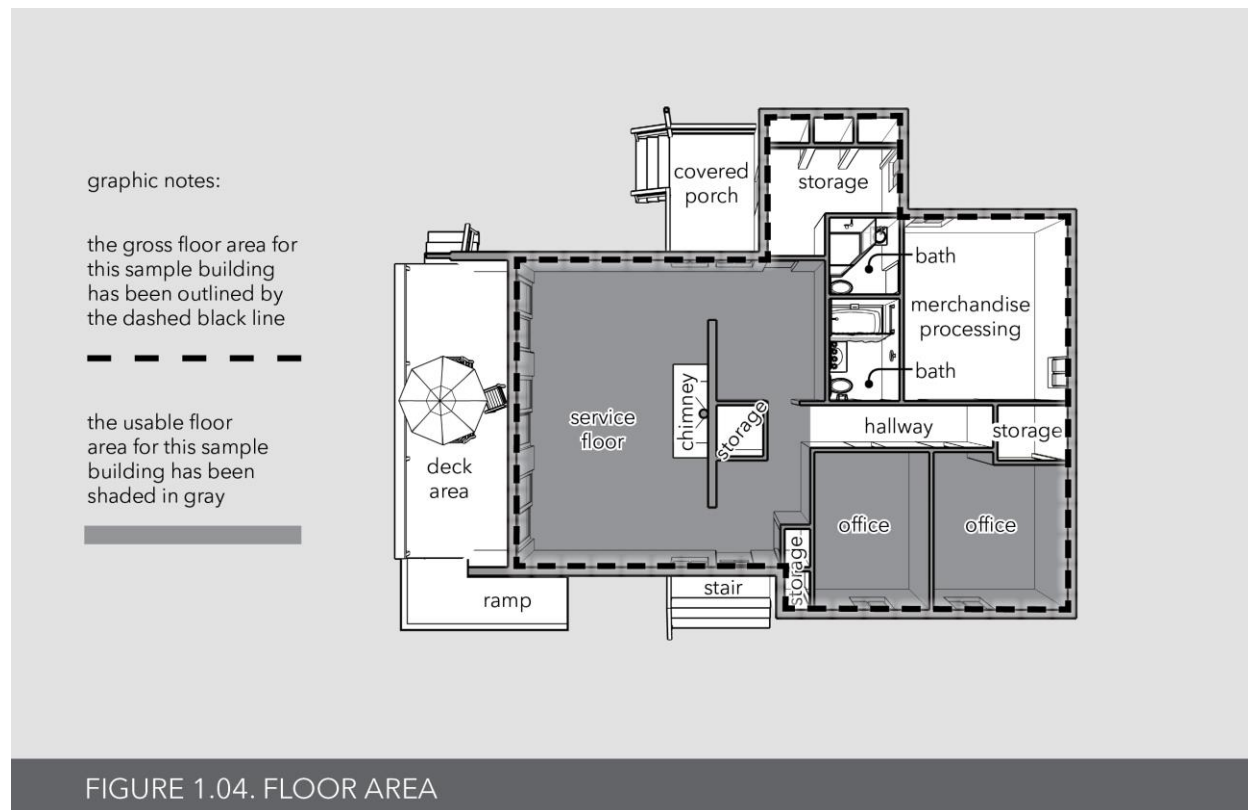


FIGURE 1.04. FLOOR AREA

FUNERAL HOME or MORTUARY — A facility used for the preparation of the deceased for burial and for visitation and for the conduct of memorial and funeral services.

Section 1.04.07. “G”

GARAGE, PRIVATE — An accessory building or portion of a principal building designed or used for the parking and storage of vehicles owned and operated by the residents thereof and other storage incidental to a residential use such as rakes, lawnmowers, garbage cans, etc., and that is not a separate commercial enterprise available to the general public.

GAS STATION — Buildings and premises where gasoline, automobile accessories, and convenience goods may be supplied and dispensed at retail, and where other incidental services may be rendered and sales made. A gas station shall not be considered a vehicle repair facility.

GRADE, FINISHED — The final elevation of the ground level after development.

GRADE, MEDIAN — The finished median ground elevation along the perimeter of the building.

GREENBELT — See “Transition strip.”

Section 1.04.08. “H”

HOME OCCUPATION — Any occupation, profession, or activity carried out for gain from a residential property that is clearly subordinate and incidental to the residential nature of the property, and which may involve business activities generally conducted at other locations, or the sale or exchange of services at the residential property.

HOSPITAL — A facility providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the hospital facility.

HOTEL or MOTEL — An establishment containing lodging accommodation designed for use by transients or travelers or temporary guests. Facilities provided may include a kitchen, maid service, laundering of linen used on the premises, telephone and secretarial or desk service, meeting rooms, restaurants, cocktail lounges, and other ancillary uses.

Section 1.04.09. “I”

IMPERVIOUS SURFACE — Any material that prevents the absorption of stormwater into the ground.

Section 1.04.10. “J”

JUNK — Scrap or waste material of any kind or nature collected or accumulated for resale, disposal, or storage.

Section 1.04.11. “K”

KENNEL/ANIMAL DAY CARE — Any lot or premise on which three (3) or more domesticated animals are either permanently or temporarily boarded or trained for remuneration.

Section 1.04.12. “L”

LIVE/WORK — A structure, or a part of a structure, used both as a residence and for any nonresidential use permitted in the zoning district in which the unit is located.

LIVING AREA: An area that is habitable for the entire year.

LOADING SPACE, OFF-STREET — An off-street space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles.

LOT — A parcel of land occupied, or intended to be occupied, by a principal building or a group of such buildings and accessory buildings or utilized for the principal uses and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this zoning ordinance. A lot may or may not be specifically designated as such on public records.

LOT AREA — The area within the boundary lines of the lot, but excluding that portion located within a public road right-of-way or private road right-of-way or easement (Fig. 1.05).

LOT COVERAGE — The part or percent of the lot occupied by buildings, including accessory buildings, porches, arbors, breezeways, roofed patios, and similar features. Lot coverage shall not include fences, walls, hedges, roads, parking areas, driveways, unroofed patios, or swimming pools.

LOT DEPTH — The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the rear most point of the lot where there is no rear lot line (Fig. 1.05).

LOT FRONTAGE — The front of a lot that shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

LOT WIDTH — The horizontal straight-line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines (Fig. 1.05).

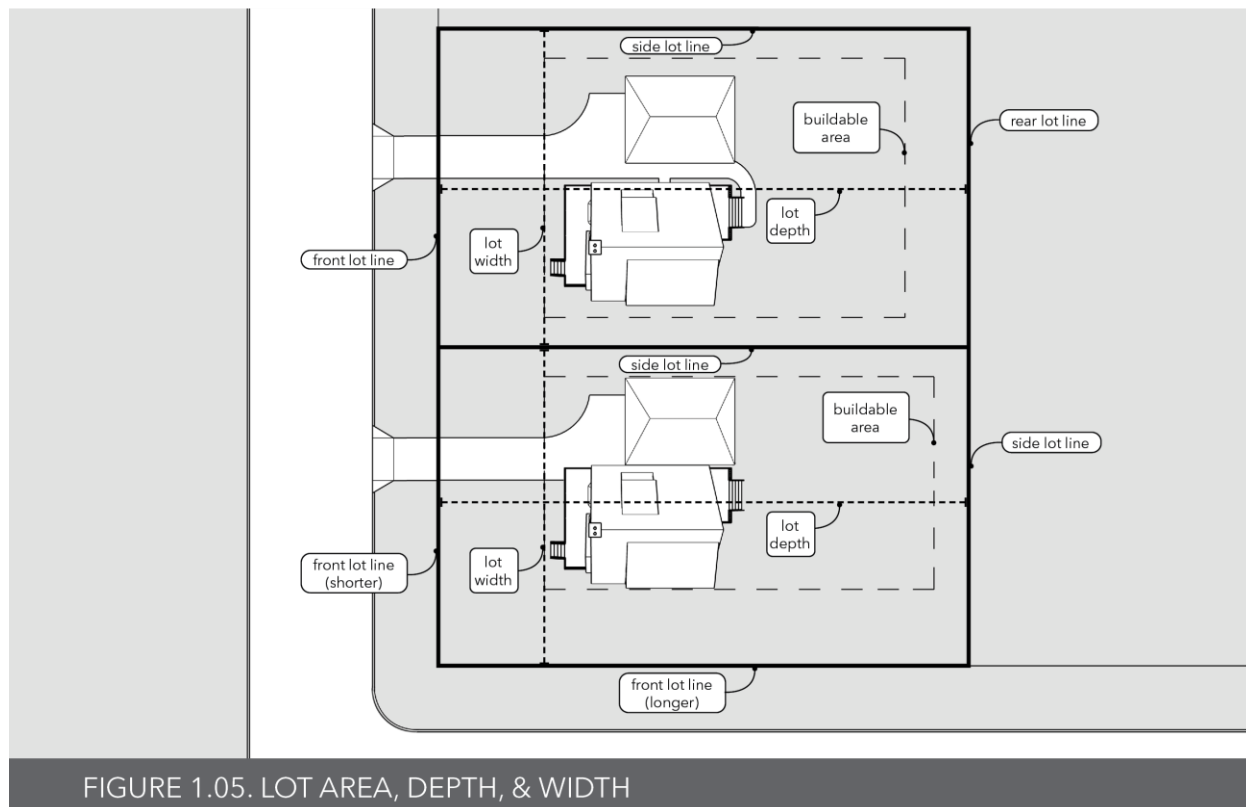


FIGURE 1.05. LOT AREA, DEPTH, & WIDTH

LOT OF RECORD — A parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by village or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT LINES —

1. **FRONT LOT LINE** — In the case of an interior lot, that line separating the lot from the public or private street. In the case of a corner lot or a through lot, that line separating the lot from either street (Fig. 1.06).
2. **REAR LOT LINE** — That lot line opposite the front lot line, except in the case of corner lots, which shall not have a rear lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet long lying farthest from the front lot line and wholly within the lot (Fig. 1.06).
3. **SIDE LOT LINE** — Any lot line not a front or rear lot line.. In the case of a corner lot, the two lot lines opposite the front lot lines shall be considered side lot lines (Fig. 1.06).

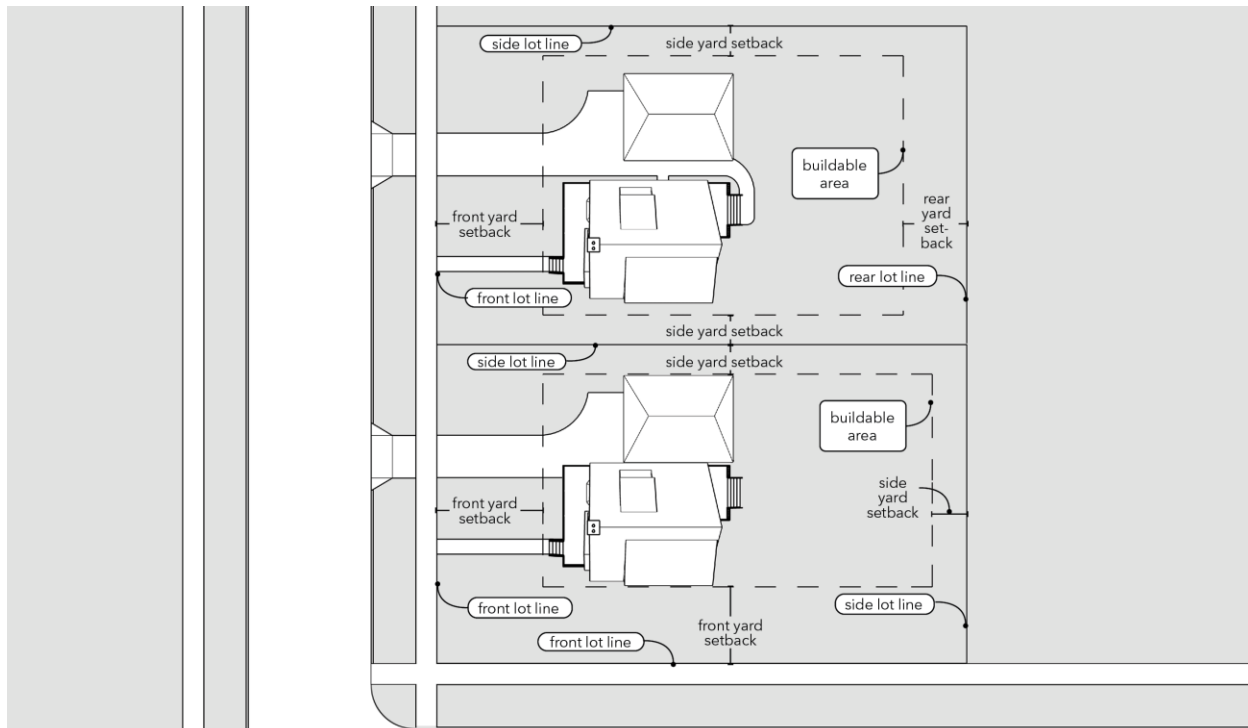


FIGURE 1.06. LOT LINES AND SETBACKS

LOT TYPES —

1. **CORNER LOT** — A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet on an interior angle of less than 135° (Fig. 1.07).
2. **INTERIOR LOT** — Any lot other than a corner lot with only one frontage on a street (Fig. 1.07).
3. **THROUGH LOT** — A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots (Fig. 1.07).

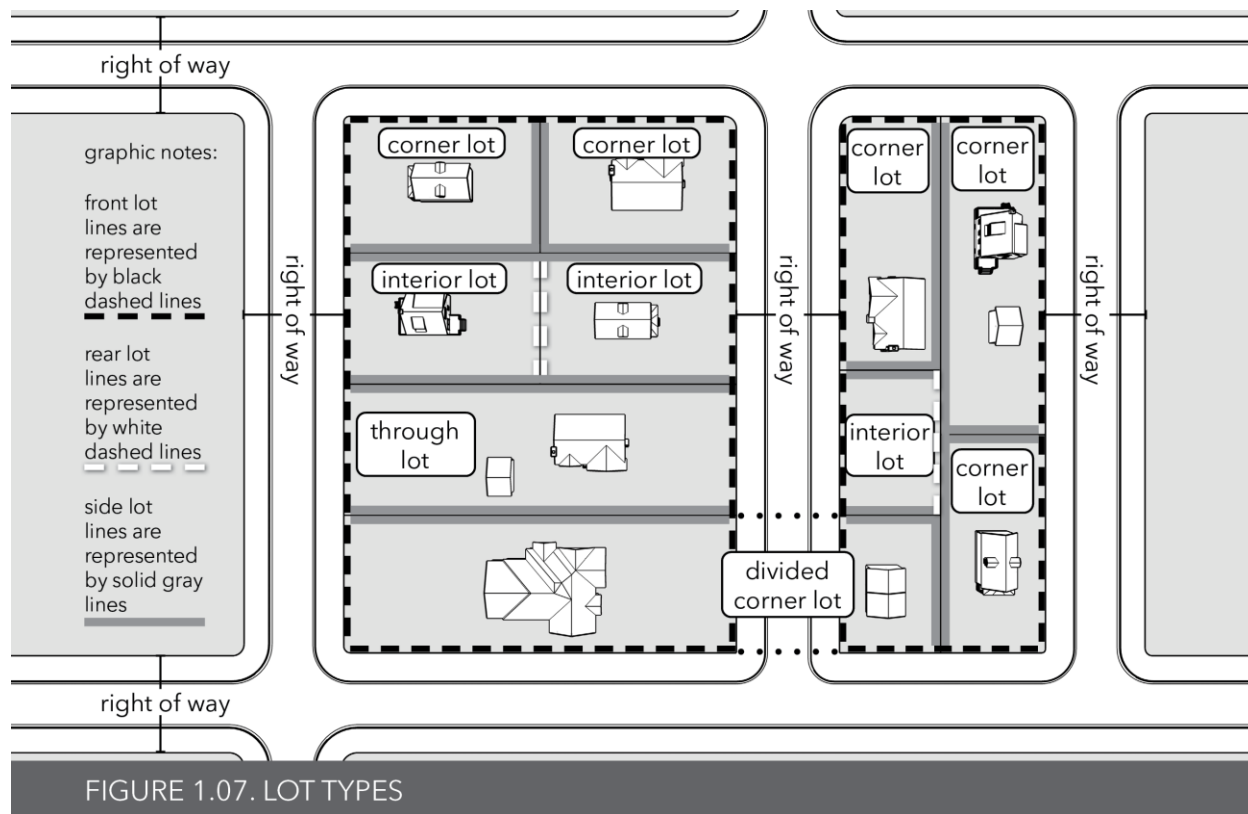


FIGURE 1.07. LOT TYPES

Section 1.04.13. “M”

MACHINE SHOP — An establishment engaged in the cutting, grinding, turning, honing, milling, deburring, lapping, shaping, pressing, electrochemical machining, etching, or other similar operations that involve the fabrication of machines, machine parts, or metal products.

MANUFACTURED HOME — A dwelling which is transportable in one or more sections, that is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and is installed by a Michigan Licensed Mobile Home dealer or Michigan Licensed Mobile Home installer as required by Michigan statute, and administrative rules promulgated thereunder.

MANUFACTURED HOME PARK — A use which is a parcel of land under the control of a person upon which three or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary manufactured home or trailer.

MANUFACTURING, PROCESSING, ASSEMBLY, AND/OR FABRICATION ESTABLISHMENT — An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, combining of parts into finished products, or the sub-assembly of components for subsequent finishing on or off-site, usually in a continuous and regular action

or succession of actions, including the assembling of component parts, the creation of products, blending of materials, and the packaging, shipping, and receiving of manufactured components.

MASTER PLAN — The comprehensive, long-range master plan intended to guide growth and development in the Village of Stevensville, which includes recommendations on future land use, economic development, housing recreation, transportation, open space, and community facilities.

MEDICAL CLINIC — A facility in which medical, health, dental, and related providers maintain offices and provide services to patients on an outpatient basis.

MIXED USE DEVELOPMENT — A development of a tract of land, building, or structure with a variety of complementary and integrated uses as permitted by the applicable zoning district.

MUNICIPAL BUILDINGS AND USES — Any building or premises used by the Village or an instrumentality of the Village or other governmental unit, entity, or collaborative of which the Village is a member or to which the Village has consented.

Section 1.04.14. “N”

NATURAL FEATURE — Physical characteristics of the subject property that are not manmade.

NONCONFORMING BUILDING OR STRUCTURE — A building, structure, or portion thereof that does not conform to the provisions of this Ordinance for the district in which it is located.

NONCONFORMING LOT — A lot that fails to conform to the present area, dimensions, or location requirements of the applicable zoning district in which it is located.

NONCONFORMING USE — A use that does not conform to the use regulations of the district in which it is located.

Section 1.04.15. “O”

OPEN AIR BUSINESS — A permanent business including the sales and/or display of retail merchandise or services outside of a permanent structure.

OUTDOOR ENTERTAINMENT EVENT VENUE — A temporary use of land for an event or activity that is primarily conducted outside and which offers entertainment and supporting uses to the public, including but not limited to, a fair, circus, carnival, outdoor display, bazaar, civic events, or other similar events of a temporary nature.

OUTDOOR RECREATION FACILITY — A privately-owned place designed and equipped for the conduct of sports and leisure-time activities in an outdoor setting, which may also charge a fee for associated activities. Examples include, but are not limited to, miniature golf, athletic facilities, water parks, and other outdoor recreational activities.

OUTDOOR STORAGE FACILITY OR YARD — The outdoor standing or placement of usable and/or potentially usable goods or equipment other than for display and not including waste or scrap materials, other than in junk yards.

Section 1.04.16. "P"

PARKING AREA — An off-street open area for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. A parking area shall include access drives within the actual parking area, and shall be limited in use to motor vehicles.

PARKING, OFF-SITE ACCESSORY — An off-street parking area that is located on a different parcel than the principal use with which it is associated.

PARKING SPACE: An area of definite length and width, such area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERSONAL SERVICE ESTABLISHMENT — An establishment primarily engaged in providing services involving the care of a person or his or her goods or apparels, including but not limited to barbershops or beauty shops, health and fitness salons, nail salons, and photographic studios, but not including a tattoo or piercing parlor.

PETROLEUM STORAGE — The storage of crude oil which meets state and federal requirements for the storage and containment of such fossil fuel.

PHOTOGRAPHY STUDIO OR ART GALLERY — An establishment for artists or artisans skilled in photography or art that may involve the retail, lease, practice, service, and/or display of that skill, along with any associated equipment or supplies.

PLACE OF PUBLIC ASSEMBLY — Buildings, structures and grounds, including theaters, churches, auditoriums, convention space, stadiums, sports arenas, concert halls, lecture halls and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship or similar activities involving assembled groups of people numbering 30 or more.

PLANNING COMMISSION — The Village of Stevensville Planning Commission.

PLANNED DEVELOPMENT — A specific parcel of land or several contiguous parcels of land, under single ownership and control, for which a comprehensive physical development or redevelopment plan has been prepared establishing a functional use area or areas, density patterns where applicable, a fixed system of streets, including limited access service drives where applicable, service drives, provisions for public utilities, drainage and other essential services, all of which shall be subject to review and approval by the Village and which has been, or will be, developed in strict accordance with the approved plan.

POWER GENERATING FACILITY — An electric utility generating station, regardless of the means used for the production of electricity. The term "power generating facility" does not include temporary, portable generators used only for the specific purpose of providing a short-term use during construction when permanent power sources have not been installed.

PRINCIPAL BUILDING — A building in which is conducted the principal or main use of the lot on which it is located.

PRINCIPAL USE — The principal use to which a lot or structure on a lot are devoted and the primary or principal purpose for which the premises exist.

PRIVATE CLUB OR LODGE — An organization of persons, or their location thereof, for special purposes such as sports, arts, sciences, literature, politics, or the like, but not operated for a profit and open only to members, not the general public.

PRIVATE SCHOOL — Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge, including a preschool, elementary, middle, or high school, college or university, trade school and the like, which does not secure the major part of its funding from any governmental agency.

PROFESSIONAL OFFICE — A building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, and may include ancillary services for office workers, such as a coffee shop or child-care facilities.

PROFESSIONAL SERVICE ESTABLISHMENT — An establishment engaged in providing assistance, as opposed to products, to individuals, businesses, industries, governments, and other enterprises, including printing, information technology, consulting, and other similar services.

PUBLIC AND QUASI-PUBLIC USES — 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, such as churches, municipal off-street parking lots, libraries, museums, or fraternal organizations.

PUBLIC OR PRIVATE UTILITIES — Means any person, firm or corporation (includes cooperative municipal department, board or commission) duly authorized to produce and/or furnish under federal, state or municipal regulations, whether to the public, or wholesale market, the sale and/or distribution of gas, steam, electricity, sewage disposal, communications, television, telegraph, transportation or water within the Village. This includes all appurtenances necessary or associated with the distribution or servicing of the utility, with the following exceptions: The term "public utilities/private utilities" does not include power generating facilities (see Article XIV of this chapter pertaining to special use regulations), or wireless communication facilities (see Chapter 30, Article III, pertaining to wireless communications).

Section 1.04.17. "Q" Reserved.

Section 1.04.18. "R"

RECREATIONAL VEHICLE — A vehicle designed or constructed for the transportation of people, primarily for recreational purposes, and which may permit occupancy thereof as a dwelling or sleeping place, including motor homes, campers, camper trailers, off-road vehicles, boats and utility trailers.

RESIDENTIAL OVER RETAIL — A mixture of land uses in which dwelling units are located on floors or stories above retail businesses uses located on the ground flood of the building.

RESORT — A building or series of buildings under common ownership which provide lodging for transients, travelers, or temporary guests and which include outdoor recreational activities such as tennis, horseback riding, swimming, golf, barbecue and picnic facilities, or dining facilities intended for use by guests.

RESTAURANT — A retail establishment selling food and drink for consumption on the premises, including restaurants, taverns, coffee houses, bakeries, lunch counters, refreshment stands, and similar facilities selling prepared foods and drinks for immediate on-site consumption or for take-out.

RETAIL ESTABLISHMENT — An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, sidewalk, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

ROOF PITCH — The amount of slope of the roofline in terms of angle or other numerical measure; for example, one unit of vertical rise for three (3) units of horizontal shelter is expressed as "1:3."

Section 1.04.19. "S"

SELF-STORAGE FACILITY — A building that contains individual, compartmentalized, and controlled-access stalls of various sizes leased or rented on individual leases for seasonal recreational vehicles, boats for personal use, or other personal storage uses.

SETBACK, REQUIRED — The distance needed to obtain minimum front, side, or rear setback requirements of this Ordinance.

SEXUALLY ORIENTED BUSINESS — An establishment engaged in providing services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

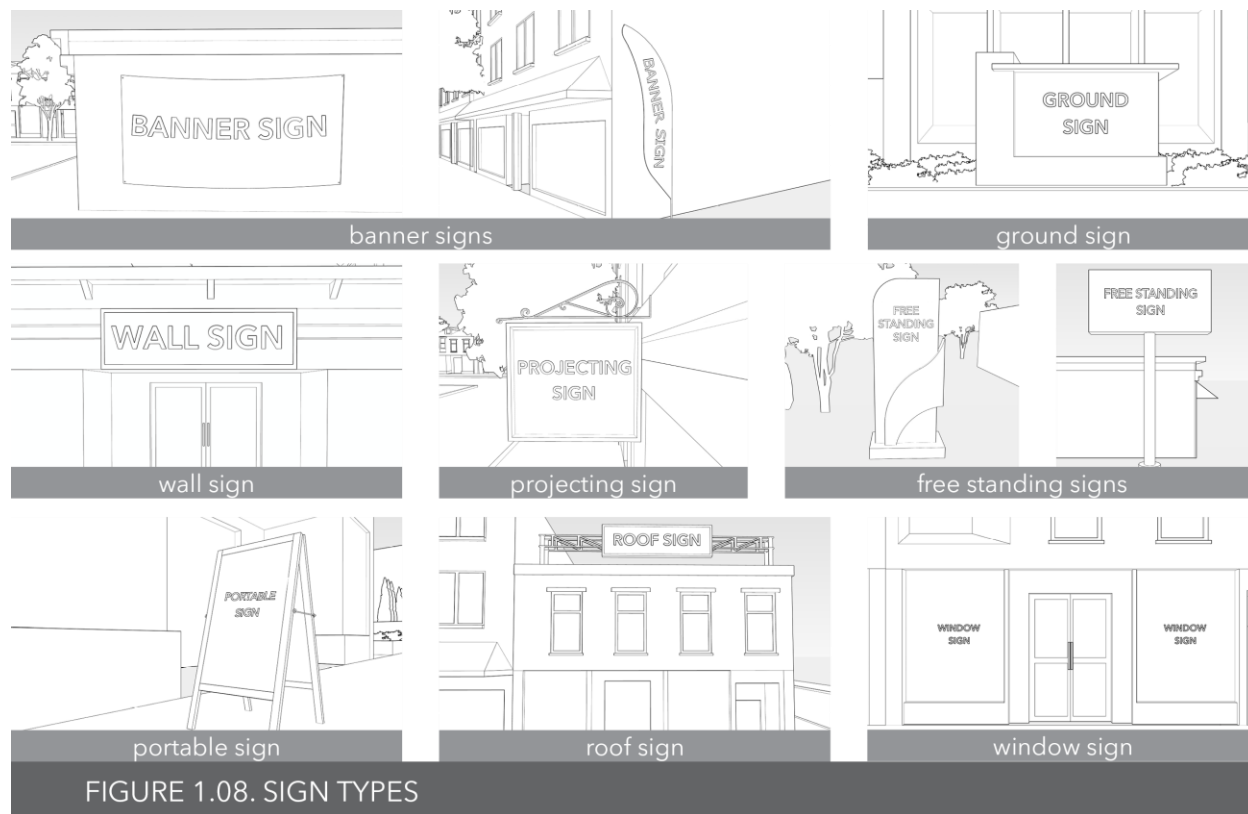
SCREEN — To conceal from view; or a structure or landscape materials providing enclosure and a visual barrier between the area enclosed and adjacent properties and rights-of-way.

SHIPPING AND LOGISTICS — An establishment devoted to the process of planning, implementing, and controlling the shipping, storage, and receiving of resources from distributors and suppliers.

SHORT-TERM RENTAL — The rental of any rental unit for a term of less than one month, but does not include the use of campgrounds, hotel rooms, transitional housing operated by a nonprofit entity, group homes such as nursing homes and adult-foster-care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health-care related clinic. Housing units owned by a business entity and made available on a temporary basis to employees of that business entity or employees of a contractor working for that business entity are not short-term rental units.

SIGN — The use of any words, numerals, figures, devices, designs, or trademarks by which anything is advertised, identified, displayed, or used to attract attention to an object, person, institution, firm, profession, business, product, service, event, location, statement, concept, or anything else and is visible to the general public. The following are definitions of sign types:

1. **ANIMATED SIGN** — Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation, not including electronic message boards.
2. **BANNER** — A sign constructed of lightweight fabric or similar material that is not permanently mounted to a pole or a building by a frame at one or more edges. (Fig. 1.08).
3. **BILLBOARD** — A large outdoor sign elevated high off the ground so as to be seen by vehicular travelers on nearby roadways.
4. **ELECTRONIC MESSAGE BOARD** — A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
5. **FREESTANDING SIGN** — A sign structurally separate from and not attached to any building, which is attached directly to the ground surface in a permanent manner, or support by one or more uprights, poles or braces attached to the ground surface in a permanent manner (Fig. 1.08).
6. **GOVERNMENT SIGN** — A sign that is constructed, placed, or maintained by the federal, state, or local government, or a sign that is required by the federal, state, or local government.
7. **GROUND SIGN** — A freestanding sign which is placed directly on the ground surface, without the use of uprights, poles, or any other structure to elevate the sign face above the surrounding grade and which is up to six feet in height (Fig. 1.08).
8. **ILLEGAL SIGN** — A sign which does not meet the requirements of this Ordinance and which does not have a legal nonconforming status.
9. **PORTABLE SIGN** — A temporary sign which is designed to be moved easily from place to place, that is not permanently attached to the ground or to a building or other structure, that may be supported by wheels, a portable stand, or a chassis, and may have provision for towing behind a vehicle (Fig. 1.08).
10. **ROOF SIGN** — A sign attached to and projecting from the roof surface of a building (Fig. 1.08).
11. **TEMPORARY SIGN** — A sign that is not permanently affixed to the ground and is designed, constructed, or intended for use for a limited period of time.
12. **WALL SIGN** — A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure, and the exposed face of which shall be on a plane parallel to the building wall to which it is attached (Fig. 1.08).
13. **WINDOW SIGN** — A sign which is applied or attached to, or located within, three feet of the interior of a window on a structure which can be seen through or from the window of the structure (Fig. 1.08).
14. **YARD SIGN** — A sign of relatively impermanent construction, intended for temporary use, manually placed in a yard.



SIGN AREA — The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

SITE CONDOMINIUM — A method of subdivision where the sale and ownership of sites is regulated by the Condominium Act (P.A. 59 of 1978), as amended, as opposed to the Land Division Act. Condominium subdivision shall be equivalent to the term "subdivision" as used in this zoning ordinance and the city's subdivision regulations ordinance.

SITE PLAN — The development plan for one or more lots on which is shown the existing and proposed conditions of the lot as required by Article 12 of this Ordinance.

SPECIAL LAND USE or SPECIAL USE — A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as special uses, if the Planning Commission approves specific provisions for such special use.

SPECIFIED ANATOMICAL AREAS — Specified anatomical areas shall include:

1. Less than completely and opaquely covered human genitals, anus, and female breasts at or below the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES — Specified sexual activities shall include:

1. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy; or
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of activities set forth in subsections 1, 2, or 3 above.

STATE LICENSED RESIDENTIAL FACILITY (1 to 6 PERSONS) — A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or Child Care Organizations Act 1973 PA 116, MCL 722.111 to 722.128, and provides services for not more than six (6) individuals.

STATE LICENSED RESIDENTIAL FACILITY (7 to 12 PERSONS) — A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or Child Care Organizations Act 1973 PA 116, MCL 722.111 to 722.128, and provides services for 7 to 12 individuals.

STORAGE, OUTDOOR — The outdoor standing or placement of usable and/or potentially usable goods or equipment other than for display and not including waste or scrap materials, other than in junk yards.

STORY — That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above then the ceiling next above. A basement shall not be counted as a story.

STORY, HALF — An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purposes of this ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

STREET — A dedicated public right-of-way, other than an alley, that provides the principal means of access for vehicular traffic to abutting property.

STREET, PRIVATE — A street that is not legally owned, and which has not been accepted by the city or other governmental entity.

STRUCTURE — Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things structures include buildings, mobile homes, walls, fences, decks, billboards, poster panels, swimming pools, tennis courts, antennas, satellite earth receiving stations, and television dish antennas.

SWIMMING POOL, PRIVATE — Any artificially constructed non-portable structure, erected in connection with or appurtenant to one or more private residences, either above or below or partly above or partly below grade, located either in part or wholly outside of a permanently enclosed and roofed building, which is designed to hold water to a depth any place in said structure greater than twenty-four (24) inches when filled to capacity, and intended to be used for recreational purposes.

Section 1.04.20. “T”

TATTOO OR PIERCING PARLOR — An establishment where tattooing or skin piercing is regularly conducted whether or not it is in exchange for compensation.

TRAVEL COACH or TRAVEL TRAILER — See “Recreational vehicle.”

TEMPORARY USE OR BUILDING — A land use or building that is accessory to a permitted use and of a non-permanent nature, intended for limited duration, and permitted to exist during periods of construction of the principal building or for special events.

TRANSITION STRIP — A landscape area of definite width, height, and location and containing plant materials of definite spacing designed and intended to serve as an obscuring device in carrying out the screening requirements of this Zoning Ordinance.

Section 1.04.21. “U”

USE — The principal purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

Section 1.04.22. “V”

VARIANCE — Permission to depart from the literal requirements of this Zoning Ordinance granted by the Zoning Board of Appeals pursuant to Article XVIII.

VEHICLE SALES FACILITY — An open air business selling new or pre-owned motor vehicles.

VEHICLE SERVICE AND REPAIR FACILITY — An establishment engaged in the general repair, engine rebuilding, transmission rebuilding, or reconditioning of motor vehicles; collision repair services, such as body, frame or fender straightening and repair; painting, welding, or upholstering; and vehicle stem cleaning and undercoating.

VEHICLE WASH FACILITY — Any building or premises or portions thereof used for the commercial washing automobiles.

VETERINARY HOSPITAL — A facility where animals are given medical care and the boarding of animals is limited to short-term care incidental to the clinic use, which may or may not include boarding or kennel facilities. Kennel facilities are those lots or premises on which four (4) or more domestic animals, six (6) months of age or older are kept temporarily or permanently for the purposes of breeding, boarding, or sale.

Section 1.04.23. “W”

WAREHOUSING AND STORAGE FACILITY — A building used primarily for the storage of goods and materials.

WIRELESS COMMUNICATION ANTENNA — A device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, cellular, or other signals transmitted to or from other antennas or telecommunication facilities for commercial or municipal purposes.

WIRELESS COMMUNICATION TOWER — Any structure which is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio or other

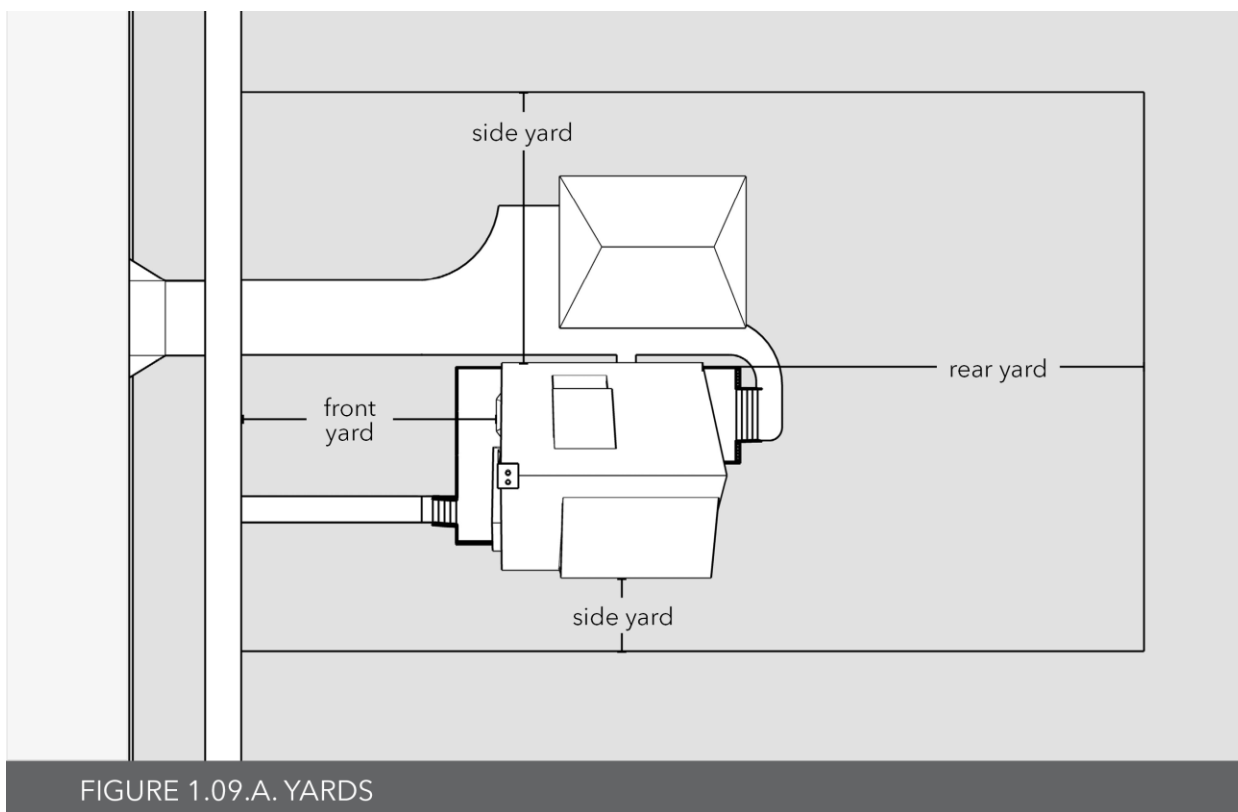
communication purposes. Such structures may be freestanding, such as self-supporting lattice, guyed, or monopole towers, or attached to an existing structure, such as artificial trees, steeples, light poles, poles supporting power lines or similar mounting structures that effectively camouflage or minimize the visual impact of antennas and towers.

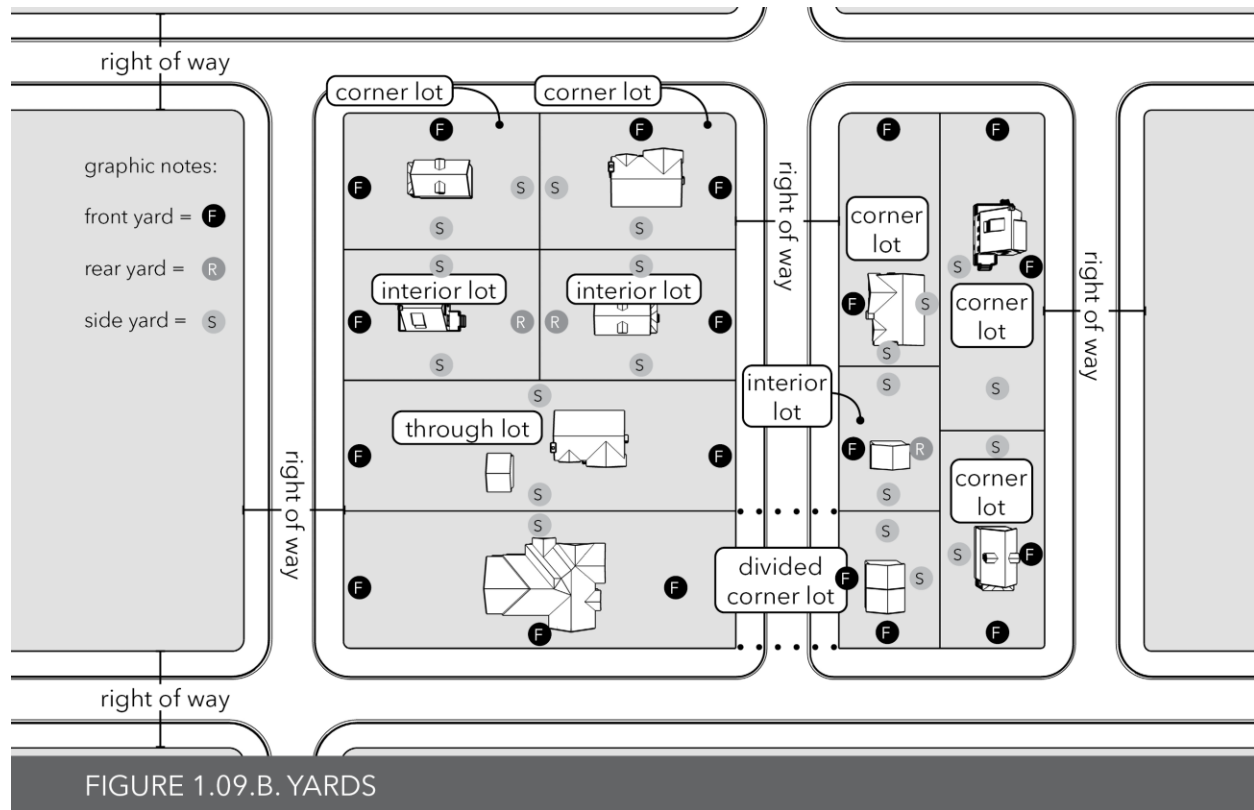
Section 1.04.24. "X" Reserved.

Section 1.04.25. "Y"

YARDS — The open spaces on the same lot with a principal building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance and as defined herein:

1. **FRONT YARD** — An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building wall (Fig. 1.09).
2. **REAR YARD** — An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building wall (Fig. 1.09).
3. **SIDE YARD** — An open space between the principal building and the side lot line, extending between the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the principal building wall (Fig. 1.09).





Section 1.04.26. “Z”

ZONING ADMINISTRATOR — The Village of Stevensville Zoning Administrator as established in Article XIX.

ZONING BOARD OF APPEALS — A board consisting of three members with the powers and duties as provided in Article VI of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended and as established in Article XVIII of this Ordinance.

ZONING PERMIT — A Village of Stevensville Zoning Permit as established in Section 19.02 of this Ordinance.

Article II – Zoning Districts, Map, and Application of Regulations

Section 2.01. Districts Established.

For the purposes of this Ordinance, the Village is hereby divided into the following districts:

1. Residential districts.
 - Single-family residential district: R1
 - Duplex dwelling district: R2
 - Multi-family district: R3
 - Mobile home park district: R4
2. Nonresidential districts.
 - General commercial district: C1
 - Central business district: C2
 - Industrial district: I1
3. Planned development districts.
 - Planned development district: PD

Section 2.02. District Boundaries

1. The boundaries of these districts are hereby established as shown on the Zoning Map, which is on file in the Village hall, and which map with all notations, references, and other information shown thereon shall be a much a part of this Ordinance as if fully described herein.
2. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the Village of Stevensville Village Hall shall be the final authority as to the current zoning status of any land, parcel, lot, zoning district, use, building or structure in the Village.

Section 2.03. Boundaries Interpreted

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries that are indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
2. Boundaries that are indicated as approximately following a recorded parcel line shall be construed as following such line.
3. Boundaries that are indicated as following railroad lines shall be construed to be the midway between the main tracks.

4. Boundaries that are indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
5. Boundaries that are indicated as parallel to or extensions of features indicated in Subsections (1) through (4) of this section shall be so construed. The scale of the map shall determine distances not specifically indicated on the official Zoning Map.
6. Where physical or natural features existing on the ground are inconsistent with those shown on the official Zoning Map, or in other circumstances not covered by subsections (1) through (5) of this section, the Zoning Board of Appeals shall interpret the district boundaries.
7. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, 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 public right-of-way.

Section 2.04. Zoning of Vacated Areas

Whenever any street, alley, or public way, within the Village, shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.

Section 2.05. District Requirements

All buildings and uses in any district shall be subject to the provisions of the district in which they are zoned, as well as the provisions of Article 13 of this Ordinance, pertaining to General Provisions.

Section 2.06. Application of Regulations

The regulations set forth by this chapter within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land similarly situated within a zoning district, and particularly, except as provided in this section:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the zoning district in which it is located and all of the regulations of this Ordinance.
2. Unless permitted in this ordinance, no building or other structure shall hereafter be erected or altered to:
 - A. Exceed the height or area limitations;
 - B. Accommodate or house a greater number of families;
 - C. Have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or
 - D. Be erected or altered in any manner contrary to this chapter.
3. No part of a yard, other open space, or off-street parking or loading space required for or in connection with any building for the purpose of complying with this chapter shall be included

as part of a yard, open space or off-street parking or loading space required for any other building.

4. No yard or lot existing upon the effective date of the ordinance from which this chapter is derived shall be reduced in dimension or area below the minimum requirements set forth herein.

Article III – R1 Single-Family Residential District

Section 3.01. District and Intent

The regulations contained herein are intended to encourage a suitable environment for people of all ages and abilities. To this end, uses are limited to single-family dwellings, together with certain other uses such as schools, parks and playgrounds, which provide a neighborhood environment. In keeping with the intent, development is regulated to a relatively low residential. Commercial and other uses, tending to be incompatible with the intent, are prohibited.

Section 3.02. Permitted Uses

The following uses shall be permitted by right:

1. Accessory buildings and uses
2. Dwellings, single-family
3. Home occupations
4. Public and quasi-public uses
5. State licensed residential facilities (1-6 persons)

Section 3.03. Special Land Uses

The following uses shall be permitted with special land use approval:

1. Places of public assembly
2. Private clubs or lodges
3. State licensed residential facilities (7-12 persons)

Section 3.04. Site Development Requirements

1. All permitted and special land uses are subject to the following site development requirements, which shall be met and maintained in connection with any building or structure, or the enlargement of any building or structure:

Table 3.1 Single-Family Residential Requirements	
Dimensional Standard	R1 District
Minimum Lot Area	15,000 square feet
Minimum Lot Width	70 feet
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback (per side)	10 feet
Minimum Rear Yard Setback	25 feet
Maximum Building Height	35 feet or 2 ½ stories, whichever is less

Maximum Lot Coverage	35%
Minimum Dwelling Floor Area	1,100 square feet
1 story in height	1,100 square feet
1 ½ stories in height	1,400 square feet
2 stories in height	1,600 square feet

2. All uses shall be connected to public water and sewer if a hookup is available within 200 feet as measured from the property line.
3. Any new subdivisions or site condominiums shall be connected to public water and sewer.

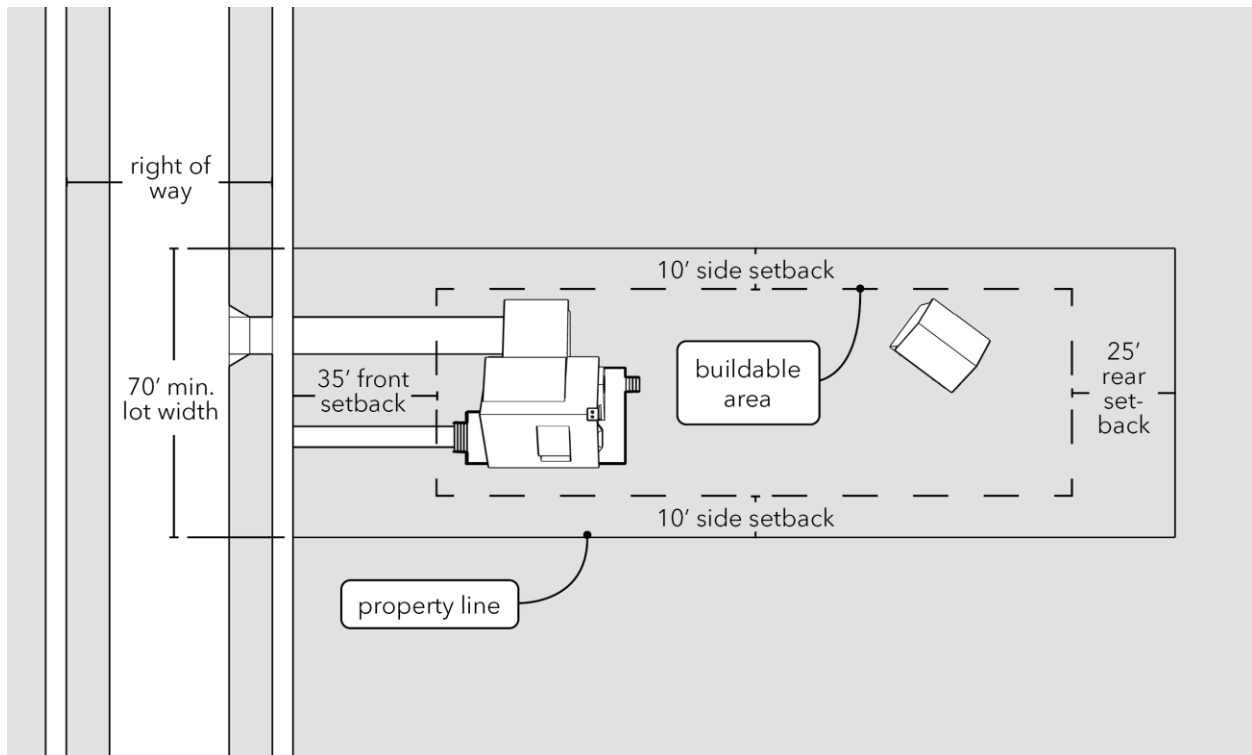


FIGURE 3.01. R1 SITE DEVELOPMENT REQUIREMENTS

Article IV – R2 Duplex Dwelling District

Section 4.01. District and Intent

The regulations contained herein are intended to encourage a suitable environment for family living but at a higher density than the R1 district. To this end, uses are basically limited to single-family and two family (duplex) dwellings, together with certain other uses that provide a neighborhood environment such as parks and public facilities. In keeping with the intent, development is regulated to a moderate density. Commercial and other uses, tending to be incompatible with the intent, are prohibited.

Section 4.02. Permitted Uses

The following uses shall be permitted by right:

1. Accessory buildings and uses
2. Dwellings, single-family
3. Dwellings, two-family
4. Home occupations
5. State licensed residential facilities (1-6 persons)
6. Public and quasi public uses

Section 4.03. Special Land Uses

The following uses shall be permitted with special land use approval:

1. Places of public assembly
2. State licensed residential facilities (7-12 persons)

Section 4.04. Site Development Requirements

1. All permitted and special land uses are subject to the following site development requirements, which shall be met and maintained in connection with any building or structure, or the enlargement of any building or structure:

Table 4.1 Duplex Dwelling District Requirements	
Dimensional Standard	R2 District
Minimum Lot Area	6,000 square feet for one dwelling unit, plus 3,000 square feet for each unit thereafter
Minimum Lot Width	70 feet
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback (per side)	10 feet
Minimum Rear Yard Setback	25 feet

Maximum Building Height	35 feet or 2 ½ stories, whichever is less
Maximum Lot Coverage	35%
Minimum Dwelling Floor Area	
Two-family dwellings	650 square feet per unit, plus 100 square feet per additional bedroom beyond one
Single-family dwelling	
1 story in height	1,100 square feet
1 ½ stories in height	1,400 square feet
2 stories in height	1,600 square feet

2. All uses shall be connected to public water and sewer.

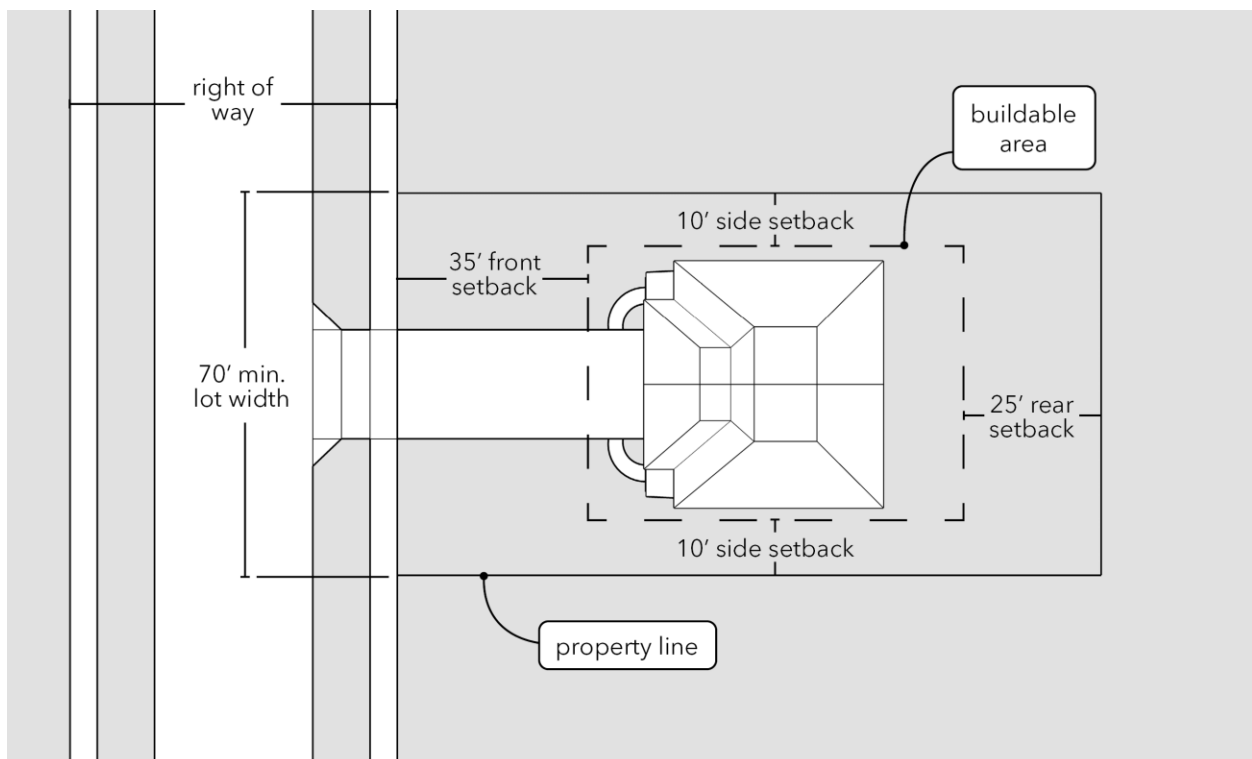


FIGURE 4.01. R2 SITE DEVELOPMENT REQUIREMENTS

Article V – R3 Multiple family District

Section 5.01. District and Intent

The regulations contained herein are intended to contribute to the diversification and variety of the community's housing stock by permitting multiple family housing development at locations suitable for a comfortable residential environment.

Section 5.02. Permitted Uses

The following uses shall be permitted by right:

1. Accessory buildings and uses
2. Dwellings, multiple-family
3. Dwellings, single-family
4. Dwellings, two-family
5. Home occupations
6. State licensed residential facilities (1-6 persons)
7. Public and quasi-public uses

Section 5.03. Special Land Uses

The following uses shall be permitted with special land use approval:

1. State licensed residential facilities (7-12 persons)
2. Adult foster care large group homes or congregate care facilities

Section 5.04. Site Development Requirements

1. All permitted and special land uses are subject to the following site development requirements, which shall be met and maintained in connection with any building or structure, or the enlargement of any building or structure:

Table 5.1 Multiple-Family Residential District Requirements	
Dimensional Standard	R3 District
Minimum Lot Area	10,000 square feet for one dwelling unit and an additional 2,000 square feet for each additional unit thereafter
Minimum Lot Width	70 feet
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback (per side)	20 feet when abutting non-residential districts, 30 feet when abutting residential districts

Minimum Rear Yard Setback	50 feet
Maximum Building Height	35 feet or 2 ½ stories, whichever is less
Maximum Lot Coverage	60%
Minimum Dwelling Floor Area	
Two-family and multiple-family dwellings	650 square feet per unit, plus 100 square feet per additional bedroom beyond one
Single-family dwellings	
1 story in height	1,100 square feet
1 ½ stories in height	1,400 square feet
2 stories in height	1,600 square feet

- All dwellings or other types of construction permitted by right or special land use shall be connected to public water and sewer.

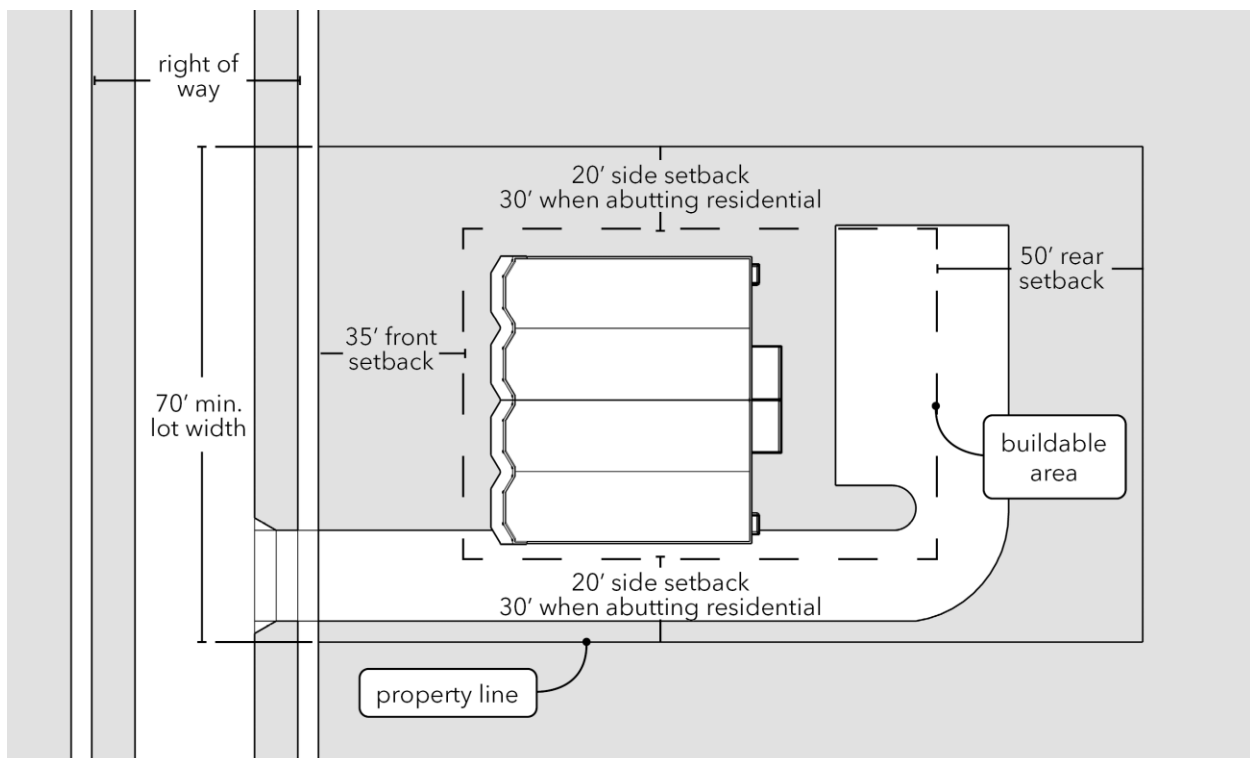


FIGURE 5.01. R3 SITE DEVELOPMENT REQUIREMENTS

Article VI – R4 Mobile Home Park District

Section 6.01. District and Intent

The regulations herein contained are intended for areas suitable for single-family residential use on a plot or parcel of land developed for the accommodations of mobile homes. The regulations of this district are further intended to require adequate space and facilities for safe, healthful living conditions for occupants of such mobile home parks. The following rules and regulations shall prevail unless superseded by any laws and/or rules and regulations promulgated by the state.

Section 6.02. Permitted Uses

The following uses shall be permitted by right:

1. Accessory buildings and uses
2. Home occupations
3. State licensed residential facilities (1-6 persons)
4. Manufactured homes, when located within an approved manufactured home park
5. Public and quasi-public uses

Section 6.03. Special Land Uses

The following uses shall be permitted with special land use approval:

1. State licensed residential facilities (7-12 persons)

Section 6.04. Site Development Requirements

1. All mobile home sites shall be furnished with public water and public sewer connections. Electrical and telephone distribution lines shall be placed underground.
2. No mobile or manufactured home shall be occupied as a dwelling or residence in the Village except unless it is located in a mobile home park in a mobile home park district.
3. The site development requirements of the manufactured housing commission, together with any other applicable requirements of the State of Michigan, Act 96 of 1987, as amended, shall be satisfied. No manufactured housing community shall be maintained, operated, or conducted without an annual license from the Michigan Department of Licensing and Regulatory Affairs (LARA) or other agency having jurisdiction. An inspection of construction may be performed at any appropriate time, pursuant to 1987 PA 96, as amended (the Mobile Home Commission Act).

Article VII – C1 General Commercial District

Section 7.01. District and Intent

The regulations contained herein are intended to provide a neighborhood convenience shopping zones where retail businesses, service establishments, and offices are permitted to perform services to meet the daily needs of the Village.

Section 7.02. Permitted Uses

The following uses shall be permitted by right:

1. Accessory buildings and uses
2. Breweries or wineries
3. Child care facilities
4. Financial institutions
5. Gas stations
6. Hospitals
7. Hotels and motels
8. Live/work
9. Medical clinics
10. Mixed use developments
11. Personal service establishments
12. Photography studios and art galleries
13. Places of public assembly
14. Professional offices
15. Professional service establishments
16. Public uses
17. Open air businesses
18. Residential over retail
19. Resorts
20. Restaurants
21. Retail establishment
22. Vehicle sales facilities
23. Vehicle wash facilities

Section 7.03. Special Land Uses

The following uses shall be permitted with special land use approval:

1. Adult foster care large group homes or congregate care facilities
2. Assisted living facilities
3. Colleges and universities
4. Contractor’s offices and yards
5. Equipment sales, rental, and repair facilities
6. Funeral homes or mortuaries
7. Kennel/Animal day cares
8. Hospitals
9. Manufacturing, processing, assembly, and fabrication establishments
10. Outdoor entertainment event venues
11. Outdoor recreation facilities
12. Outdoor storage facilities or yards
13. Private schools
14. Self-storage facilities
15. Sexually-oriented businesses
16. Tattoo or piercing parlors
17. Vehicle service and repair facilities
18. Warehousing and storage facilities

Section 7.04. Site Development Requirements

1. All permitted and special land uses are subject to the following site development requirements, which shall be met and maintained in connection with any building or structure, or the enlargement of any building or structure:

Table 7.1 General Commercial District Requirements	
Dimensional Standard	C1 District
Minimum Lot Area	10,000 square feet
Minimum Lot Width	70 feet
Minimum Front Yard Setback	15 feet
Minimum Side Yard Setback (per side)	10 feet 25 feet when adjacent to a residential district
Minimum Rear Yard Setback	25 feet

Maximum Building Height	35 feet or 2 ½ stories, whichever is less
Maximum Lot Coverage	70%

Section 7.05. Design Standards

1. Residential Setback. No building or sign in the C1 district shall be located within 25 feet of any residential district or residential use, measured to the nearest property line.

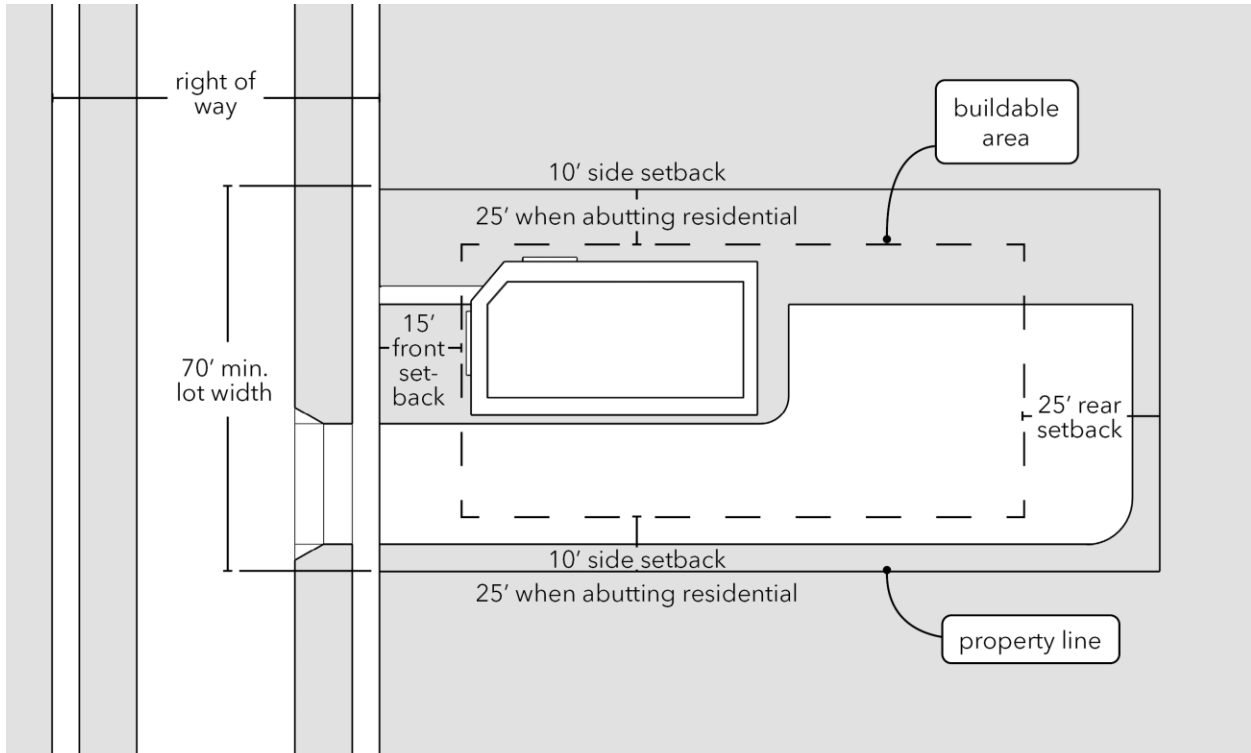


FIGURE 7.01. C1 SITE DEVELOPMENT REQUIREMENTS

Article VIII – C2 Central Business District

Section 8.01. District and Intent

The regulations herein contained are intended to encourage and facilitate the development of sound and efficient shopping and central business districts. In the central business district, development should take the form of a “Main Street” urban design with buildings built to or near the front lot line with parking in the side or rear yard, ample windows, wide sidewalks, and street trees. Businesses and buildings should aim to develop and facilitate a vibrant streetscape scaled around people instead of automobiles.

Section 8.02. Permitted Uses

The following uses shall be permitted by right:

1. Accessory buildings and uses
2. Hotels and motels
3. Medical clinics
4. Mixed use developments
5. Personal service establishments
6. Photography studios and art galleries
7. Places of public assembly
8. Professional offices
9. Professional service establishments
10. Public and quasi-public uses
11. Residential over retail
12. Restaurants
13. Retail establishments

Section 8.03. Special Land Uses

The following uses shall be permitted with special land use approval:

1. Assisted living facilities
2. Breweries or wineries
3. Equipment sales, rental, and repair facilities
4. Funeral homes or mortuaries
5. Gas stations
6. Open air businesses
7. Outdoor entertainment and event venues

- 8. Outdoor recreation facilities
- 9. Outdoor storage facilities or yards
- 10. Permitted uses containing drive-through facilities
- 11. Tattoo or piercing parlors
- 12. Vehicle sales facilities
- 13. Vehicle service and repair facilities
- 14. Vehicle wash facilities

Section 8.04. Site Development Requirements

- 1. All permitted and special land uses are subject to the following site development requirements, which shall be met and maintained in connection with any building or structure, or the enlargement of any building or structure:

Table 8.1 Central Business District Requirements	
Dimensional Standard	C2 District
Minimum Lot Area	3,000 square feet
Minimum Lot Width	20 feet
Minimum Front Yard Setback	0 minimum, 15 feet maximum
Minimum Side Yard Setback (per side)	None
Minimum Rear Yard Setback	None
Maximum Building Height	35 feet or 2 ½ stories, whichever is less
Maximum Lot Coverage	None

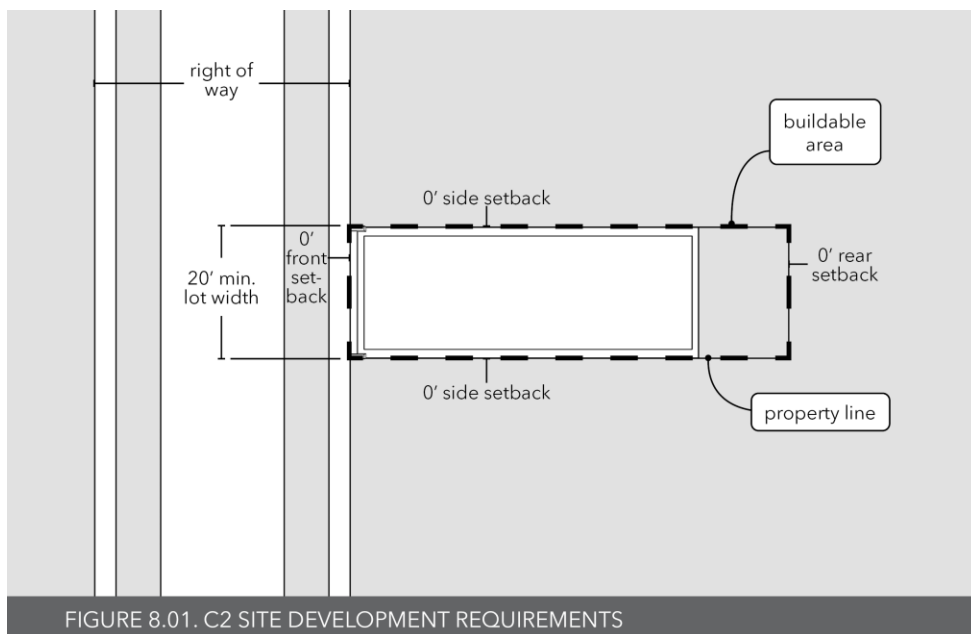


FIGURE 8.01. C2 SITE DEVELOPMENT REQUIREMENTS

Section 8.05. Design Standards

1. Storage of goods and materials. There shall be no outdoor storage of goods and materials and there shall be no warehousing or the indoor storage of goods or materials beyond that normally incidental to a permitted use.
2. Sidewalks. All development shall be adequately served by a sidewalk at least five (5) feet in width or as otherwise required by the Village.
3. Windows. All building walls that face a street shall be comprised of at least 60% windows on the first floor and at least 40% windows on upper floors. Windows on upper floors shall be vertically oriented, rectangular windows with lintels and sills. Reflective glass, bronze-tinted glass, and frosted materials shall be prohibited for ground floors and strongly discouraged on upper floors. Window glazing shall be recessed from the outside of all building walls.
4. Streetwalls. Buildings shall adjoin and align with neighboring structures to form a consistent streetwall. The front yard, if provided, shall be landscaped in accordance with the provisions of this Chapter and have appropriate amenities (benches, bike racks, etc.) to enhance the street atmosphere.

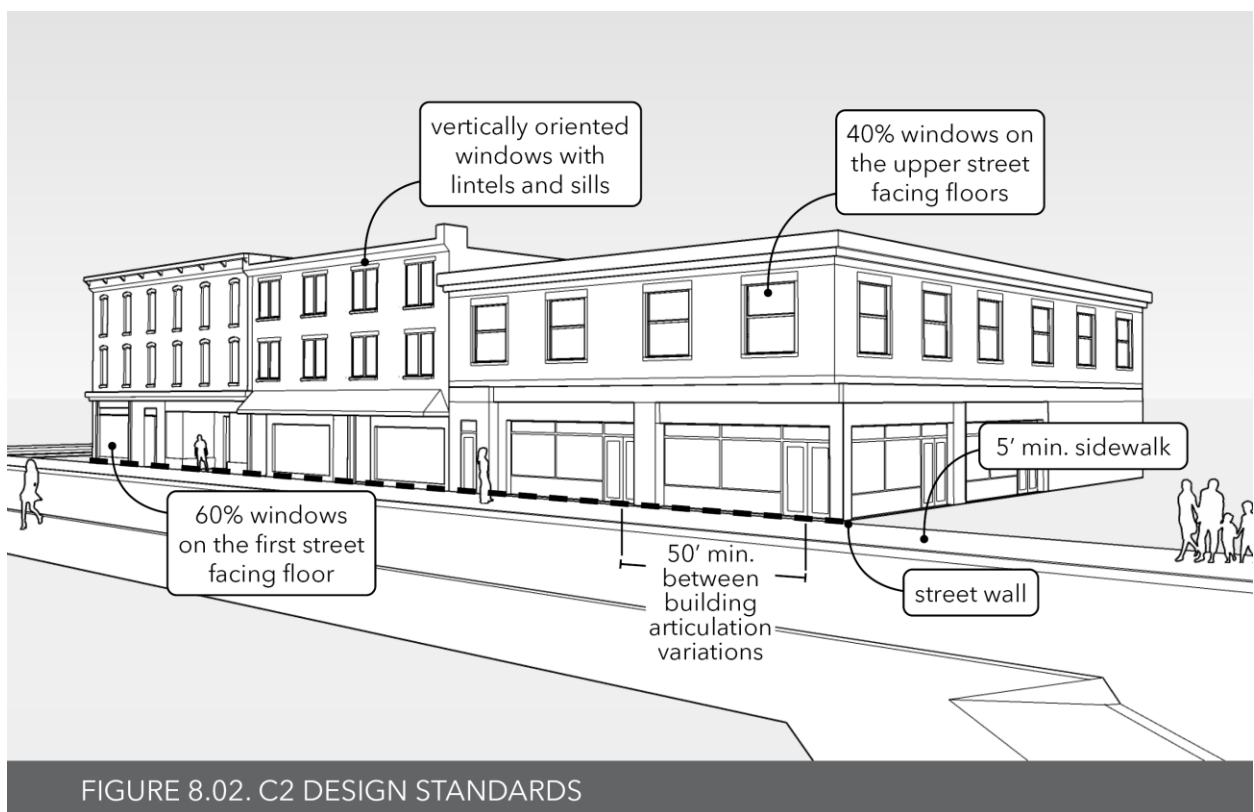


FIGURE 8.02. C2 DESIGN STANDARDS

5. Architectural Ornamentation. For buildings facing the street, no more than 50 feet of horizontal distance of wall shall be provided without articulation of architectural design variations to assure that the building is not monotonous in appearance. Acceptable variations include, but are not limited to, the following:

- A. Recess and projections along the building facade. Variation in depth must be a minimum of eighteen (18) inches.
- B. Architectural details or features such as arches; changes in vertical elements such as towers, cupolas, or changes in roof design; contrasting bases, masonry courses, or molding; pilasters and columns; stone accents; colonnades; or porches.
- C. Enhanced ornamentation around building entryways, such as canopies, paving treatments, change in roofline, porticos, larger door openings and display windows, accent colors, arches, arcades, distinctive door pulls, decorative lighting and planters

Article IX – Reserved

Article X – I1 Industrial District

Section 10.01. District and Intent

The regulations herein contained are intended to permit most compounding, assembling or treatment of articles or materials, with the exception of heavy manufacturing and processing of raw materials. The primary intent of this district is to ensure that operations will be conducted without substantial annoyance or inconvenience to the owners of surrounding property or the users of surrounding highways, and the prevention of adverse effects upon surrounding public or private property.

Section 10.02. Permitted Uses

The following uses shall be permitted by right:

1. Brewery or winery
2. Contractor's offices and yards
3. Gas stations
4. Machine shops
5. Manufacturing, processing, assembly, and fabrication establishments
6. Photography studios and art galleries
7. Printing, publishing, and related services
8. Professional offices
9. Professional service establishments
10. Restaurants
11. Shipping and logistics
12. Warehousing and storage facilities
13. Vehicle sales facilities
14. Vehicle service and repair facilities
15. Vehicle wash facilities

Section 10.03. Special Land Uses

The following uses shall be permitted with special land use approval:

1. Equipment sales, rental, and repair facilities
2. Petroleum storage facilities
3. Power generating facilities
4. Utility scale solar energy systems

Section 10.04. Site Development Requirements

1. All permitted and special land uses are subject to the following site development requirements, which shall be met and maintained in connection with any building or structure, or the enlargement of any building or structure:

Table 10.1 Industrial Requirements	
Dimensional Standard	I1 District
Minimum Lot Area	20,000 square feet
Minimum Lot Width	100 feet
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback (per side)	10 feet
Minimum Rear Yard Setback	25 feet
Maximum Building Height	35 feet or 2 ½ stories, whichever is less
Maximum Lot Coverage	60%

Section 10.05. Design Standards

1. Unless otherwise specified in this Ordinance, no building or sign shall be located closer than 50 feet to any residential district or use boundary.
2. All uses permitted by right or special land use shall be connected to public water and sewer.

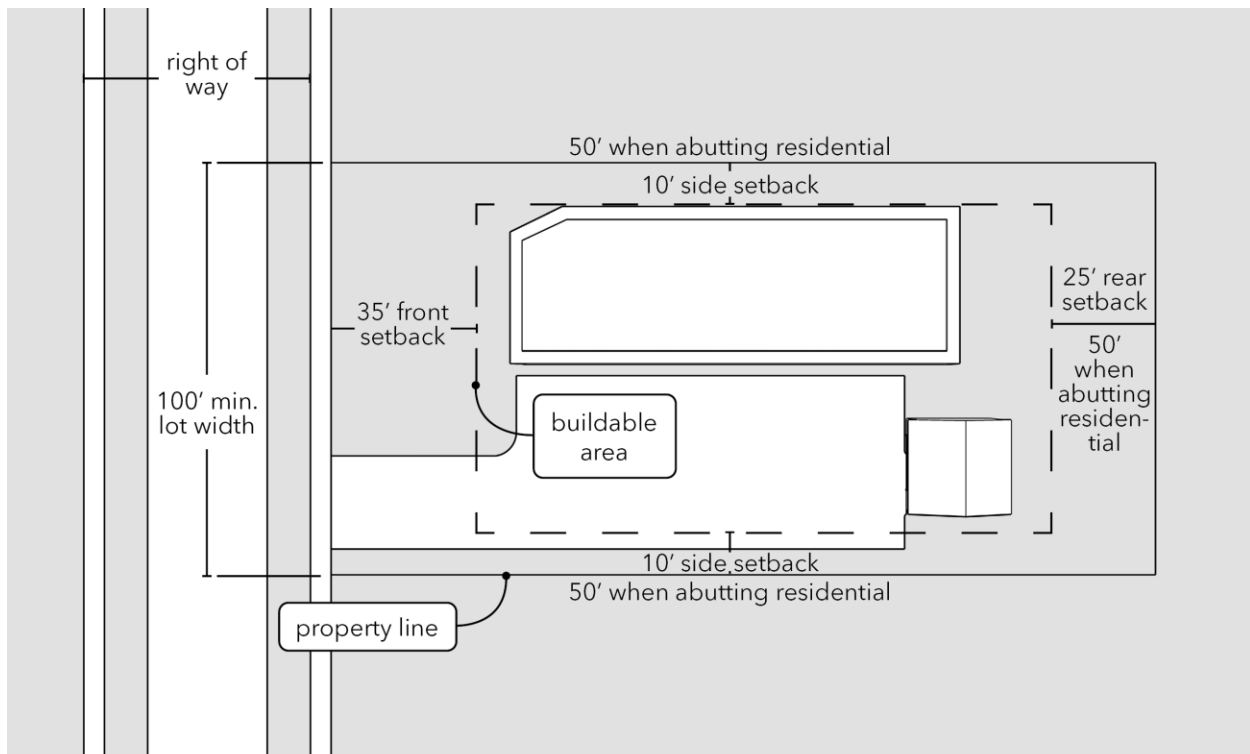


FIGURE 10.01. I1 SITE DEVELOPMENT REQUIREMENTS

Article XI – PD Planned Development District

Section 11.01. District and Intent

The regulations herein contained are intended to offer an alternative to conventional development and traditional zoning standards and to permit flexibility in the development or redevelopment of areas through the authorization of Planned Development (PD) districts. The standards in this Article are intended to promote and encourage development on parcels of land that are suitable in size, location, and character for the uses proposed, and are further intended to ensure compatibility with adjacent land uses, the Village Master Plan, and where applicable, existing natural features.

The use, area, height, bulk, and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. However, in certain developments, these requirements may sometimes result in situations less in the interest of public health, safety, and welfare than if greater flexibility were permitted. The purpose of a PD is to permit the development of planned areas for various compatible uses allowed by the zoning ordinance and for other uses not so provided. This district is also intended to enhance flexibility in building placement standards in order to achieve a recognizable benefit for the public interest. It is intended that this district shall afford each type of use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to this district.

Section 11.02. Objectives and Qualifying Conditions

1. The degree to which the following objectives are satisfied shall be considered by the Planning Commission and Village Council in its review of a PD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range planning of planned developments. The objectives of PDs are:
 - A. To encourage the provision and protection of open spaces, cultural/historic resources, the development of recreational amenities, and, where necessary, other support facilities within reasonable distance of all dwelling units;
 - B. To encourage developers to use a more creative and imaginative approach in the development of property in the Village;
 - C. To allow for market-driven development or redevelopment in places most conducive to accommodating additional activity;
 - D. To facilitate economic development through the creation of a mix of uses and/or building types and forms;
 - E. To create walkable developments with pedestrian-oriented buildings and open space that connects to nearby destinations or neighborhoods;
 - F. To provide for the adaptive re-use of significant or historic buildings;
 - G. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the village.

- H. To promote flexibility in design and to permit planned diversification in the location of structures;
 - I. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;
 - J. To minimize adverse traffic impacts and to accommodate safe and efficient pedestrian access and circulation;
 - K. To provide for redevelopment of sites and/or buildings that are under-developed or have fallen into disrepair;
 - L. To combine and coordinate architectural styles, building forms, and building relationships; and
 - M. To ensure a quality of construction commensurate with other developments within the village.
2. Qualifying Conditions.
- A. Ownership. The tract of land for which a PD application is received must be either in one (1) ownership or with written approval of the owners of all affected properties.
 - B. Conditions. To be considered as a PD, the proposed development must fulfill at least one (1) of the following conditions:
 - 1) The PD contains two (2) or more separate and distinct uses, for example, residential dwellings and office or commercial uses;
 - 2) The PD site exhibits significant natural features encompassing at least twenty-five (25) percent of the land area of the PD which will be preserved as a result of the PD plan;
 - 3) The PD is designed to preserve, in perpetuity, at least sixty (60) percent of the total area of the site as open space;
 - 4) The PD constitutes a significant redevelopment of an underutilized or vacant property where conventional development may not be feasible.
 - C. Master Plan. The applicant shall demonstrate that the proposed PD is consistent with the adopted Village of Stevensville Master Plan.

Section 11.03. Permitted Uses and Residential Density

- 1. The following uses may be permitted in a PD:
 - A. Uses permitted by right or by special land use in the underlying zoning district;
 - B. Any use that is determined to be consistent with the Village Master Plan;
 - C. A combination of residential, commercial, and public uses which are compatible with existing and adjacent land uses and the Village Master Plan ;
- 2. Only those uses approved for the PD shall thereafter be permitted within the PD.

3. For PDs located in non-residential districts, the maximum number of dwelling units permitted in a PD shall be determined by the Planning Commission in consideration of the Master Plan, existing and future surrounding land uses, capacity of public utilities and services, and other applicable factors.
4. For PDs located in residential zoning districts, the permitted density shall not be greater than that permitted by the zone district in which the proposed uses are permitted. If the PD lies in more than one (1) zone district, then the number of dwelling units shall be calculated on a proportionate basis.
5. The total amount of land to be used for the calculation of the permitted density in a PD in subsection 4 above shall be determined by using the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for existing public easements and existing public or private street rights-of-way.
6. Land not proposed for development and not used or dedicated existing public or private street rights-of-way or other infrastructure, but used for the calculation of overall density, shall be considered open space and subject to the requirements of section 11.06.

Section 11.04. Non-Residential or Mixed Use PDs

1. All uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
2. All merchandise for display, sale, or lease shall be entirely within an enclosed building(s).
3. A mix of residential and non-residential uses may be permitted only if they will not materially alter the character of the neighborhood and/or the PD.
4. When a PD contains a mix of residential and non-residential uses, buildings designed for non-residential uses shall be constructed according to the following requirements:
 - A. If the entire PD contains fewer than twenty (20) dwelling units, seventy-five (75) percent of these units must be constructed prior to construction of any non-residential use.
 - B. If the PD contains more than twenty (20) dwelling units, fifty (50) percent of these units shall be constructed prior to the construction of any non-residential use.

Section 11.05. Design Standards

1. Deviations from Minimum Requirements. In approving a PD, the Village may permit deviations from the lot area and width requirements, parking requirements, required buffers, building setback requirements, height limitations, and other requirements of the zoning ordinance provided that such deviations are consistent with all other requirements of this Ordinance, the Master Plan, and the following standards:
 - A. The applicant shall identify, in writing, all proposed deviations from the underlying zoning district. Deviations may be approved by the Village Council after the Planning Commission recommendation. These adjustments may be permitted if they will result in a higher quality of development or better integration of the proposed use(s) within the vicinity.

- B. Deviations from the minimum requirements shall also satisfy at least one (1) of the following criteria:
- 1) The proposed deviations shall preserve the best natural features of the site;
 - 2) The proposed deviations shall create, maintain, or improve habitat for wildlife;
 - 3) The proposed deviations shall create, maintain, or improve open space for the residents;
 - 4) The proposed deviations shall enhance the views into the site as well as the view from dwellings to be built on site;
 - 5) The proposed deviations shall constitute an adaptive re-use or redevelopment of buildings and/or property; and/or
 - 6) The proposed deviations shall be necessary for the development or redevelopment of property that would not be feasible without the deviations.
2. Other Requirements.
- A. All electric, cable, internet, and telephone transmission wires within the PD shall be placed underground.
 - B. Signs are permitted in accordance with the zone district in which the proposed uses are permitted.
3. Conditions. The Village Council may impose conditions with the approval of a PD that are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this chapter. Such conditions shall be considered an integral part of the PD approval and shall be enforceable by the Zoning Administrator.

Section 11.06. Open Space

If open space is provided in the PD, it shall meet the following considerations and requirements:

1. Open space may be established to separate uses within the PD.
2. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PD may reasonably utilize the available open space.
3. Evidence shall be given that satisfactory arrangements will be made for the maintenance of open space to relieve the Village of the future maintenance thereof.
4. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
5. All land set aside as open space shall be deed restricted to ensure that the open space remains undeveloped in perpetuity.
6. All open space shall be in joint ownership of the property owners within the PD or some other entity approved by the Village. Such joint ownership or entity shall take responsibility for the maintenance of the open space.

7. The maintenance requirements of dedicated open space may include regular clearing and mowing or other active maintenance. Maintenance shall also include the removal of any accumulation of trash or waste material within the dedicated open space, cleanup of storm damage, removal of diseased plant materials, and similar improvements.
8. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the PD. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PD.

Section 11.07. General Application Procedures

1. The following steps, which are outlined in Sections 11.08-11.11, shall govern all applications for PD approval, whether residential, non-residential, or mixed use:
 - A. Preliminary Planning Commission Review (Optional). A preliminary plan may be submitted to the Planning Commission for initial review. The applicant may attend a pre-application review of the proposed PD Plan with the Planning Commission.
 - B. PD Plan and PD Rezoning.
 - 1) The Planning Commission shall review the PD plan and PD rezoning application, hold a public hearing (if desired), and make a written recommendation to the Village Council.
 - 2) The Village Council shall review the PD plan and PD rezoning application, and the written recommendation and findings from the Planning Commission, hold a public hearing, and make a final decision.
 - C. PD Final Site Plan Review. The Planning Commission and other applicable Village personnel shall review the PD final site plan in accordance with Section 11.11 of this article.
2. An application for PD shall be accompanied by a statement with regard to compliance with the standards required for approval in Section 11.10, and other standards imposed by this Ordinance affecting the PD under consideration.
3. Either concurrently with the PD plan application, or upon approval by the Village Council (with or without conditions), the applicant may apply for preliminary plat approval, condominium approval, and private road approval, as applicable.
4. Approval of a PD pursuant to this article shall constitute an amendment to the Stevensville Zoning Ordinance and Zoning Map.

Section 11.08. Preliminary Planning Commission Review (Optional)

1. Preliminary plans of the proposed PD may, at the applicant's option, be submitted for review to the Planning Commission prior to submission of an application for a PD. The purpose of the meeting is to allow discussion between an applicant and the Planning Commission, and to inform the applicant of the acceptability of proposed plans prior to incurring extensive engineering and other costs which will be necessary for PD review.

2. As part of the pre-application review, the applicant shall submit a copy of a conceptual plan for the proposed PD that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, the proposed number and arrangement of lots or units with building envelopes, proposed open spaces, location of proposed buildings, and proposed land use(s) for the entire site.
3. The Planning Commission shall advise the applicant regarding whether the proposed conceptual plan complies with the purpose and intent of this article and if it qualifies for PD rezoning pursuant to the objectives and qualifying conditions of Section 11.02.
4. Formal action shall not be taken at a preliminary Planning Commission review. Statements made at the pre-application conference or review by the Planning Commission shall not be considered binding commitments or an approval of the PD plan.

Section 11.09. Procedures for PD Plan and PD Rezoning

1. Required Information. Following the preliminary review (if conducted), the applicant shall submit a completed application form for PD rezoning, the required application fee, and ten (10) copies and a PDF of the PD plan to the Planning Commission at least thirty (30) days prior the next Planning Commission meeting.

The PD plan shall be professionally prepared by a licensed engineer, surveyor, architect, and/or landscape architect and shall be drawn to a scale of not less than one (1) inch = 100 feet. The PD plan shall, at a minimum, contain the following information, unless specific items are determined to be not pertinent to the application by the Planning Commission or Zoning Administrator:

A. General Information.

- 1) Name and firm address of the professional individual responsible for preparing site plan and his/her professional seal.
- 2) Name and address of the property owner or petitioner.
- 3) Scale, north arrow, and date.
- 4) Acreage (gross and net).
- 5) Zoning of adjacent properties.
- 6) Legal property description.
- 7) Existing site conditions:
 - a. Boundary survey lines and setbacks.
 - b. Location sketch showing site, adjacent streets, and properties within 200 feet or as directed by the Village.
 - c. Location, width, and purpose of all existing easements and lease areas, including cross-access.
 - d. Abutting street right(s)-of-way and width.

- e. Topography with contour intervals of no more than two (2) feet.
 - f. Natural features such as wooded areas, surface water feature, floodplains or floodways, wetlands, slopes exceeding 15%, lakes, rivers, creeks, county drains, and other significant site features, including the area of such features.
 - g. Existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure.
 - h. Size and location of existing utilities and status, where applicable.
- 8) Proposed Development:
- a. Layout of proposed buildings, structures, driveways, parking lots, streets, landscaped areas, and other physical infrastructure, as applicable, including the area of these improvements.
 - b. Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.
 - c. Layout of sidewalks and/or pathways, both internal to the development and along the main road frontage.
 - d. Layout and typical dimensions of building envelopes, proposed parcels, and lots.
 - e. Parking, stacking, and loading calculations, if applicable.
 - f. Phasing plan, if applicable.
 - g. Conceptual plan for provision of public water and public sanitary sewer services.
 - h. Conceptual grading plan.
 - i. Conceptual stormwater plan.
 - j. Conceptual building types, including building elevations and footprints.
- 9) Additional Information:
- a. A narrative, which shall describe the proposed PD, the proposed timeframe of development, the zoning district(s) in which it will be located, the overall residential density of the project, and documentation indicating how the objectives and qualifying conditions in Section 11.02 and the standards of Section 11.10 are met.
 - b. A table detailing all requested deviations identified in the PD Plan compared to the requirements of the zoning district in which the proposed PD is located. This table shall clearly identify the requirement in comparison to the requested deviation.
 - c. The Planning Commission may require additional information from the applicant to better assist in the determination of PD qualification such as, but not limited to, market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.

2. Planning Commission Review and Optional Public Hearing.

- A. The Planning Commission shall review the PD Plan at a regular or special meeting and may hold a public hearing, though it is not required. Notice of the public hearing (if held) shall be provided in accordance with Section 19.04 of this Ordinance.
 - B. The Planning Commission shall review the PD plan in consideration of public comments, technical reviews from village staff and consultants (if requested), and other applicable standards and requirements. Within a reasonable timeframe, the Planning Commission shall recommend approval, approval with conditions, or denial of the PD plan and PD rezoning to the Village Council. The Planning Commission's recommendation shall be documented with findings to justify its recommendation.
 - C. In order to recommend approval of the PD plan and PD rezoning, the Planning Commission shall find that the standards of Section 11.10 are satisfied.
3. Village Council Review and Required Public Hearing.
- A. Following receipt of a recommendation from the Planning Commission on the PD plan and PD rezoning, a public hearing of the Village Council shall be scheduled in accordance with the Michigan Zoning Enabling Act, as amended.
 - B. After the public hearing, the Village Council shall review the application in consideration of the Planning Commission's written recommendation, public hearing comments, technical reviews from village staff and consultants, and other applicable standards and requirements. Within a reasonable time, the Village Council shall approve, approve with conditions, or deny the PD plan and PD rezoning. The Village Council's decision shall be documented with written findings to justify its decision.
 - C. In accordance with the Michigan Zoning Enabling Act, as amended, the Village Council may place reasonable conditions on the approval of a PD plan, including a performance guarantee pursuant to Section 19.05. Conditions attached to the approval shall be incorporated into the ordinance adopting the PD plan and PD rezoning.
 - D. Approval of the PD plan and PD rezoning by the Village Council shall be incorporated into an ordinance amending the zoning ordinance and map. Such rezoning and PD plan approval shall become effective after notification and publication as required by the Michigan Zoning Enabling Act, as amended.

Section 11.10. PD Plan and Rezoning Standards for Approval

In order to approve a PD plan and PD rezoning, the Planning Commission and Village Council shall find that all of the following standards are met:

1. The proposed PD complies with the purpose, objectives, and qualifying conditions of sections 11.01 and 11.02.
2. The uses conducted within the proposed PD, the PD's impact on the community, and other aspects of the PD are consistent with, and further implement the policies of, the adopted master plan.

3. The proposed PD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.
4. The proposed PD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
5. The proposed PD shall not place demands on public services and facilities more than current or anticipated future capacity.
6. The proposed PD shall satisfy all applicable local, state, and federal laws, rules and, regulations.

Section 11.11. PD Final Site Plan

1. Within **one year** after PD plan and PD rezoning approval by the Village Council, a minimum of four (4) copies and a PDF the PD final site plan for the entire PD (or at least one phase of the PD) shall be submitted by the applicant in accordance with Article 12 of this Ordinance.
2. All PD final site plans subsequently submitted shall conform to the approved PD Plan subject to minor revisions and all conditions attached to its approval, the ordinance adopting the PD plan and PD rezoning, and the requirements of this article.
3. If the PD final site plan substantially conforms to the approved PD Plan subject to minor revisions and all conditions attached to its approval, the PD adoption ordinance, and the requirements of this article, then the Planning Commission shall approve the PD final site plan.
4. Unless otherwise required by Subsection 6 below, PD final site plans shall be reviewed by the Planning Commission and any other applicable village personnel.
5. For land uses within the PD subject to additional special land use requirements, such uses shall comply with all such required conditions, unless deviations were approved pursuant to this article.
6. For land uses within the PD that require special land use approval, or for PDs that contain private roads, subdivisions, and/or condominium units, such uses shall be reviewed and approved in accordance with all other applicable sections of the zoning ordinance and other provisions of the village code. These review processes may occur concurrently with the process for PD plan review and PD rezoning.

Section 11.12. Approved PDs

1. Phased Projects. Where a project is proposed for construction in phases, the project shall be designed so that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PD and residents of the community. Each phase of a PD shall require the submittal of a site plan as outlined in Section 11.11.

2. Amendments to an Approved PD. An amendment to an approved PD shall be reviewed and approved by the Planning Commission and Village Council pursuant to Section 11.09 (2) & (3), except that the Zoning Administrator may review and approve minor amendments to the PD, or refer minor amendments to the Planning Commission for a determination with or without a public hearing. Minor amendments include, but are not limited to, the following:
 - A. Reduction of the size of any building, building envelope, or sign.
 - B. Movement of buildings or signs by no more than 10 feet.
 - C. Changes requested by the Village for safety reasons.
 - D. Changes which will preserve natural features of the land without changing the basic site layout.
 - E. Changes in the boundary lines of lots or condominium units which do not change the overall density of the development, do not reduce the width of the lot by more than 10 percent, or which do not change the average lot or unit width throughout the development.
 - F. Additions or modifications of the landscape plan or landscape materials, or replacement of plantings approved in the landscaping plan.
 - G. Alterations to the internal parking layout of a parking lot, provided that the total number of spaces or means of ingress and egress do not change.
 - H. Other non-substantive changes proposed to be made to the configuration, design, layout, or topography of the site plan which are deemed by the Village to be not material or significant in relation to the entire site and which the Village determines would not have a significant adverse effect on the development on adjacent or nearby lands or the public health, safety, and welfare.
3. Expiration
 - A. A PD (or at least the first phase of a PD) shall be under meaningful construction of proposed improvements consistent with the approved PD final site plan within **one year** after the date of approval of the PD final site plan, which shall proceed diligently to completion. For the purposes of this subsection, “meaningful construction” means substantial completion of improvements such as utilities, roads, buildings, and similar improvements.
 - B. Upon expiration of the time period for submission of either (a) the PD Plan and rezoning, or (b) the PD final site plan, such approvals shall automatically become null and void and all rights of development based on the plan shall terminate.
 - C. The Village Council may approve extensions of up to two years at a time, if requested in writing by the applicant prior to the expiration date of the original PD plan approval or PD final site plan approval. In requesting an extension, the applicant shall provide the reason(s) it is requesting the proposed extension.
 - D. Upon expiration of a PD plan or PD final site plan, the Planning Commission may conduct a public hearing and make a recommendation to rezone the property to its original designation or other district as deemed appropriate.

4. Appeals and Variances. The Board of Zoning Appeals shall not have jurisdiction to consider variances from the requirements of this article, nor may decisions related to a PD be appealed to Board of Zoning Appeals.
5. Performance Guarantees. The Planning Commission and/or Village Council may require the applicant for PD rezoning to furnish a performance guarantee pursuant to Section 19.05 of this Ordinance.

Article XII – Site Plan Review

Section 12.01. Purpose

The intent of this section is to provide for consultation and cooperation between the land developer and the Planning Commission in order that the developer may accomplish objectives in the utilization of land within the regulations of the Ordinance, with minimum adverse effect on the land, highways, and on existing and future uses of property in the immediate vicinity, and to insure that a proposed land use or activity is in compliance with this Ordinance.

Section 12.02. Site Plan Required

1. Site plan review and approval shall be required for all uses described in this Section before any change of use, or before any excavation, removal of soil, clearing of a site, or placing of any fill on lands contemplated for development; and, except as hereinafter provided, no building permit shall be issued for any Building or use, or reduction or enlargement in size or other alteration of any Building or change in use of any Building including Accessory Structures unless a site plan is first submitted and approved by the Planning Commission pursuant to the provisions of this Article.
2. All uses in the following districts shall require site plan approval:
 - C1 General commercial district
 - C2 Central Business district
 - I1 Industrial district
3. In the R1, R2, R3, and R4 districts, site plan approval shall be required for all uses other than single-family and two-family dwellings, and their accessory buildings and uses.
4. Site plan review and approval shall be required for all special land uses, and for all developments, including all dwellings, to be located in a wetland as defined by the Michigan Department of Natural Resources (DNR) or the Michigan Department of Energy, Great Lakes, and Environment (EGLE), or within a 100-year Floodplain as determined by FEMA.
5. Site plan review and approval shall not be required if the construction, alteration or change of occupancy or use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review.

Section 12.03. Optional Sketch Plan Review

1. Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to site plan review. The purpose of such procedure is to allow discussion between a developer and the Planning Commission, to better inform the applicant of the acceptability of his proposed plans prior to incurring extensive engineering and other costs that might be necessary for final site plan approval. Such sketch plans shall include the following:
 - A. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.

- B. Legal description, property parcel number, and street address of the subject parcel of land.
 - C. Sketch plans showing tentative site and development plans.
2. The Planning Commission shall not be bound by any comments or tentative judgments made at this time and may require the applicant to sign an affidavit acknowledging the advisory nature of the sketch plan review process.

Section 12.04. Application Procedure

A request for site plan review shall be made at least 30 days prior to the next regular Planning Commission meeting by filing with the Zoning Administrator the following information:

1. An application for site plan review consisting of the following:
 - A. A completed application form, as provided by the Village.
 - B. Payment of a fee, in accordance with a fee schedule as determined by the Village Council.
 - C. A legal description of the subject property.
 - D. Ten copies and a PDF of the site plan, which shall include and illustrate at a minimum the following information:
 - 1) Small scale sketch of properties, streets, and use of land within one-half mile of the area.
 - 2) A site plan at a scale of not more than one inch equals 100 feet showing any existing or proposed arrangement of:
 - 3) Existing adjacent streets and proposed streets.
 - 4) Existing proposed lots.
 - 5) Parking lots and access points.
 - 6) Natural features including, but not limited to, open space, stands of trees, brooks, ponds, hills, and similar natural assets both on the subject property and within 100 feet of the property line.
 - 7) Location of any signs not attached to the building.
 - 8) Existing and proposed buildings.
 - 9) Existing and proposed general topographical features including contour intervals no greater than two feet.
 - 10) Present zoning of the subject property and adjacent property.
 - 11) Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated, or abandoned, including grades and types of construction of those upon the site.
 - 12) Location and type of drainage, storm sewers, and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.

- 13) A landscape plan in accordance with Section 13.03 of this Ordinance.
 - 14) Existing and proposed water main and sanitary sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities, and any proposed extensions thereof.
 - 15) Detail pertaining to proposed signage including an illustration of all proposed signs, their surface area, height, and nature of illumination.
 - 16) Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
- E. A narrative describing:
- 1) The overall objectives of the proposed development.
 - 2) Number of acres allocated to each proposed use and gross area in building, structures, parking, public, and/or private streets and drives and open spaces.
 - 3) Dwelling unit densities by type, if applicable.
 - 4) Proposed method of providing sewer and water service as well as other public and private utilities.
 - 5) Proposed method of providing storm drainage.
3. Modification of Requirements. The Zoning Administrator or Planning Commission may waive the submission of certain materials outlined in this Section 12.04 if such materials are determined to be not pertinent to the application.
 4. The Planning Commission or Zoning Administrator may require additional information to be illustrated on the site plan beyond what is required in this Section to consider the impact of the project upon adjacent properties and the general public. The Planning Commission or Zoning Administrator may also require the submission of special studies or research including, but not limited to, traffic impact studies, environmental impact statements, hydrogeological studies, and/or market studies to aid in the evaluation of any site plan.

Section 12.05. Action on Application and Site Plans

1. Upon receipt of the application and plans, the Zoning Administrator shall review the application materials for completeness. If complete, the Zoning Administrator shall transmit one copy to each Planning Commissioner; one copy to the Fire Department when applicable, one copy to other area review agencies when applicable, and retain one copy in the Village offices.
2. A Planning Commission meeting shall be scheduled for a review of the application and site plan. The meeting shall be held within 60 days of the date of the receipt of the completed plans and application.
3. The Planning Commission or Zoning Administrator may hold a public hearing on any application site plan review, though it is not required. If held, notice of such hearing shall be provided in accordance with Section 19.04 of this Ordinance.

4. After a public hearing, if held, and the receipt of all required materials, the Planning Commission shall reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in this Ordinance. Any conditions required by the Planning Commission shall be stated in writing and delivered to the applicant.

Section 12.06. Site Plan Review Standards

In the process of reviewing a site plan, the Planning Commission shall consider the following:

1. That there is a proper relationship between the existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Village or the County Road Commission.
2. That the buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
3. That as many natural features of the landscape shall be retained as possible, particularly where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
4. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
5. That all buildings and structures are accessible to emergency vehicles.
6. That a plan for erosion control, storm water discharge, utility connections, and similar provisions has been approved by the appropriate public agency.
7. That the plan as approved is consistent with the intent and purpose of this Ordinance.

Section 12.07. Approved Site Plans

1. Site Plan Approval. 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, other Village planning documents, other applicable ordinances, and state and federal statutes. Three copies of the approved site plan and any supporting documents shall be signed by the Chairman or Secretary of the Planning Commission and the applicant. Two copies of the approved site plan shall be kept on file by the Village and the other copy shall be retained by the applicant.
2. Conformity to Approved Site Plans. Property that is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments or changes thereto that have received the approval of the Planning Commission or Zoning Administrator. If construction and development does not conform with such approved plans, the approval may be revoked or suspended by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at the last known address.

Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

3. Duration of Approval. An approved site plan shall be valid for a period of **two years** after the date of approval. Upon written request by the applicant stating the reasons therefore, the Planning Commission may extend a site plan approval for an additional one year period if one or more of the following conditions exist:
 - A. The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
 - B. The requirements and standards, including those of the zoning ordinance that are reasonably related to the development, have not changed.
 - C. Development or redevelopment in the proximity to the approved site plan has not resulted in changed conditions impacting the site.
 - D. There has not been a change in state or federal law, local charter, or other local ordinance prohibiting the construction or further construction of the approved project.
4. An application for an extension of a site plan must be filed at least 60 days prior to the expiration of the original site plan or the expiration of any extension previously approved by the Village, whichever is applicable.
5. If a site plan expires pursuant to subsection 12.07 (3), above, no work may be undertaken until a new site plan has been approved by the Planning Commission pursuant to the standards of this Chapter.

Section 12.08. Changes to Approved Site Plan

No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator pursuant to the following standards:

1. Minor changes to an approved site plan involving changes in the location of buildings and structures, adjustment of utilities, walkways, trafficway, landscaping, and building size up to 10 percent of the approved area, parking areas, and similar minor changes may be approved by the Zoning Administrator. The Zoning Administrator shall report all administratively approved changes of a site plan to the Planning Commission at their next regularly scheduled meeting.
2. Major changes or amendments to an approved site plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation or of a building, and increase in the gross floor area or heights of buildings, a reduction in the open space, and similar major changes, shall require the approval of the Planning Commission in the same manner as the original application was submitted, reviewed, and approved.

Section 12.09. Appeals

With regard to site plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the same manner as other administrative decisions. The concurring vote of a majority

of the members of said Board shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Village, County, or State. The Zoning Board of Appeals shall state the grounds of each determination.

Section 12.10. Performance Guarantees

In approving a site plan, the Planning Commission may require a performance guarantee pursuant to Section 19.05 of this Ordinance.

Article XIII – General Provisions

Section 13.01. Purpose and Scope

It is the purpose of this Article to set forth regulations that apply generally in all zoning districts to all permitted uses and special uses and to provide detail on how the standards of this Ordinance shall be applied. The use of all land and structures and the construction, reconstruction, alteration, repair, and moving of all structures within the Village of Stevensville shall conform with all applicable provisions of this Ordinance, unless the nonconformance is a matter of record on the effective date of this Ordinance.

Section 13.02. Required Area and Access

1. Any lot created after the effective date of this Ordinance shall have frontage upon a street right-of-way or legally recorded private road, and all structures so located shall be placed as to provide safe and convenient access for on-site water, sewer, fire protection, and required off-street parking. Such lot may consist of the following:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, of complete lots of record and a portion of lots of record, or portions of lots of record; or
- D. A parcel of land described by metes and bounds;

provided that in no case of division or combination shall any residual lot or parcel be created that does not meet the requirements of this Ordinance.

- 2. Every single-family, two-family, and multiple dwelling structure or unit shall be located upon a lot of record, as defined in this Ordinance, and no more than one such structure or unit shall be erected upon such lot of record.
- 3. Every lot or parcel of land created shall have a minimum required area, frontage, and width equal to or greater than that required by the zoning district in which it is located, except as may be otherwise specifically permitted in this Ordinance.
- 4. A lot or lots in common ownership or a yard, court, parking area, or other space shall not be divided, altered, or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area, or other space shall not be divided, altered, or reduced so as to increase its noncompliance with such minimum requirements.

Section 13.03. Principal Structure or Use

- 1. Each parcel of land shall contain only one principal building or principal use, except for mixed use, multiple-tenant, or multiple-occupant commercial, industrial, or office buildings, and multiple family dwellings contained within a single integrated complex, with shared parking, signage, access and other similar features, which in the opinion of the Zoning Administrator

form a single integral commercial, industrial, office, or residential development approved pursuant to the standards of this Ordinance.

2. In the event of a condominium ownership as permitted by the state, no condominium development shall be recorded with the Berrien County register of deeds until it has been approved by the Village.

Section 13.04. Pubic Water and Sanitary Sewer Service Required

1. No structure for human occupancy shall, after the effective date of this Ordinance, be erected, altered, or moved upon any lot and used in whole or part for dwelling, business, industrial, or recreation purposes unless connected to public water and sewer services in accordance with applicable local ordinances.

Section 13.05. Accessory Buildings, Structures, and Uses

Section 13.05.01. General Standards

1. Permit Required. All accessory buildings must satisfy current building code requirements. No accessory building or structure greater than 200 square feet shall be installed or constructed until a building permit has been issued, unless exempt according to the Stille-Derossett-Hale Single State Construction Code Act (Uniform Construction Code, Act 230 or 1972), or the codes promulgated under that Act.
2. In any zoning district, an accessory building or structure may be erected or detached from the principal permitted building or attached as an integral part of the permitted principal building. When attached as an integral part of the principal building in a substantial manner such as by a wall or roof, it shall comply with all requirements of this Ordinance applicable to the permitted principal building.
3. Accessory buildings, structures, and uses are only permitted in connection with, incidental to, and on the same lot as a principal use or building that is permitted in the particular zoning district.
4. No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. No accessory building, structure, or use may be placed on a lot without a principal building.
5. No accessory building or structure shall be erected in any front yard, in any required side yard setback, or within three feet of any lot line.
6. Unless specified elsewhere in this Article, no detached accessory building or structure shall be located within five feet of any other building.
7. Unless specified elsewhere in this Article or specifically authorized as a special land use by the Planning Commission, no more than two detached accessory buildings shall be permitted on any lot.

Section 13.05.02. Residential Accessory Buildings

Residential accessory buildings are subject to the following regulations:

1. Attached garages.
 - A. For a single-family dwelling, there shall be provided an attached garage, with a minimum size of 484 square feet and a maximum size of 950 square feet.
 - B. For a duplex dwelling unit, there shall be provided at least a one-car attached garage, with a minimum size of 240 square feet and maximum of 484 square feet for each garage.
 - C. Carports may only be constructed in the R3 zoning district.
2. Detached residential garages and accessory buildings
 - A. Area.
 - 1) In the R1 and R2 zoning districts, the following standards shall apply:
 - a. If the parcel is less than 23,000 square feet, the aggregate square footage of all detached accessory buildings shall not exceed 400 square feet.
 - b. If the parcel is greater than 23,000 square feet, but less than 43,560 square feet (one acre), the aggregate square footage of all detached accessory buildings shall not exceed 896 square feet.
 - c. If the parcel is greater than 43,560 square feet (1 acre) but less than five acres, the aggregate square footage of all detached accessory buildings shall not exceed 1,100 square feet.
 - d. Parcels greater than five acres may have detached accessory buildings which total an aggregate size up to but not more than 2,400 square feet; provided, that no single detached accessory building is larger than 1,600 square feet.
 - 2) In the R3 zoning district, the total aggregate size of all accessory buildings shall not exceed 896 square feet.
 - B. Setbacks and building requirements.
 - 1) Accessory buildings shall not be located in a front yard.
 - 2) Accessory buildings shall not be located closer than five (5) feet from any other building, and not less than three (3) feet from side and rear property lines.
 - 3) A permanent footing is required on all uninhabitable accessory buildings over 400 square feet.
 - C. Height requirements.
 - 1) Detached accessory buildings shall not be greater than one story in height nor shall such buildings exceed 18 feet from ground to the peak of the building in the R1 zoning district or 25 feet from ground to the peak of the building in the R2 and R3 zoning districts.
3. Soft Sided and Portable Storage Units. The following shall apply to the placement of soft-sided and portable storage units within the Village:

- A. Such storage units may only be placed upon or within a driveway or parking area, or, if access exists at the side or rear of a lot, the side or rear yard.
- B. No soft-sided or portable storage unit shall be placed upon or within public property or a public place including without limitation a street, sidewalk, or parkway between a public street and sidewalk.
- C. A limit of one (1) soft-sided or portable storage unit may be located upon or within a lot for a maximum of thirty (30) consecutive days, including the day of delivery and removal, within any six-month period.
- D. A soft-sided or portable storage unit may not exceed eight (8) feet in height, eight (8) feet six (6) inches in width or sixteen (16) feet in length.
- E. A soft-sided or portable storage unit shall be secured in a manner that does not endanger the safety of persons or property.
- F. A soft-sided or portable storage unit shall at all times, be maintained in good condition, free from evidence of deterioration, graffiti, rust, ripping, tearing, holes or breaks.
- G. No soft-sided or portable storage unit shall be used for human occupancy or to store solid waste, construction debris, demolition debris, business inventory, commercial goods, goods for property other than the property where the storage unit is located, or any illegal or hazardous material. Upon reasonable notice, the Village may inspect the contents of any soft-sided or portable storage unit at any reasonable time to confirm that it is not being used to store said materials.
- H. A soft-sided or portable storage unit that is not removed at the end of the time for which it may lawfully remain in place, may be removed by the Village, without notice, and the cost of such removal shall be a lien upon the property on which such unit was located which costs may be collected by the Village in the same manner as the Village collects delinquent and ad valorem property taxes.
- I. A sign advertising the company or vendor supplying a temporary storage unit located on a soft-sided or portable storage unit shall not be subject to the provisions of Article 16 hereof provided the soft-sided or portable storage unit is in compliance with this section.

Section 13.05.03. Nonresidential Accessory Buildings

Accessory buildings may be permitted within the C1, C2, and I1 zoning districts, subject to the following regulations.

1. The total area of all accessory buildings shall not exceed 33 percent of the floor area of the principal building, whichever is greater.
2. No detached accessory building shall exceed a height of 25 feet or 1 ½ stories, whichever is less.
3. Accessory buildings in the C1, C2, and I1 zoning districts shall meet the minimum requirements for principal buildings.

Section 13.06. Front Yard Setback Averaging

Where the front yards for existing main buildings in the vicinity of, and in the same zoning district as, a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of existing main buildings on the same side of the street and entirely or partially within two-hundred (200) feet of the side lot lines of the subject lot, subject to subsections 1 and 2 below (Fig. 13.01).

1. The permitted front setback reduction shall only be permitted if there are two or more lots occupied by principal buildings within the 200-foot distance.
2. In no case shall the required front setback resulting from the application of this Section be less than 15 feet.

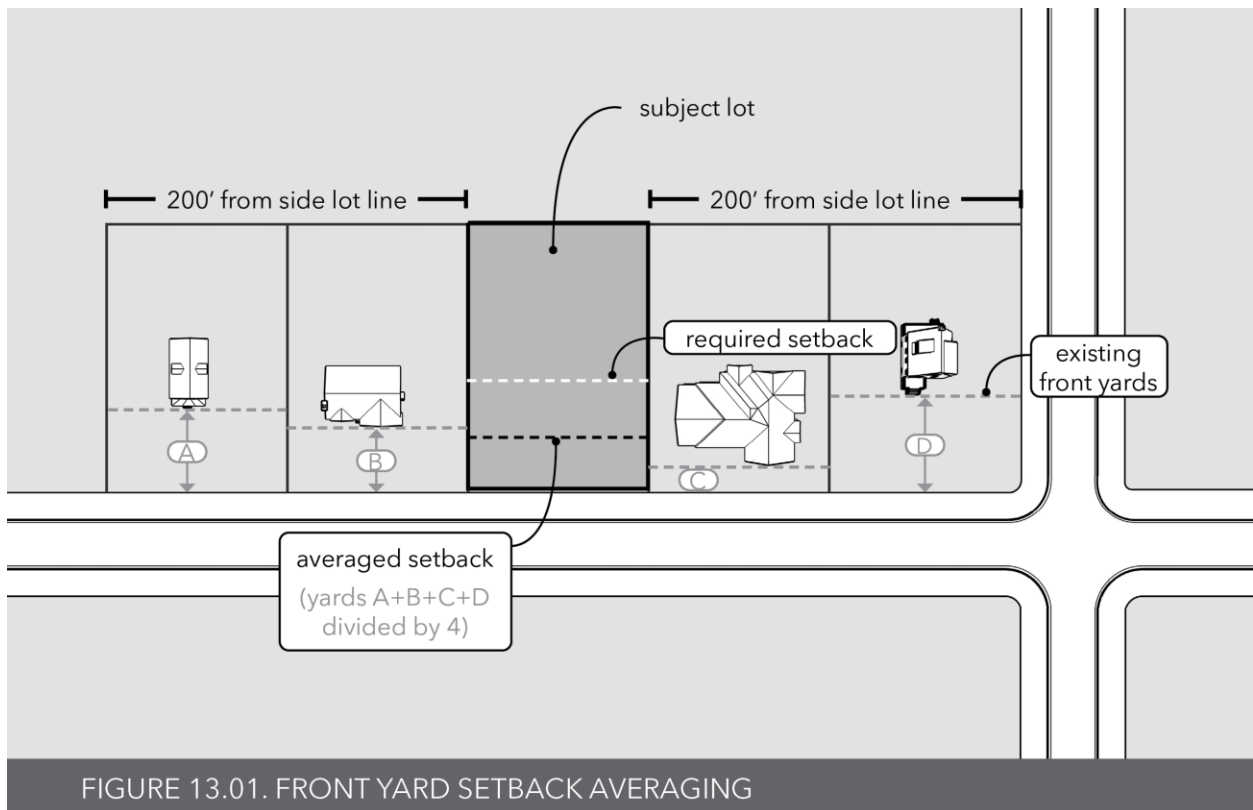


FIGURE 13.01. FRONT YARD SETBACK AVERAGING

Section 13.07. Projections into Required Yards

1. Certain architectural features, such as cornices, bay windows (or windows without foundations), eaves, gutters, chimneys, pilasters, steps, stoops, and similar features may project no further than four (4) feet into a required front, rear, or side yard.
2. An open, unenclosed, and uncovered porch, paved terrace, deck, balcony, or window awning may project no further than:
 - A. Five (5) feet into a required front yard;
 - B. Fifteen (15) feet into a required rear yard; and

- C. Shall not project into a required side yard.
3. In no case shall an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning be placed closer than five (5) feet to any front or rear lot line.

Section 13.08. Exceptions to Height Regulations

The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, steeples, antennas, water tanks and towers, ventilators, chimneys, public monuments, parapet walls not exceeding four feet in height, cooling towers, fire towers, gas tanks, radio and television antennas and towers, wireless communication towers, penthouses or roof structures housing necessary mechanical appurtenances, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 13.09. Sidewalks Required

1. Sidewalks shall be required for all new construction or reconstruction of a single-family, two-family, or multi-family dwelling, and for the construction or reconstruction of any principal building in the C-1, C-2, I-1 districts.
2. In instances where sidewalks are required pursuant to subsection (1) above, an applicant may request that the Village waive the requirement for sidewalk construction. All requests for such a waiver shall be reviewed and decided upon by the Planning Commission.
3. The Planning Commission may grant the requested waiver only upon finding that one or more of the following conditions exist:
 - A. There are no sidewalks in the vicinity of the project, and it is unlikely that there will be development nearby that would require the installation of sidewalks in the future.
 - B. A stormwater drainage ditch or similar public utility facility prevents the installation of the sidewalk, and neither the sidewalk nor the facility can be reasonably relocated to accommodate both the sidewalk and the facility.
 - C. The topography would require the construction of a retaining wall more than 6 feet in height to accommodate the sidewalk.
 - D. There is a planned roadway or infrastructure improvement scheduled to be implemented within the next 3 years which would require the removal or relocation of the required sidewalk.
 - E. Other unusual circumstances that in the opinion of the Planning Commission make the sidewalk installation requirement unreasonable, impractical, or inappropriate.

Section 13.10. Identification of Buildings

Adequate identification of buildings is mandatory and shall be approved by the Village Police Department and/or Fire Department agencies prior to the occupancy of buildings.

Section 13.11. Essential Public Services

The erection, construction, alteration, or maintenance of essential public services as defined herein shall be permitted in any zoning district. It is the intention thereof to exempt such erection, construction, alteration, or maintenance from the application of this Ordinance, provided that the Zoning Administrator finds that there will be no adverse effect upon surrounding adjacent property. Significant structures associated with essential services and proposed within a residential district may be referred to the Planning Commission as to architecture, landscaping, and screening suitable to the neighborhood.

Section 13.12. Clear Vision Corners

1. No plantings shall be established or maintained on any lot that will obstruct the view of a vehicle driver approaching a street intersection. There shall be maintained an unobstructed triangular area formed by the street property lines and a line connecting them at points 15 feet from the intersection of the street lines, or, in the case of a rounded property corner, from the intersection of the street property lines extended. This shall not prohibit the planting of landscaping which will be less than 30 inches in height at maturity and maintained at that height or lower (Fig. 13.02).

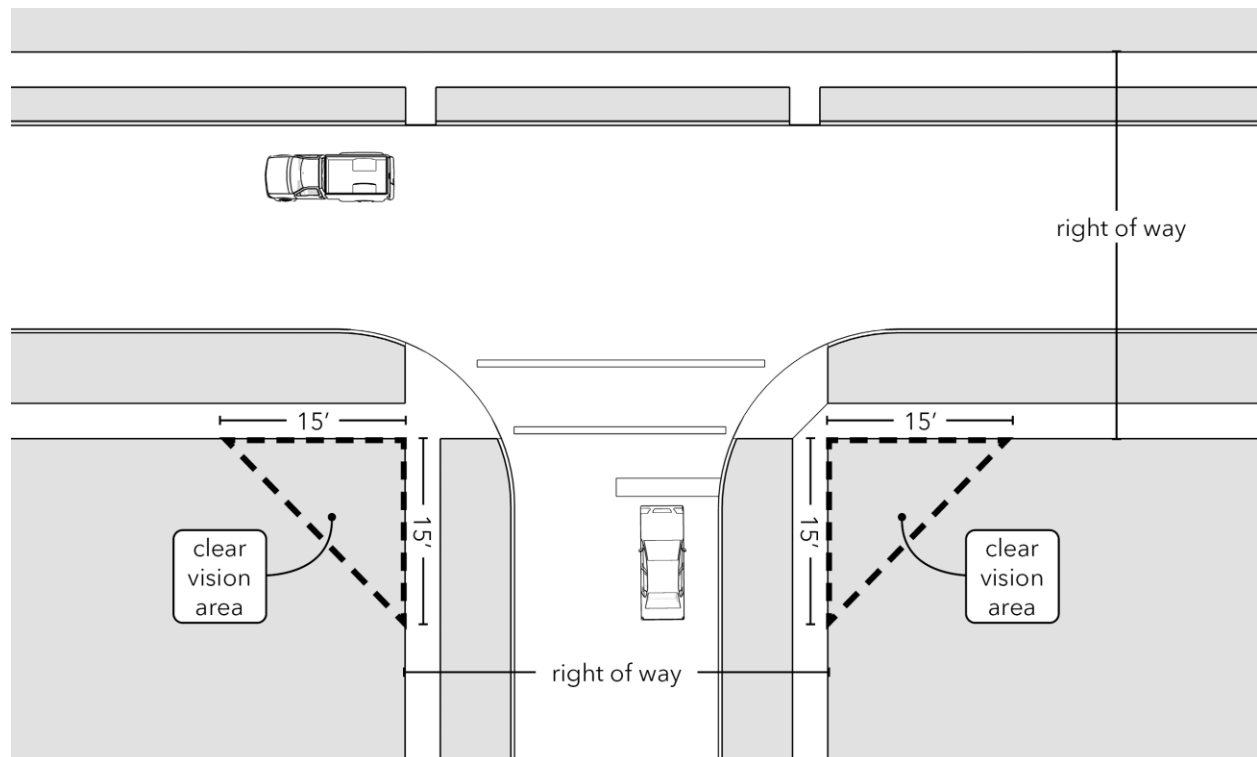
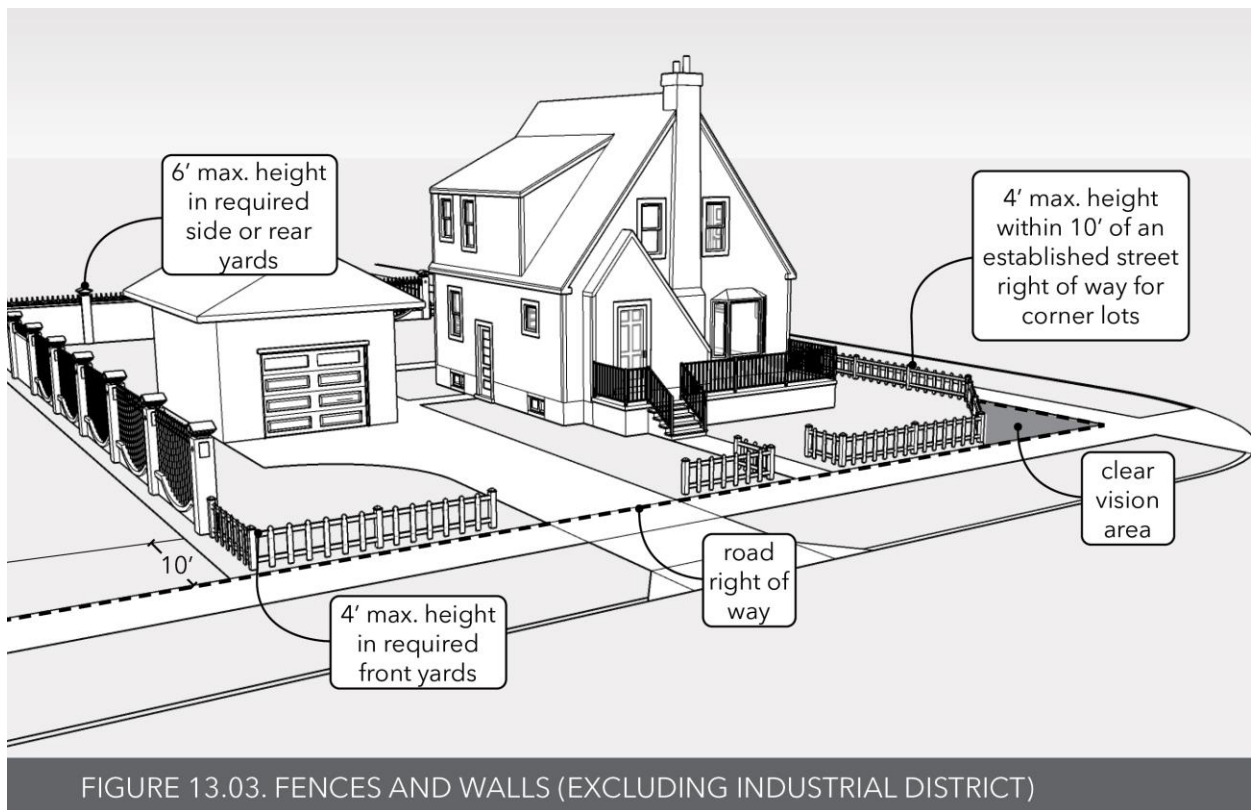


FIGURE 13.02. CLEAR VISION CORNERS

2. No vegetation shall be maintained in any yard which, in the opinion of the Zoning Administrator, will obstruct the view of vehicles entering or leaving the site from driveways or adjacent roadways.

Section 13.13. Fences and Walls

1. Permit Required. The erection of any fence or wall shall first be approved by the Zoning Administrator and shall require a fence permit. No fence or other type of barrier as described herein shall be erected without a permit first being issued pursuant to this Section 19.02 of this Ordinance. The issuance of a fence permit under this Section shall not be considered as evidence of title or ownership of land by the applicant.
2. In any required front yard, any fence or wall shall not exceed four feet in height shall be of a type that is not more than 25 percent solid, so as not to materially impede vision at the right-of-way or property line of the lot or parcel on which it is located. On a corner lot, no fence or wall greater than four feet in a side yard shall be erected within ten (10) feet of an established street right-of-way (Fig. 13.03).
3. Unless specifically authorized elsewhere in this Ordinance, any fence or wall located within a required side yard or required rear yard in any zoning district shall not exceed six feet in height, measured from the surface of the ground to the uppermost portion of the fence. Posts or any vertical support members shall not exceed the fence height by more than four inches (Fig. 13.03).



4. The artificial raising or berming of land to increase the functional height of a fence is prohibited.
5. Unless specifically authorized elsewhere in this Ordinance, fences, walls, and hedges may be located adjacent to a lot line, but shall be constructed and located entirely on the owner's property.

6. In an industrial district, all fences or walls shall be a minimum of six (6) feet in height and shall not exceed eight feet in height unless specifically authorized by the Village pursuant to Article 12 of this Ordinance. Residential use parcels in an industrial district shall comply with the height requirements of Section 13.13 (3), above.
7. A fence shall be stable and properly supported. All fences shall be constructed with any and all supporting structures or framework on the inside of the fence, so that the finished side faces out towards adjoining properties or the street.
8. Fences or walls on lots of record shall not contain barbed wire, spikes, sharp points, electric current, charge of electricity, or other things dangerous and likely to snag, tear, cut or otherwise injure any person.
9. Any fence or wall shall be maintained in a safe and acceptable manner to retain its original appearance, shape, and configuration. Elements of a fence or wall that are missing, damaged, destroyed, or deteriorated shall be replaced.
10. Unless otherwise approved by the Planning Commission or Zoning Administrator, all fences shall be constructed of typical or traditional fencing materials, including, but not limited to wood or composite wood planks, aluminum, wrought iron, chain link, and vinyl.

Section 13.14. Landscaping and Screening

Section 13.14.01. Intent

The intent of this section is to establish standards for the design, installation, and maintenance of landscaping for the protection and enhancement of the Village's environment. Landscaping and screening enhance the visual image of the Village, preserve natural features, improve property values, and alleviate the impact of noise, traffic, and visual distraction associated with certain uses.

The standards contained in this section are considered the minimum necessary to achieve this section's intent. In several instances, these standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property.

Section 13.14.02. Applicability and General Requirements

1. Exemptions. Individual single-family dwellings, two-family dwellings, home occupations, and other uses not requiring site plan review are not subject to the provisions of this Section.
2. Landscape Plan. When a site plan is required pursuant to Article 12, landscaping shall be incorporated into the site and a landscape plan shall be submitted in conjunction with the site plan. The landscape plan shall clearly describe the location, type, size, height, and spacing of plant materials.
3. Modification of requirements. The Village may modify the requirements of this Section when it finds circumstances that warrant a change in the requirements of this Section, or in finding that existing landscaping or screening, or existing conditions on the site, will be preserved and would meet the intent of this Section.

4. Installation. Wherever this Ordinance requires landscaping, it shall be planted within six months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other plantings. The Zoning Administrator may allow a postponement of installation of up to six months upon request of an applicant based on seasonal weather conditions, but all landscaping must be installed within one year of issuance of a certificate of occupancy.
5. Maintenance. All lot areas not used for buildings, parking, loading, and storage shall be landscaped with lawns, trees, shrubs, or other attractive landscape features. Landscaped areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials, including lawn areas, shall be maintained in a healthy condition and be neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, it shall be replaced within six months of written notice from the Zoning Administrator, or within an extended time period as specified in said notice.

Section 13.14.03. Specific Requirements

1. Transition strip. On every lot in the I1, C1, C2, or R3 districts abutting a lot in any other residential district there shall be provided a transition strip, sometimes referred to as a greenbelt. Such transition strip may be required of a planned development district where it abuts another district. The transition strip shall provide a scenic barrier to protect adjacent areas from the noise, glare, traffic, and disturbance of more intense land uses. Landscaping in transition strips is required as specified below (Fig. 13.04):
 - A. A transition strip of not less than 10 feet in width shall be provided along every lot line which abuts a residential district or use. In the case of an industrial district abutting any other district, there shall be provided a transition strip a minimum of 40 feet in width.
 - B. The transition strip shall consist of an attractively landscaped barrier of hedges, trees, or other natural vegetation sufficient in density to provide adequate screening between developed areas of the property and adjacent property. The minimum height of such barrier shall be such as to provide a reasonable degree of privacy to adjacent property, but shall not be less than four (4) feet. A fence or wall in itself shall not meet the requirements of a transition strip.
 - C. Where the nature of the terrain is such that a wider transition strip is needed to maintain the character of the adjacent district, the Planning Commission shall establish the width of such strip.

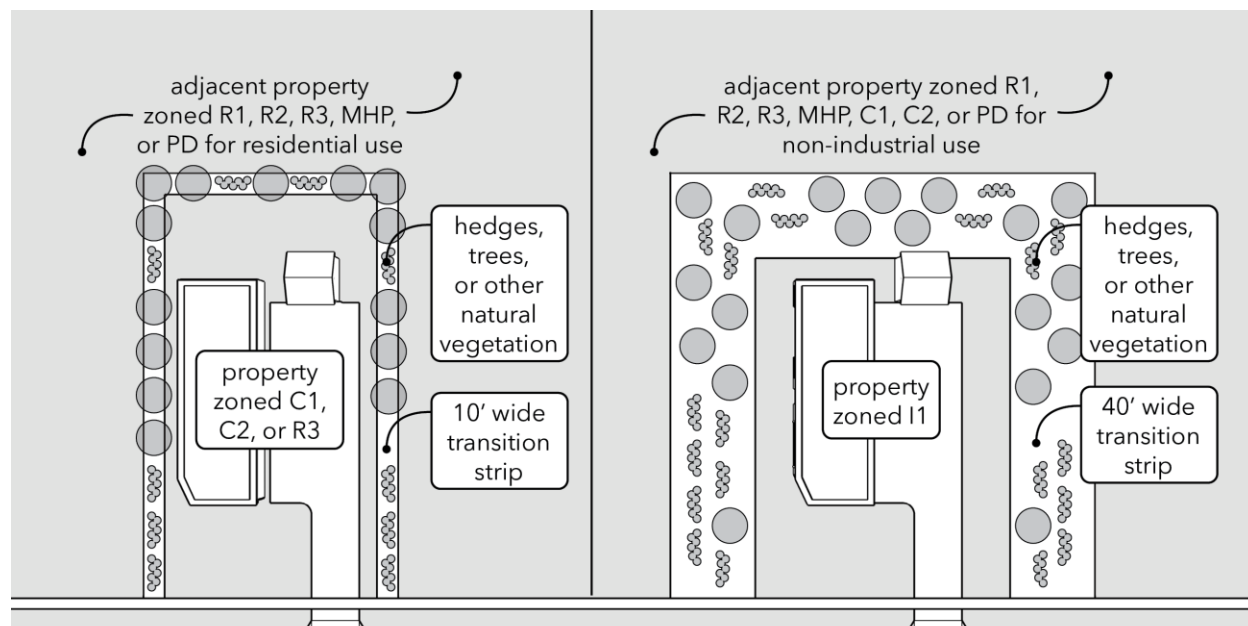


FIGURE 13.04. TRANSITION STRIP (ALSO REFERRED TO AS A GREENBELT)

2. Outdoor storage. Any portion of land used for the outdoor storage of goods, materials, or equipment shall be totally enclosed by a wall, fence, and/or landscaping, so as to screen such storage area from the public streets and adjoining properties. Outdoor storage shall be screening in accordance with the following standards:
 - A. Such wall, fence, and/or landscaping shall be no less than five feet in height in the C3 district or no less than six feet in the I1 district. Depending on land usage, taller fencing may be required along those property lines that abut a residential district.
 - B. Any goods, materials, or equipment shall not be stacked higher than the wall, fence, or screen.
 - C. A chain link fence, with dense evergreen shrub planting may be considered a screening wall upon approval of the Zoning Administrator. All fencing and landscaping must be submitted with the site plan and approved by the Zoning Administrator.
3. Front yard landscaping. Except as otherwise provided in Section 13.14.03(4)(B) below, for every lot in the I1, C1, C2, R3, or R4 districts, front yard landscaping is required as specified below (Fig. 13.05):
 - A. Landscaping shall consist of a minimum of one canopy tree and three deciduous shrubs for each 30 feet of lot width.
 - B. Additional front yard landscaping is encouraged and may be required by the Village where it is found that such additional landscaping would further the intent of this Section.

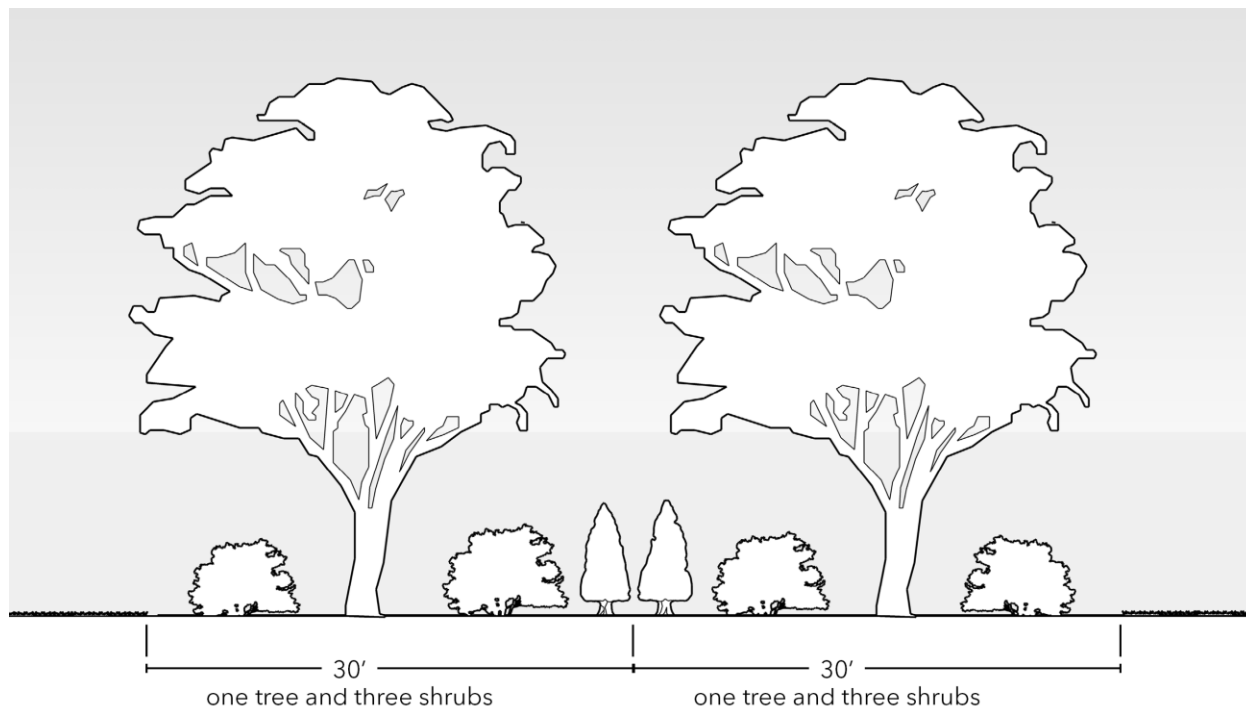


FIGURE 13.05. MINIMUM FRONT YARD LANDSCAPING

4. Parking lot landscaping.

- A. Changes to existing parking lots. The Zoning Administrator shall review landscaping plans for major changes to an existing parking lot. Major changes to parking lots shall comply with the landscaping requirements of this Section unless modifications are approved by the Planning Commission or Zoning Administrator as permitted by this Section. Major changes consist of the following:
- 1) Replacement or alteration of existing drainage elevations or structures affecting more than 50 percent of the existing parking lot.
 - 2) For any expansion or addition of a parking lot equal to or greater than 25 percent of the area of the existing parking lot, the expanded area shall comply with the landscaping requirements of this Section.
 - 3) Reconstruction of the parking lot, including the removal of existing pavement and drainage structures, which affects more than 25 percent of the existing parking lot. Instances in which a parking lot is to be resurfaced and no other modifications to the parking lot or drainage patterns are proposed shall not constitute "reconstruction" for the purposes of this subsection.
 - 4) Any other change which, in the opinion of the Zoning Administrator, constitutes a major change. The phased expansion or replacement of parking lots and/or surfaces in order to circumvent the requirements of this Section is prohibited.

5) The Zoning Administrator may waive the requirements of this Section if it is determined that the parking lot landscaping requirements of this Section would reduce the number of parking spaces below the required minimum parking requirements of this Ordinance. The Zoning Administrator may refer any parking lot replacement or expansion to the Planning Commission for a decision.

B. Frontage parking lot landscaping. Where any parking area abuts or faces a public street, landscaping shall be required between the parking area and the street right-of-way. Such landscaping shall consist of, at a minimum, one of the following (Fig. 13.06):

- 1) A strip of land at least five feet in width as well as a solid screen of a hedge, fence, or decorative wall, or any combination thereof, which measures at least three feet in height; or
- 2) A strip of land at least 12 feet in width consisting one canopy tree and three deciduous shrubs for each 30 feet of lot width.
- 3) The required strip of land specified in subsections 1) and 2) above shall also be covered with grass, wood mulch, stone, or other approved ground cover.

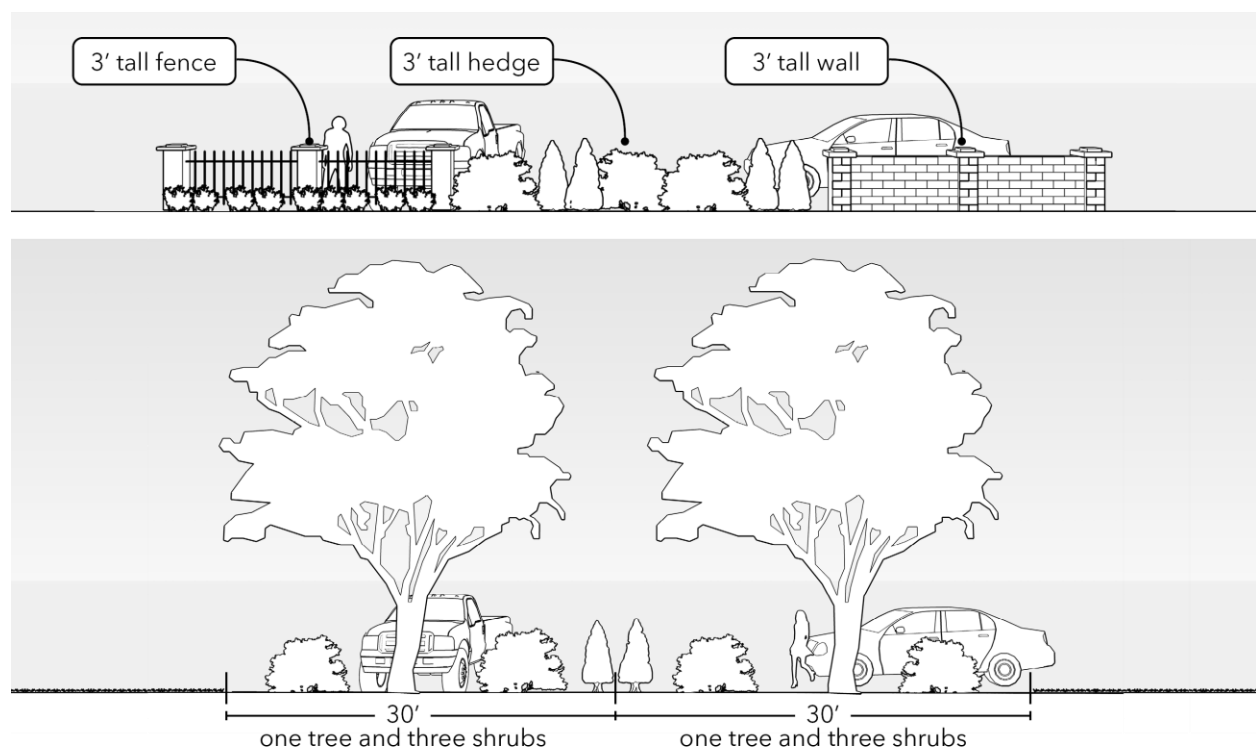
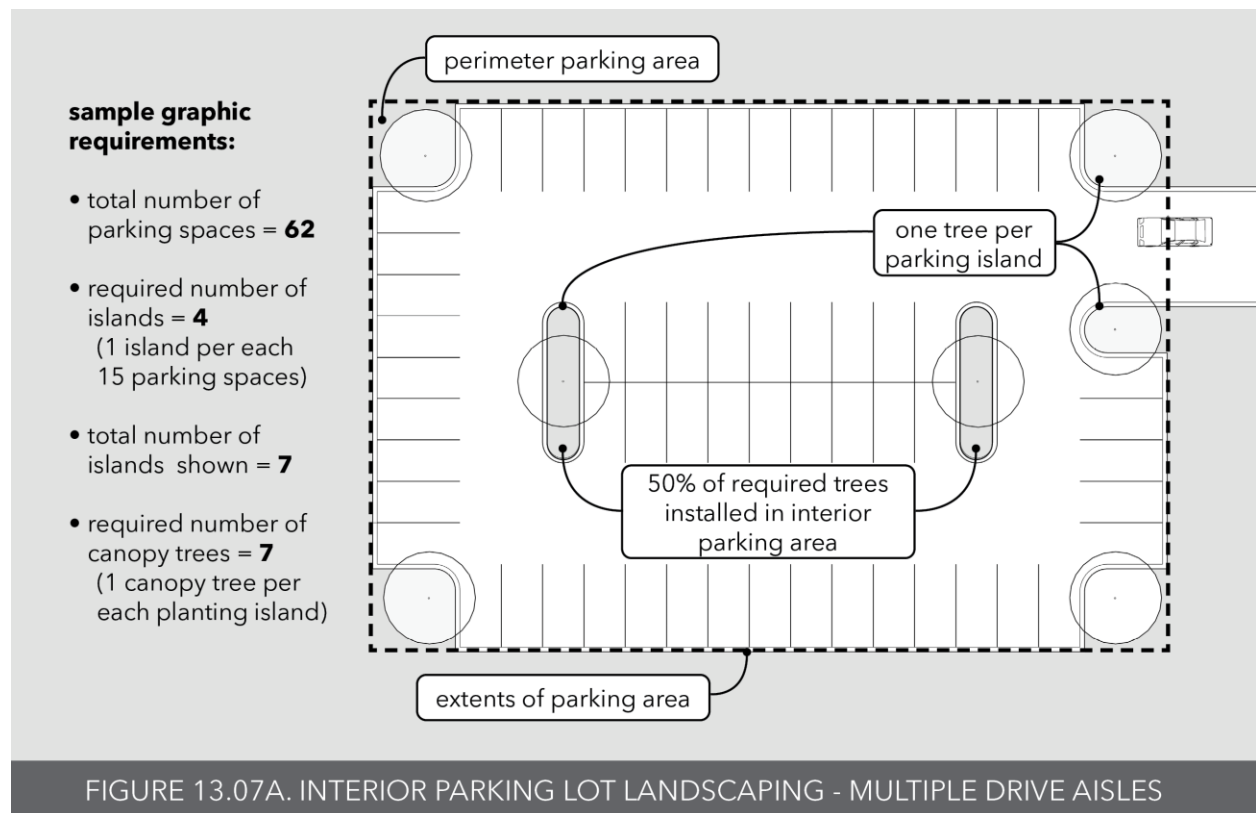


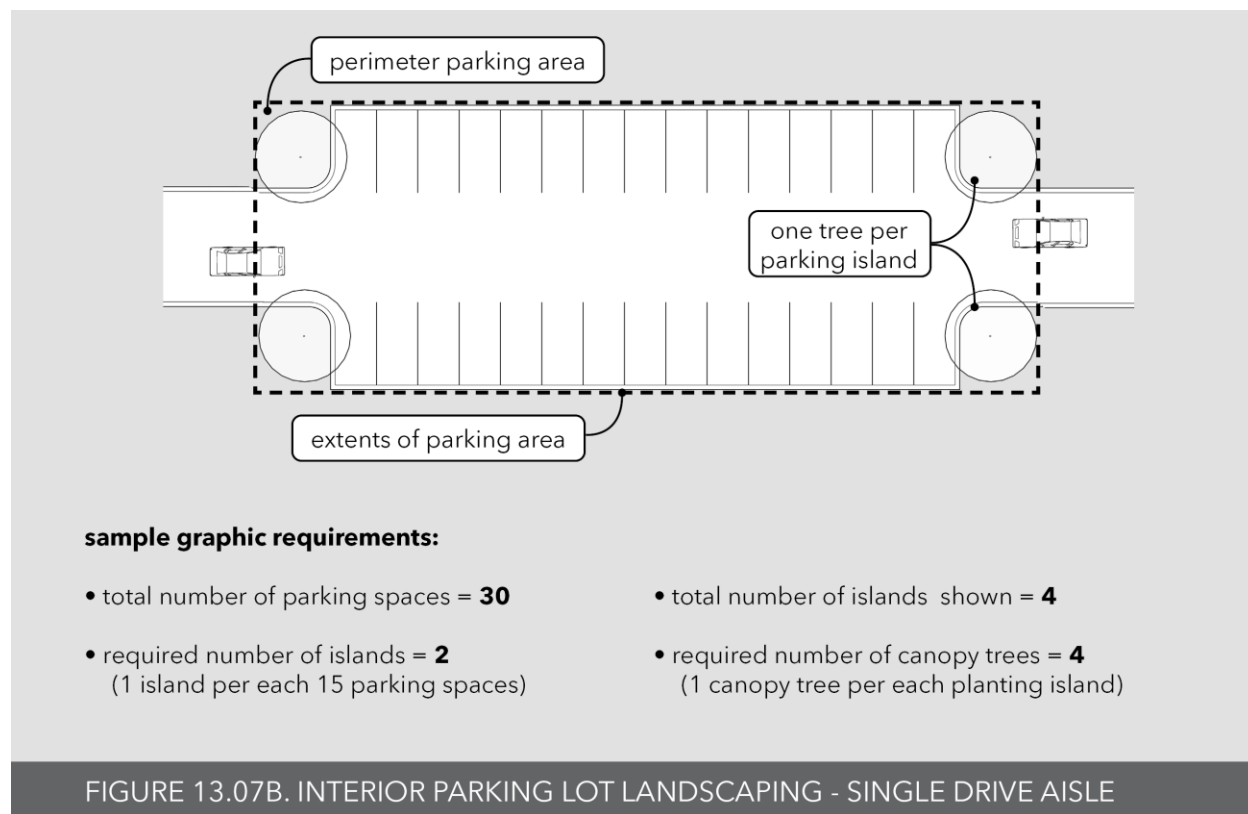
FIGURE 13.06. MINIMUM FRONTAGE PARKING LOT LANDSCAPING

C. Interior parking lot landscaping. In addition to frontage landscaping, parking lots shall also contain landscaping within the interior of the parking lots as specified below (Fig. 13.07A and 13.07B):

- 1) Interior landscaping shall be provided for any parking area containing 20 or more spaces.

- 2) The interior of the parking lot shall be considered as any point from the outside boundary of the parking area.
- 3) The interior area of any parking lot shall incorporate planting islands, peninsulas, and corners at a minimum ratio of one per each 15 parking spaces, or part thereof.
- 4) Landscaped islands shall be dispersed evenly throughout the entire area of the parking lot in order to break up large expanses of pavement and shall be used to separate pedestrian areas, maneuvering areas, and drives whenever possible.
- 5) A minimum of one approved canopy tree shall be provided for each planting island, peninsula, or corner, with the balance of the island covered with grass or another suitable ground cover.
- 6) A minimum of 50 percent of the required trees shall be installed in the interior of the parking area and the remaining 50 percent may be installed on the perimeter. The required trees shall be in addition to those which may otherwise be required by this Section.





Section 13.14.04. Planting Specifications

1. Plant materials permitted in required landscape areas shall be hardy to the climate of Michigan, long-lived, resistant to disease and insect attack, and shall have orderly growth characteristics.
2. Required trees shall be of the following sizes at the time of planting, unless otherwise stated in this Section:
 - A. Deciduous trees shall have a two and a half (2 ½) inch caliper minimum truck measurement at four feet off the ground, with a minimum eight feet in height above grade when planted.
 - B. Evergreen trees shall be a minimum of six feet in height above grade when planted.
3. The plant materials listed in Table 13.1 shall not be planted in a public right-of-way, nor shall they be used as required by the minimum landscaping standards of this Ordinance due to susceptibility to storm damage, propensity for root clog of drains and sewers, susceptibility to disease or insect pests, or other undesirable characteristics, such as being an exotic invasive species. In the case of a conflict or dispute regarding prohibited and acceptable species, the Village shall be guided by the recommendations of the Berrien Conservation District.

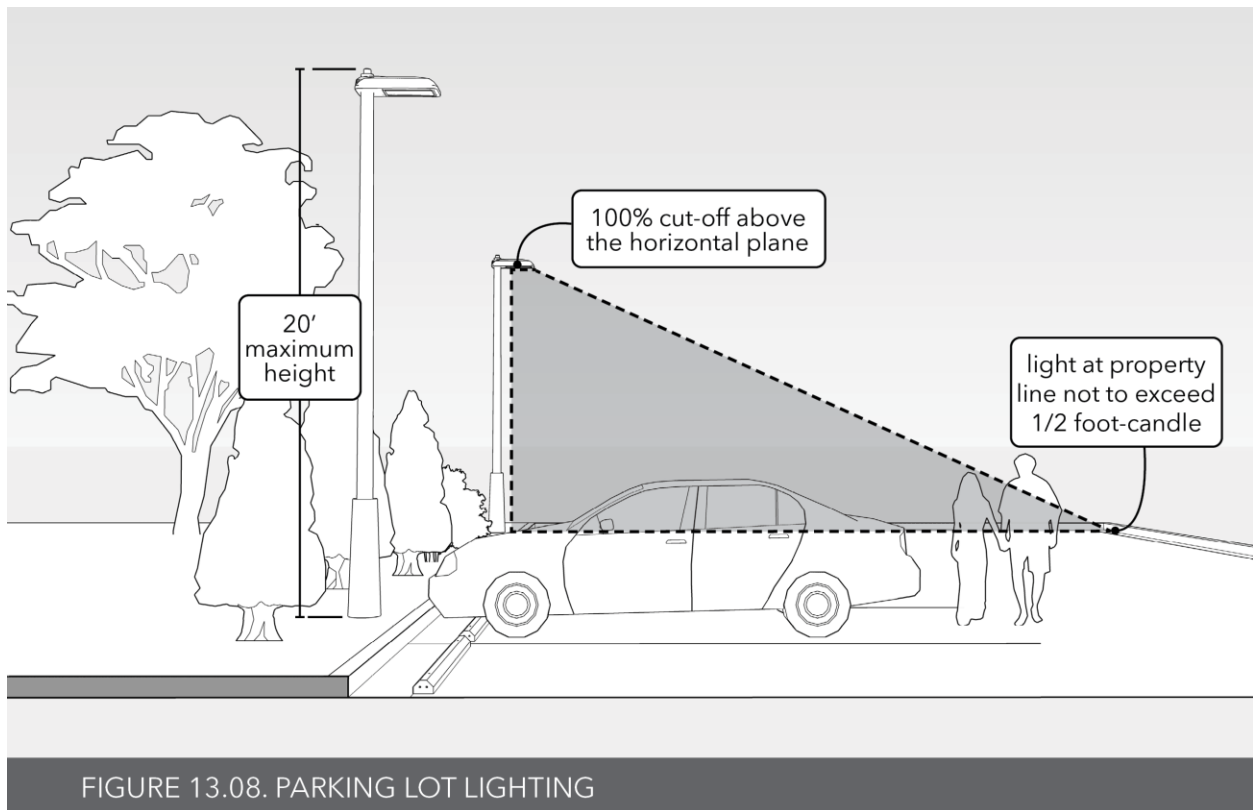
Table 13.1 Prohibited Species	
Common Name	Horticultural Name
Boxelder	Acer Negundo
Horse Chestnut	Aesculus Hipposcastanum
Tree of Heaven	Ailanthus Altissima
European Barberry	Berberis Vulgaris
Catalpa	Catalpa Speciosa
Russian Olive	Elaeagnus Angustifolia
Autumn Olive	Elaeagnus Umbellata
Honey Locust (thorned)	Gleditsia Triacanthos (with thorns)
Ginko (female)	Ginko Biloba (female only)
Purple Loosestrife	Lythrum Salicaria
Mulberry	Morus Species
Poplar	Populus Species
Black Locust	Robinia Pseudoacacia
Willow	Salix Species
Siberian Elm	Ulmus Pumila
Slippery Elm/Red Elm	Ulmus Rubra
Chinese Elm	Ulmus Parvifola

Section 13.15. Outdoor Lighting

1. Intent. The intent of this Section is to create and maintain safe nighttime environments for both pedestrians and drivers on public and privately owned roadways and rights-of-way by minimizing brightly lit 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 luminaires and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission, Planner, and/or Zoning Administrator in the review of all site plans submitted for approval under the terms of this Ordinance.
2. Applicability.
 - A. The requirements of this Section shall apply to any new development or renovation requiring a site plan pursuant to Article 12 of this Ordinance and to the installation of any new regulated lighting as follows:
 - 1) Lighting intended to illuminate a site, façade, and/or parking area for commercial, industrial, institutional, and multifamily residential uses.
 - 2) Private street lighting and public street lighting, including that installed by a municipality or power company.

- 3) All forms of neon lighting.
 - 4) Lighting of signs.
 - 5) Lighting not exempted under Subsection 13.15(2)(B), below.
- B. Exemptions. Lighting commonly associated with single-family or two-family dwellings, including porch lights, low-level lawn lights, soffit-mounted facade illumination and special seasonal lights, such as holiday decorations, are exempted from the requirements of this Section 13.15, provided, however, that flood lights, spot lights, or yard lights mounted higher than 10 feet above grade shall be subject to the standards of Section 13.15(4) hereof. Lighting associated with temporary or special events may be exempted from the requirements of this Section 13.15 hereof upon prior request and approval of the Zoning Administrator.
- C. New developments shall comply with this Section 13.15, as well as existing developments under consideration for other than minor changes in a site plan as described in Section 12.08 hereof.
3. Lighting plan. Any new development or renovation requiring a site plan pursuant to Article 12 of this Ordinance shall include detail on the design and location of all exterior lighting, including light poles, wall-mounted fixtures, and illuminated signs. The Planning Commission or Zoning Administrator may require submission of additional details, including lighting output, bulb type, planned lighting coverage, and other elements to determine the extent of proposed lighting on the site and any potential impacts off the property subject to site plan approval.
4. General Standards. Outdoor lighting shall be designed, constructed, and maintained in compliance with the following standards:
- A. Direct light and directly-reflected light shall be confined to the subject property by screening, shielding, landscaping or other measures such that no lighting in excess of one-half ($\frac{1}{2}$) foot candle shall be cast on adjoining private property. This standard shall not apply to internally lit signs meant to be visible from the adjoining public right-of-way.
 - B. Lamps or bulbs, fixtures and other physical parts of the fixture assembly shall be shielded or hooded to prevent glare from traveling beyond the subject property and to ensure that the light source is not directly visible from beyond the boundary of the subject property.
 - C. Light fixture assemblies shall have 100 percent cut-off above the horizontal plane at the lowest part of the light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.
 - D. There shall be no lighting of a blinking, flashing, or fluttering nature.
 - E. Beacon, strobe, and search lights shall be prohibited. No colored lights shall be used at any location or in any manner which might be confused with or construed as traffic control devices.
 - F. The Planning Commission or Zoning Administrator may impose additional conditions on site illumination to further the intent of this Section 13.15.

- G. Internally-lit signs, electronic message boards, back-lit changeable copy signs and signs incorporating light emitting diode (LED), liquid crystal, video or other types of internally-lit systems shall be designed, shielded and oriented so as not to interfere with adjacent public rights-of-way or adjacent property and such signs shall not emit light exceeding either 10 foot candles measured four feet perpendicular to the sign face or one-half foot candle measured at the property line of adjoining privately-owned property.
5. Parking Lot Lighting. In addition to the general standards for outdoor lighting in Section 13.15(4) above, the following standards shall also apply to parking lot lighting:
- A. All illumination for parking lots in nonresidential districts shall be deflected away from adjacent residential areas and shall be installed in such a manner as to allow the reduction of the amount of light on other than normal parking hours each day.
- B. The source of illumination in all parking lots abutting a residential district or use shall not be higher than 20 feet above the parking lot surface (Fig. 13.09).



6. Departures. Outdoor lighting shall comply with the requirements of this Section 13.15, provided, the Planning Commission may, upon written application approve departures from the standards of this Section if the Planning Commission finds that the following standards are demonstrated by the applicant:
- A. The use is a permitted or special land use in the zoning district.
- B. The applicant will undertake reasonable measures to assure that the public health, safety, and welfare would not be undermined by approving the proposed departure.

- C. The proposed plan includes reasonable measures to mitigate any glare, annoyance, intrusion or distraction would be caused by the proposed lighting.
- D. The general public would benefit from the proposed lighting and the proposed lighting and related land use are consistent with the Village Master Plan.

Section 13.16. Reserved

Section 13.17. Swimming Pools

- 1. All swimming pools, spas, hot tubs, and similar devices (including inflatable pools, above-ground, and in-ground pools) that contain 24 inches or more of water depth at any point shall require a zoning permit pursuant to this Ordinance. All pools shall comply with applicable construction codes and the International Pool and Spa Code, as amended.
- 2. All swimming pools, spas, hot tubs, and similar devices (including inflatable pools, above-ground, and in-ground pools); related structures; and paved surfaces related to the swimming pool installation, such as patio, deck, walk, etc. shall be located no closer than five (5) feet from any property line and shall not be located in the front yard.

Section 13.18. Home Occupations

- 1. Purpose. The purpose and intent of this section is to establish regulations intended to ensure that home occupations remain subordinate to the residential use, that the residential viability of the dwelling is maintained, and to ensure that home occupations shall not be a detriment to the character and livability of the surrounding neighborhood. It is recognized that excessive commercial activity, such as traffic, odors, deliveries, and signage may undermine the residential character of a neighborhood. Therefore, a home occupation shall meet the standards set forth in this section, and shall be located and constructed so that the average neighbor, under normal circumstances, will not be aware of its existence.
- 2. Requirements.
 - A. All home occupations shall be registered with the Zoning Administrator on forms provided by the Village and may require a fee as determined by Village Council. The registration form shall be accompanied by such information as is necessary to demonstrate compliance with this section.
 - B. Home occupations must be conducted entirely within the confines of a dwelling or accessory building. The home occupation must not be evident in any way from the street or from any neighboring premises. For all home occupations that will be conducted in a rental dwelling unit, the operator of the home occupation shall provide a signed statement from the property owner stating that the property owner knows the type and scope of the home occupation to be conducted on their property and granting the tenant permission to operate the home occupation.
 - C. There shall be no change in the outside appearance of the dwelling or any other visible evidence of the conduct of the home occupation, including, but not limited to, exterior

alterations, or construction features not customary in dwellings or new external entrances to the space devoted to the home occupation.

- D. The dwelling unit shall be the primary residence for the operator of the home occupation.
- E. The home occupation shall use only mechanical and electrical equipment which is similar in power and type to that used for household purposes and hobbies.
- F. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses off of the premises on which the home occupation is located. In addition, no equipment or process shall be used in the home occupation which causes visual or audible interference in any radio, television, cellular, or wireless service off the premises or causes fluctuation in the line voltage off the premises.
- G. No person, other than members of the family residing in the dwelling, shall be engaged in the conduct of the home occupation.
- H. The home occupation shall not devote more than twenty (20) percent of the principal building and accessory buildings to such home occupation.
- I. The home occupation shall not require more than two (2) parking spaces, located in the driveway or on the street directly adjacent to the property. Suitable off-street parking shall be located without utilizing any portion of any required yard or lawn area.
- J. The home occupation shall not generate traffic in a greater volume than would normally be expected in a residential neighborhood.
- K. On-site sale of merchandise shall be limited to:
 - 1) Items commonly traded or collected or occasionally bought and sold by hobbyists such as stamps, coins, comics, etc., but not including motor vehicles or firearms.
 - 2) Crafts and artistic products produced on site.
- L. No outdoor storage or display of materials, equipment, merchandise, or products shall be permitted.
- M. Unless otherwise permitted by this Ordinance, no more than two (2) customers, clients, students, or patients shall be on the premises in which a home occupation is located at any one time.
- N. Visits by customers, clients, students, or patients to the premises in which a home occupation is located shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
- O. Home occupations shall at all times comply with all federal, state and local laws including, but not limited to, building, housing, property maintenance, fire, and other codes and ordinances.

Section 13.19. Regulations for Dwellings

Any single-family dwelling, whether constructed and erected on a lot or a pre-manufactured or pre-cut building, may be permitted only if it complies with all of the following requirements:

1. All buildings used or proposed to be used as a dwelling shall comply with all applicable building, electrical, plumbing, fire, energy, and other similar codes as adopted by the Village, and all state and federal standards or regulations. Where such state or federal standards or regulations are different from those imposed by the Village codes, the more restrictive standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Official.
2. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, lot area, lot width, residential floor area, required yard, and building height requirements for the zoning district in which it is located.
3. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, which has a wall of the same perimeter dimensions as the dwelling unit and is constructed of such materials and type as required by the building code for on-site constructed single-family dwellings.
4. The dwelling unit shall have a minimum horizontal dimension across any front, side, or rear elevation of at least twenty (20) feet.
5. There shall be a minimum of a double pitched roof of not less than three (3) feet of rise for each twelve (12) feet of run.
6. A storage area within a building with an area of no less than one hundred and twenty (120) square feet shall be provided. This storage area may consist of a basement, closet area, attic, or attached garage in a principal building, or in a detached accessory building that complies with all other applicable provisions of this Ordinance pertaining to accessory buildings.
7. Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation difference of greater than eight (8) inches between the first-floor entry of the dwelling unit and the adjacent grade.
8. The exterior finish of the dwelling unit shall not cause reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
9. The dwelling unit shall have no less than two (2) exterior doors, with one being in either the rear or side of the dwelling unit.
10. The use of any portion of the basement of a partially completed building or accessory building for dwelling or sleeping purposes in any zoning district is prohibited.
11. Manufactured Homes. If the dwelling unit is a manufactured or mobile home, the following standards shall apply:
 - A. Dwellings located in a mobile home park regulated pursuant to Act 96 of 1987 (The Mobile Home Commission Act), as amended, shall comply with the terms of this Ordinance as applicable and the terms of that Act and all rules promulgated thereunder.
 - B. If the mobile home is new, it must be certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the United States Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or

- C. If the mobile home is used, it must be certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in Subsection 10(A) above, and found, on inspection by the Building Official or his designee, to be in excellent condition and safe and fit for residential occupancy.
- D. The mobile home shall be installed with the wheels removed.
- E. The mobile home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for mobile home parks.
- F. The foundation or skirting of a mobile home shall fully enclose the chassis, undercarriage, and towing mechanism.

Section 13.20. Keeping of Animals

- 1. The keeping of domesticated animals is permitted as an accessory use in any residential zoning district. However, no more than three (3) dogs or cats, six months of age or older, in any combination thereof, shall be kept or housed in or at one dwelling unit.
- 2. The keeping of animals not normally considered to be domesticated animals, including but not limited to, chickens, bees, horses, pigs, sheep, cattle, and wild or exotic animals, is prohibited in all zoning districts.

Section 13.21. Voting Place

The provisions of this Ordinance shall not be so constructed as to interfere with temporary use of any public property as a voting place in connection with a public election.

Section 13.22. Reserved

Section 13.23. Floodprone Areas

No structure or construction shall be permitted in violation of Part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.) and rules promulgated pursuant thereto by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) for the protection of floodplains and floodways so designated pursuant to said Act.

Section 13.24. Dumpster and Refuse Containment

- 1. Applicability. All dumpsters and refuse containers for all uses other than single-family and two-family dwellings and their accessory uses shall be contained within a dumpster enclosure. All such uses districts developed or expanded after the effective date of this Ordinance shall comply with the provisions of this Section.
- 2. Location of dumpster enclosures.
 - A. Dumpsters shall be located at least 15 feet from any building and in a location that is clearly accessible to the servicing vehicle. Dumpsters and dumpster structures shall not

be located in any required front yard, nor upon any easement, public or private. Overhead utility lines must be taken into consideration when locating a dumpster structure.

- B. Dumpsters and dumpster structures shall be situated so as not to interfere with the access to any designed parking spaces, fire lanes, or roadways. Further, the space used by dumpster and dumpster structures shall not be included in the calculations for establishing the required minimum parking spaces.

3. Design of dumpster enclosures.

- A. Dumpsters shall be screened on three sides with a decorative masonry wall or solid wood fencing, not less than six feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides. The gate shall be constructed in such a manner as to be lockable in both the open and closed positions. A cyclone-type wire fence may be used for the gate provided that the fencing is screened with decorative slats interlaced in the fencing so as to provide sufficient screening. The minimum inside dimensions of this structure shall be 12 feet by 12 feet (Fig. 13.09).
- B. Dumpsters shall be placed on a concrete pad which shall be a minimum of eight inches in thickness and have an apron and a joint shall separate the apron. Bollards, having a minimum outside diameter of four inches and extending a minimum of 42 inches above and below grade, shall be installed on both sides of the dumpster enclosure opening to prevent damage to the screening wall or fence. A minimum of two such bollards shall be installed across the back wall of the enclosure a minimum of two feet from the back wall and shall be installed in such a manner as to have an expansion joint separating the bollards from the remainder of the slab (Fig. 13.10).

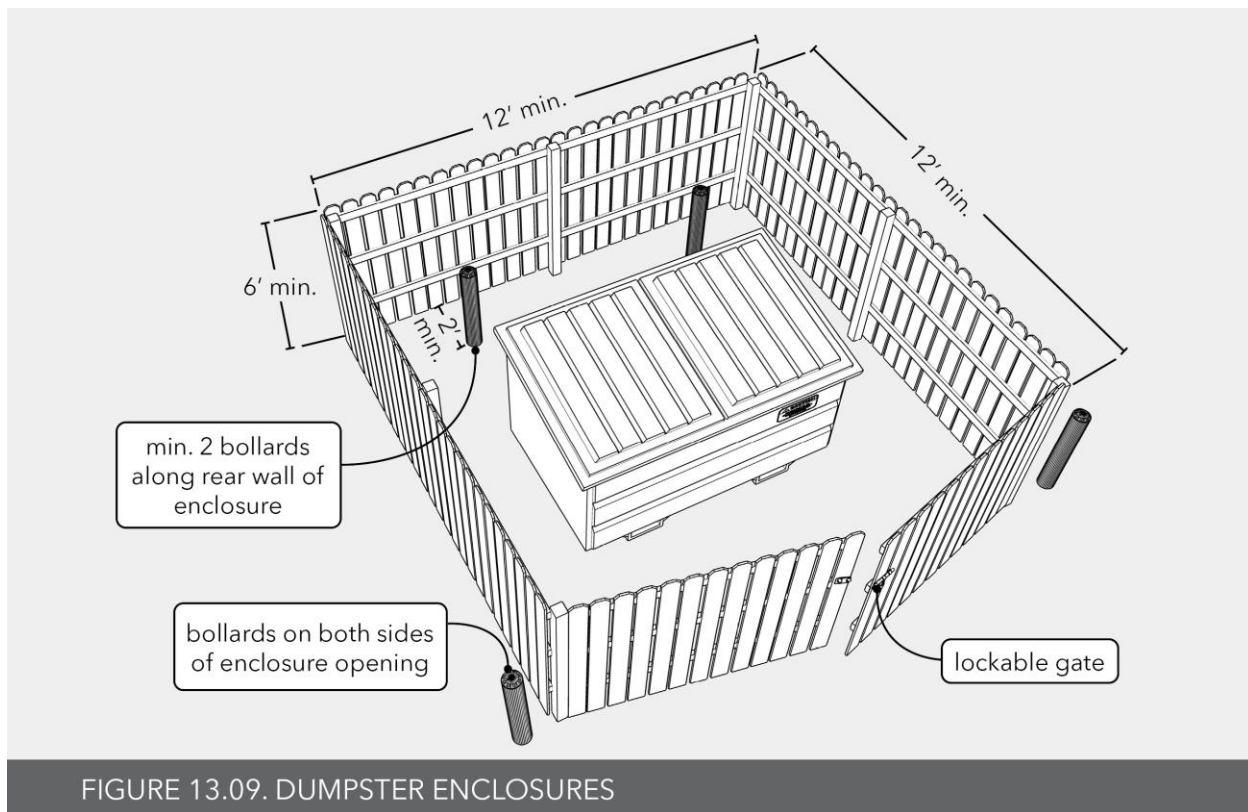


FIGURE 13.09. DUMPSTER ENCLOSURES

4. Maintenance and servicing of dumpster enclosures.

- A. Dumpsters and dumpster structures shall be kept clean and maintained in good repair.
- B. Dumpster capacity shall be large enough to accommodate the garbage and refuse generated by the property.
- C. Dumpsters and other refuse containers shall only be serviced by licensed persons approved by the Village Council.

Section 13.25. Unclassified Uses

The Planning Commission may find that a land use, while not specifically classified in this ordinance as a permitted or special land use, may be sufficiently similar to uses listed as permitted by right or as special uses. In that event, such unclassified uses may be reviewed and treated as similar classified uses within the district.

In reaching such a finding, the Zoning Administrator shall first evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter, and similar impacts. In addition, the proposed use shall be evaluated to determine the degree to which it may support or conflict with the intent of the district and other permitted and special land uses. If the Zoning Administrator determines that such use is similar to the uses permitted by special use permit, a report outlining the determination shall be provided to the Planning Commission with a recommendation to consider such use as sufficiently similar to permitted or special land uses within the district and the approval standards that should be used to evaluate the proposed use.

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 determination 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, such use shall be prohibited. Nothing in this Section shall be construed to prohibit a future amendment of this Ordinance to provide for a land use that may be currently excluded.

Section 13.26. Temporary Uses

1. Temporary sales. Sidewalk sales, food trucks, pop-up stores, tents, or seasonal sales of goods are permitted in accordance with the following restrictions:
 - A. Such temporary sales shall be permitted in the C1 or C2 districts.
 - B. Registration: Any person, organization or business desiring to utilize property for a use authorized by this section shall first register with the Zoning Administrator on a form to be provided, and shall pay a fee for registration in an amount as established by the Village Council. The registration form shall be accompanied by a sketch plan identifying:
 - 1) The shape, location and dimensions of the lot, including the shape, size and location of all existing buildings or other structures on the lot, off-street parking layout, and the location of any designated fire lanes.
 - 2) The shape, size and location of all buildings or structures to be erected or moved onto the lot, including tents, tables, stands, display racks, or vehicles from which the temporary sales will be conducted.
 - C. Time limitations:
 - 1) Registration for a sidewalk sale related to a permitted principal use otherwise occurring on the lot shall be effective for no longer than seven (7) days. There shall be a minimum seven-day gap between subsequent sales. No more than three (3) such temporary uses may occur on a particular lot within a single calendar year.
 - 2) Registration for a seasonal sale of goods, not related to a permitted principal use otherwise occurring on the lot (e.g., t-shirts, Christmas trees, sunglasses, fireworks, etc.) shall be effective for no longer than thirty (30) days. No more than one such seasonal sale shall be permitted on a lot within a single calendar year or at a time.
 - 3) Pop up shops may be permitted for no longer than thirty (30) days provided that the activity conducted would be permissible in the underlying zoning district and other applicable regulations of this Ordinance would be satisfied.
 - 4) A temporary tent not exceeding 150 square feet related to a permitted principal use otherwise occurring on the lot may be erected for no longer than 90 days per calendar year.
 - D. Regulations:

- 1) A temporary tent or sidewalk sale permitted in accordance with this Section shall comply with all applicable requirements for the zoning district in which it is to be located.
 - 2) A temporary structure used in conjunction a use permitted by this section use may be located in a front yard, but no closer than one-half ($\frac{1}{2}$) the distance between the right-of-way and the principal building.
 - 3) When a seasonal sale of goods is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which it is to be located, including all requirements pertaining to lot size, height, setback, lot coverage, and off-street parking.
- E. The Village Council may issue permits for the temporary use and occupancy of property for uses not otherwise provided for in this ordinance (carnivals, special events, flea markets, environmental testing devices, etc.) and that do not require the erection of any structures requiring foundations or connection to public water or sewer. For the purpose of this section, a temporary activity shall not extend for more than six (6) weeks in any year.
- F. Private garage sales, yard sales, or estate sales. Sales of personal items from a private residence or church, such as garage or yard sales, or civil organization events such as car washes, shall require a temporary activity permit, and shall be held for not more than three (3) consecutive days, and not more than twice per calendar year.
2. Temporary Dwellings.
- A. The parking or storage of recreational vehicles, campers, or boats and trailers on the street for more than 96 hours at a time is prohibited. Such storage may not occur more than four (4) times per twelve-month period, and shall be separated by at least seven (7) days between each occurrence. The parking or storage of recreational vehicles, campers, or boats and trailers is permitted on a lot pursuant to Section 13.27.
 - B. A recreational vehicle or camper may be used as a dwelling for guests of the property for not more than 14 days at a time.
 - C. The Zoning Administrator may authorize the occupancy of a mobile home, existing dwelling unit, or recreational vehicle as a temporary residence for a period not to exceed one year during construction or reconstruction of a dwelling unit for occupancy by the applicant on the lot or parcel on which the temporary dwelling is proposed to be located.
3. Temporary Structures. Temporary structures such as construction trailers, job-site offices, tool cribs, and similar structure may be permitted in accordance with the following requirements:
- A. Such temporary structures shall not be occupied as a dwelling.
 - B. Unless otherwise permitted by this Section, a temporary structure shall meet the setback requirements of its respective district. The Zoning Administrator must approve the site for the temporary structure prior to its placement.

- C. Construction trailers, job-site offices, tool cribs and similar temporary structures associated with building or public facility construction shall be properly anchored and may be located on any portion of a construction site, provided clear vision corners are maintained at all intersections and safe pedestrian passage is provided.

Section 13.27. Outdoor Storage and Parking of Recreation Vehicles

1. Within the R1, R2, and R3 districts, the outdoor storage or parking of RVs, boats, and trailers of any kind shall be permitted only in accordance with this Section. The provisions of this section do not apply to vehicles regularly utilized in the conduct of a profession, occupation, or business such as work trucks, vans, and similar commercial vehicles with a capacity of one and one-half (1½) tons or less.
2. The storage or parking of trucks of more than one and one-half (1½) tons capacity such as dump trucks, cement mixers, and semi-trucks and trailers is prohibited in the R1, R2, or R3 districts.
3. The outdoor storage of recreational vehicles, boats, and trailers shall be regarded as a permitted accessory use in the R1, R2, and R3 districts, if such storage conforms to the provisions of this section.
 - A. Such outdoor storage may be permitted within the rear yard or side yard, provided all stored items are placed no closer than three (3) feet from a side lot line or five (5) feet from a rear lot line and provided that such storage does not prevent clear access between the front and rear yards of the lot for a person on foot.
 - B. Such storage may occur in a front yard, provided that all stored items are placed on an improved surface (asphalt, concrete, asphalt millings, etc.) and that recreational vehicles and equipment are not located within 20 feet of the street or sidewalk.
4. The open storage of disassembled or component parts for any vehicle of any type is prohibited.
5. Any recreational vehicle or boat stored outdoors shall be the property of the occupant.

Section 13.28. Performance Standards

It shall be unlawful to conduct or permit any activity or operation or use of land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazards to humans or human activities.

1. Sound. The emission of measurable noise in decibels (dB) from the premises shall not exceed the sound levels outlined in the table below, when measured at any property line. These regulations do not apply to construction activities, maintenance activities, noises of safety signals, warning devices, emergency pressure relief valves or special community events approved by the Village Council.

Maximum Sound Levels			
Source of Sound	Receiving Property		
	Residential	Commercial	Industrial
Residential	60 dB	70 dB	70 dB
Commercial	65 dB	70 dB	70 dB
Industrial	65 dB	70 dB	70 dB

2. Vibration. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of three thousandths (0.003) of one inch measured at any lot line of its source. Vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses.
3. Odor. The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any lot lines, when diluted in the ratio of one volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines, is prohibited.
4. Toxic gases. The escape or emission of any gas, which is injurious or destructive or explosive, shall be unlawful and shall be summarily abated, as directed.
5. Glare and heat. Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.
6. Light. All lighting shall be arranged to reflect light away from adjacent parcels and must follow the standards outlined Section 13.15.
7. Electromagnetic Radiation. The rules and regulations of the Federal Communications Commission, as amended with respect to the propagation and dissemination of electromagnetic radiation must be followed and are hereby made a part of this ordinance.
8. Drifted and Blown Material. The drifting or airborne transmission beyond the lot line of soot, particles, or debris from any stockpile shall be unlawful and shall be summarily abated, as directed.
9. Smoke, Dust, Dirt, and Fly Ash. It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever any air contaminator for a period or periods aggregating more than three (3) minutes in any sixty (60) minutes which is more than forty (40) percent opaque.

Article XIV – Special Land Uses

Section 14.01. Intent

This Ordinance contemplates the development of a variety of land uses within the Village's zoning districts. It is recognized that there are some land uses which, because of their unique characteristics, may only be appropriate in particular locations and under certain circumstances. Therefore, this Article provides a set of procedures and standards for these special land uses that require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards in this Article are designed to allow reasonable use of land for applicants while maintaining adequate protection of the health, safety, convenience, and general welfare of the Village of Stevensville. For purposes of this Ordinance, all special land uses within each zoning district are subject to the conditions and standards of this Article XIV.

Section 14.02. Application Procedures

The application for a Special Land Use shall be submitted and processed under the following procedures:

1. Application. An application shall be submitted to the Zoning Administrator not less than 30 days prior to the next scheduled Planning Commission meeting. The Zoning Administrator shall review the application for completeness, and when complete, transmit it to the Planning Commission.
2. Required Information. An application for a special land use shall be accompanied by the following documents and information:
 - A. An application form that has been completed in full by the applicant.
 - B. The payment of an application fee as established by the Village Council.
 - C. A site plan as specified in Article XII, Site Plan Review.
 - D. 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 include, 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.
3. Public Hearing Required. Upon receipt of the materials required above, the Planning Commission shall hold a public hearing on the application, providing notice of such hearing in accordance with Section 19.04 of this Ordinance.
4. Planning Commission Review. After the public hearing, the Planning Commission shall review the application for special land use, comments received at the public hearing, the site plan, and any other materials submitted in relation to the application. Within a reasonable time following the receipt of all materials, the Planning Commission shall approve, approve with conditions, or deny the special land use application, and incorporate the basis for the decision into the meeting minutes. In arriving at its decision, the Planning Commission shall refer to

and be guided by those standards set forth in this Article and any other standards in this Ordinance applicable to the proposed special land use.

5. Issuance of a Special Land Use Permit. A special land use permit shall be issued by the Zoning Administrator upon the approval of the special land use by the Planning Commission. The Special Land Use Permit shall list all the conditions of approval stipulated by the Planning Commission. The Zoning Administrator shall forward copies of the special land use permit to the applicant and to the Village Clerk.
6. Performance Guarantee. In authorizing a Special Land Use Permit, the Planning Commission may require a performance guarantee pursuant to Section 19.05 of this Ordinance.
7. Appeals. No decision or condition related to the special land use application shall be taken to the Zoning Board of Appeals.
8. Amendments. Amendments to special land use permits shall be handled in the same manner as the initial special land use application. Minor non-substantive changes to a special land use may be made to an existing special land use permit with the approval of the Zoning Administrator.
9. Transfers. The special land use permit, with any and all associated benefits, conditions, and required security, may be transferred to a new owner upon the sale or transfer of the property in question. The original owner, upon transferring the special land use permit, shall advise the Zoning Administrator of said transfer in order to ensure the continued validity of the permit, inform the new owner of the land use permitted, and to ensure compliance with the terms and conditions of the approved permit.
10. Re-Submission. No petition for special land use approval which has been disapproved may be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Zoning Administrator after learning of new and significant facts or conditions that may result in favorable action upon resubmission.
11. Construction. A special land use approved pursuant to this Article shall either be under substantial construction, or operations exercising the permit shall have commenced, within one year after the date of approval.
12. Expiration. A special land use permit shall run with the land and shall be valid for as long as the approved use continues in accordance with all terms and conditions of the permit. The special land use permit will expire on the occurrence of one or more of the following conditions:
 - A. If replaced or superseded by a subsequent permitted use or special land use.
 - B. If the applicant or current owner of the property requests that the special land use permit be rescinded.
 - C. If the special use is considered abandoned pursuant to Section 14.02 (13).
 - D. If a building permit has not been obtained or if on-site development has not commenced within one year of approval of the special land use.
13. Abandonment. Any permitted special land use shall be considered abandoned, and such use shall not be resumed thereafter, if any of the following conditions apply:

- A. The owner declares or otherwise makes evident his/her intent to discontinue such use.
 - B. When the use has been replaced by a different use.
 - C. The cessation of the permitted special land use for a period of one year or more.
14. Violations. Any violation of the terms, conditions, or limitations of a special land use permit shall be cause for revocation or suspension of the permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any special land use permit after giving notice to the permit holder specifying the alleged violation(s) and holding a public hearing on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the special land use permit exists. The permit holder shall be given a reasonable opportunity to correct the violation(s).

Section 14.03. Special Land Use Review Standards

1. In addition to standards for specific special land uses contained in Section 14.04, the Planning Commission must find that the following general standards are met in order to approve a special land use:
 - A. The proposed special land use shall be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.
 - B. The proposed special land use shall not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, lighting, noise, smoke, fumes, glare, or odors.
 - C. The proposed special land use shall be generally consistent with the Village of Stevensville Master Plan.
 - D. The proposed special land use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
 - E. The proposed special land use shall 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 provide adequately for such services.
 - F. The proposed special land use shall 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.
2. In approving a special land use, the Planning Commission may require additional conditions and safeguards. Failure to comply with such conditions may result in the revocation of the special land use approval, pursuant to Section 14.02 (14). Conditions imposed on a special land use shall be designed to:

- A. Meet the intent and purpose of the Zoning Ordinance;
- B. Relate to the standards established in the Ordinance for the land use or activity under consideration with the subject application;
- C. Ensure compliance with those standards;
- D. Protect the general welfare;
- E. Protect individual property rights; and
- F. Ensure that the intent and objectives of this Ordinance will be observed.

Section 14.04. Specific Standards for Special Land Uses

The specific and detailed standards of this Section are requirements that must be met by those uses listed in addition to the general standards of Section 14.03(1) and all other requirements of this Ordinance. Those specific uses designated in this Ordinance as special land uses shall also be subject to the requirements outlined below:

Section 14.04.01. Adult foster care congregate care facilities

1. Adult foster care facilities and homes shall at all times maintain all valid state and local licenses.
2. An adult foster care facility or home serving seven (7) or more residents shall not be located within fifteen hundred (1,500) feet of any other adult foster care facility or home.
3. Required off-street parking, as well as off-street pick-up and drop-off areas, shall be provided.

Section 14.04.02. Adult foster care large group homes

1. Buildings shall conform to the yard, setback, and height standards of the zoning district in which it is located.
2. All required state and local licensing shall be maintained at all times.
3. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
4. Required off-street parking, as well as off-street pick-up and drop-off areas, shall be provided.
5. Hours of operation shall not exceed sixteen (16) hours during a twenty-four (24) hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10:00 p.m. and 6:00 a.m.

Section 14.04.03. Assisted living facilities

1. The use shall be established and maintained in accordance with any and all applicable local, state, and federal laws.

2. Parking shall comply with the parking requirement for each specific use on the site, however, parking requirements may be reduced if the Planning Commission finds that such requirements may be modified due to varying hours of operation or other factors.
3. All dwellings shall consist of at least four hundred fifty (450) square feet of floor area per dwelling unit.
4. The owner shall file with the Village a covenant, reviewed as to form by the Village attorney that the owner's heirs, personal representatives, successors, and assigns that occupancy of the development shall be limited to the "aged" as defined in Section 20106 of Michigan Public Act 368 of 1978, the Public Health Code, as amended or as superseded and replaced. The covenant shall be executed and recorded with the county register of deeds prior to issuance of a building permit.

Section 14.04.04. Reserved

Section 14.04.05. Breweries or wineries

1. Such facilities shall maintain, at all times, all required federal, state, and local licenses and permits.
2. Such facilities shall be located and designed such that no objectionable noise in excess of seventy (70) decibels and no objectionable vibration shall be carried onto adjoining property zoned for or occupied by, residential uses.
3. The planning commission may establish reasonable hours of operation for breweries or wineries.
4. The applicant shall demonstrate that all trucks and delivery vehicles be provided with adequate maneuvering areas on the lot. Maneuvering shall not be permitted on adjacent property or in a public right-of-way.

Section 14.04.06. Colleges, universities, and private schools

1. All required state and local licenses, charters, permits, and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
2. All outdoor play areas shall be located in the rear or side yards only and shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way. Provided, however, the planning commission may permit chain link or wrought iron fences up to six (6) feet in height adjoining a right-of-way upon a finding that such fences are necessary for the safety of pupils of the facility.
3. The Planning Commission may establish standards to limit routine noise generated by an educational facility to no more than seventy (70) decibels at the property line, taking into account the nature of the facility, the surrounding uses, zoning, and the probable frequency of objectionable noise levels that may be generated by the use.
4. Off-street parking shall be arranged so the area for bus loading and unloading of students, together with areas for pick-up and drop-off of students, will not be in the path of vehicular traffic.

5. Sidewalks shall be required connecting the off-street parking area to the main entrance of the school, and to the required sidewalk along the adjacent road right-of-way line.
6. An educational facility with a place of public assembly shall comply with the special land use standards for places of public assembly set forth in Subsection 14.04.19.
7. Public schools under the jurisdiction of the Michigan superintendent of public instruction are not subject to the requirements of this ordinance in accordance with the Revised School Code, MCL 380.1263(3).

Section 14.04.07. Contractor's offices and yards

1. Any outdoor storage area shall conform to the yard, setback, and height standards of the zoning district in which it is located.
2. Storage or operation of machinery, equipment, motor vehicles, trailers, and stockpiled materials shall not be located in the front yard unless there exists natural vegetation or a sufficient setback that would effectively screen such areas from view. The Planning Commission may require permanent landscaping or fencing to screen any aspect of the establishment from adjacent rights of way or neighboring properties.
3. The lot area used for parking and the display or storage areas shall be provided with a permanent, paved surface, and shall be graded and drained so as to dispose of all surface water.
4. Cranes, booms, or other extensions on equipment, trucks, or other vehicles parked on-site shall be stored in the lowest possible configuration.
5. There shall be no off-site discharge of stormwater except to an approved drainage system in accord with the Village's engineering requirements.
6. Noise generated on-site from any source shall not exceed seventy (70) decibels measured at any property line.
7. The planning commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
8. The processing of raw materials is prohibited.

Section 14.04.08. Reserved

Section 14.04.09. Equipment sales, rental, and repair facilities

1. Storage or operation of machinery, equipment, motor vehicles, trailers, and other equipment shall not be located in the front yard unless there exists natural vegetation or a sufficient setback that would effectively screen such areas from view.
2. No display area shall be located within twenty (20) feet of a street right-of-way line.
3. The Planning Commission may require an opaque fence or wall up to six (6) feet in height and/or an evergreen landscape buffer not less than six (6) feet in height at time of planting to screen any equipment or storage areas from neighboring uses or adjacent rights-of-way.

4. Cranes, booms, or other extensions on equipment, trucks, or other vehicles parked on-site shall be stored in the lowest possible configuration.
5. The lot area used for parking and the display or storage areas shall be provided with a permanent, paved surface, and shall be graded and drained so as to dispose of all surface water.
6. Noise generated on-site from any source shall not exceed seventy (70) decibels measured at any property line.

Section 14.04.10. Funeral homes or mortuaries

1. An off-street vehicle assembly area shall be provided to be used in support of funeral procession activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
2. A caretaker's residence may be provided within the principal building.
3. A mortuary that includes a crematorium shall locate any cremating facilities at least one hundred (100) feet from any residential use.

Section 14.04.11. Gas stations

1. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by State and federal statutory and regulatory authority.
2. Curb cuts for ingress and egress to an automobile gasoline station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto.
3. All buildings, pump islands, canopies, and other facilities shall be located in conformance with the yard and setback requirements of the zoning district in which it is located.
4. Where adjoining a residential zoning district or use, a solid fence or wall six (6) feet in height shall be erected along the common lot line. Such fence or wall shall be continuously maintained in good condition.
5. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on site. Outdoor servicing of vehicles shall not be permitted.
6. Any hazardous materials proposed to be stored, used, or handled on-site shall be disclosed by the applicant and all such storage, use, and handling shall be conducted in accordance with any applicable State or Federal requirements.
7. In the event that the use of the property for sales of gasoline has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises. The Village may require a performance guarantee at the time of special land use approval to ensure their removal.

Section 14.04.12. Hospitals

1. Any hazardous materials proposed to be stored, used, or handled on-site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with applicable state or federal requirements.
2. Maximum building height may exceed thirty-five (35) feet or two and one-half (2 ½) stories in height provided a minimum yard equal to the height of the building shall be provided on all sides of the development, except that no structure shall exceed a maximum height ninety-six (96) feet.
3. Helicopter landing pads may be permitted as accessory uses.

Section 14.04.13. Reserved**Section 14.04.14. Manufacturing, processing, assembly, and fabrication establishments**

1. Noise generated on-site from any source shall not exceed seventy (70) decibels measured at any property line.
2. The applicant shall disclose any hazardous, flammable, or corrosive materials proposed to be stored, used, or handled on the site. Use and handling shall be conducted in accordance with applicable state and federal requirements.
3. Federal, state, and local agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state, county, and Village permits and approvals.
4. Any storage facilities shall provide adequate security and signage to notify the public of any hazardous materials and to prevent trespass.
5. Outdoor storage of materials, substances, products, or component parts is not permitted.
6. Vehicles and equipment that are actively used as an integrated component of the establishment may be temporarily parked on the site from time to time, provided such parking is located in the side or rear yard and screened from public view by a fence, wall, or landscape materials approved by the Planning Commission. No portion of the parking area shall be located within two hundred (200) feet of any residential district or use.
7. The Planning Commission reserves the right to require buffering, screening, setbacks, and other elements that are greater than those otherwise required by this Ordinance in keeping with the spirit and intent of this Ordinance to protect the public health, safety, and welfare.

Section 14.04.15. Reserved**Section 14.04.16. Open air businesses**

1. Any materials or products stored or displayed in the open air shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

2. Any materials or products stored outside and not for sale shall be completely enclosed by a decorative fence, wall, or landscaped screen approved by the Planning Commission as part of the special land use approval. Such fence, wall, or screen shall be continuously maintained in good condition.
3. Lighting of outdoor display areas shall be shielded so as to deflect light away from any residential use or residential zoning district and shall not be placed so as to interfere with vision of drivers on adjoining streets.
4. The open air business area shall be paved, or mechanisms to prevent the creation of dust shall be implemented. The site plan shall include measures satisfactory to the planning commission to contain blowing dust, trash, and debris on the site.

Section 14.04.17. Outdoor entertainment and event venues

1. Off-street parking shall be provided as shown on the site plan submitted with the special land use application. The minimum number of parking spaces shall be as provided in Article XV of the Ordinance for places of public assembly.
2. The Planning Commission may impose a maximum number of permitted vehicles, a minimum parking setback from the road right-of-way, and require appropriate screening, fencing, or other landscaping to ensure vehicles are arranged in a safe manner, consistent with neighboring lands and uses.
3. The Planning Commission may establish a duration of time for which the use may be conducted to maintain a seasonal or temporary nature.
4. Any tent or other temporary structure may be installed or constructed to accommodate an event and shall be removed at the end of the event.
5. All buildings and structures on the site shall conform to the minimum setback requirements of the district in which it is located, unless the Planning Commission imposes a greater setback requirement.
6. All required federal, state, county, and local permits for each use, event, program or activity, shall be secured and maintained by the applicant.

Section 14.04.18. Outdoor recreation facilities

1. 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 Section 13.15.
2. Such facilities that include paintball, archery, and/or shooting ranges shall employ effective physical barriers and isolation distances to assure that no projectile shall carry, or be perceptible, beyond the property limit.
3. The planning commission may require that any or all of the property of a club facility be fenced to contain any debris or materials used or discarded on-site and/or to prevent unauthorized access to the grounds.

4. Such facilities shall receive and maintain, at all times, all required federal, state, county, and local licenses and permits.

Section 14.04.19. Outdoor storage facilities or yards

1. Any outdoor storage area shall conform to the yard, setback, and height standards of the zoning district in which it is located.
2. Storage or operation of machinery, equipment, motor vehicles, trailers, and stockpiled materials shall not be located in the front yard unless there exists natural vegetation or a sufficient setback that would effectively screen such areas from view. The Planning Commission may require permanent landscaping or fencing to screen any aspect of the establishment from adjacent rights of way or neighboring properties.
3. The lot area used for parking or storage areas shall be provided with a permanent, paved surface, and shall be graded and drained so as to dispose of all surface water.
4. Cranes, booms, or other extensions on equipment, trucks, or other vehicles parked on-site shall be stored in the lowest possible configuration.
5. There shall be no off-site discharge of stormwater except to an approved drainage system in accord with the Village's engineering requirements.
6. Noise generated on-site from any source shall not exceed seventy (70) decibels measured at any property line.
7. The planning commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

Section 14.04.20. Reserved

Section 14.04.21. Permitted uses containing drive-through facilities

1. All vehicles queuing for a drive-through window shall be separated from other off-site and on-site traffic patterns.
2. The applicant shall demonstrate to the satisfaction of the planning commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking, or pedestrian areas on site.
3. Any commercial establishment with a drive-through facility that adjoins a property zoned or used for residential purposes shall be effectively screened from view from such property.
4. The proposed site shall front upon a paved public street. All ingress and egress shall be from said street.
5. Outdoor speakers for the drive-through establishment shall be located in a way that minimizes sound transmission toward adjacent property and results in sound levels of less than seventy (70) decibels at any property line.

Section 14.04.22. Reserved**Section 14.04.23. Petroleum storage facilities**

1. Any combination of storage tanks or containers used to hold petroleum or other inflammable liquids shall be a minimum of 500 feet from any residential zoning district or use.
2. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by state and federal statutory and regulatory authority.
3. Any hazardous, flammable, or corrosive materials proposed to be stored, used, or handled on-site shall be disclosed by the applicant, and all such storage, use, and handling shall be conducted in accordance with applicable state and federal requirements.
4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.
5. Storage facilities shall provide adequate security and signage to notify the public of the hazardous materials and to prevent trespass.
6. The Planning Commission reserves the right to require buffering, screening, setbacks, and other elements that are greater than those otherwise required by this Ordinance in keeping with the spirit and intent of this Ordinance to protect the public health, safety, and welfare.

Section 14.04.24. Place of public assembly

1. The Planning Commission may impose a maximum number of permitted vehicles, a minimum parking setback from the road right-of-way, and require appropriate screening, fencing, or other landscaping to ensure vehicles are arranged in a safe manner, consistent with neighboring lands and uses.
2. The Planning Commission may require the completion of a traffic impact study for a place of public assembly.

Section 14.04.25. Power generating facilities

1. A proposal to establish a new power generating facility shall not be approved unless the planning commission reaches a finding, based on objectively verified evidence, that all processes to be used in the handling of fuel material, the combustion of fuels, the disposal of any byproduct, the handling of cooling water, the transmission of electrical energy, the handling of process chemicals and liquids, the maintenance of equipment and all processes and procedures associated with the facility shall be the most advanced such systems in terms of the following criteria:
 - A. Potential environmental impacts on air, surface water, groundwater, soils, and natural features, shall be minimized or fully mitigated;
 - B. Potential community impacts on nearby land uses, public infrastructure and the economic vitality of the community shall be demonstrated to be either neutral or positive;

- C. Potential impacts on the health of residents of the Village of Stevensville and surrounding communities and on plant and wildlife communities in the vicinity shall be negligible;
 - D. Potential safety impacts on the residents of the Village of Stevensville and surrounding communities and employees of the facility shall be fully and adequately addressed.
2. The applicant shall fully disclose:
- A. The nature and quantity of all fuels, chemicals, hazardous materials to be used or stored on-site and that all uses and activities shall at all times comply with federal, state, and local requirements, including hazardous substances and groundwater protection.
 - B. All operating and procedural details of the proposed facility including, but not limited to, equipment specifications, maintenance schedules, capital replacement schedules, and plans for eventual decommissioning of the facility.
 - C. The chemical composition of all emissions to the air, groundwater, and surface waters.
 - D. The organizational, capital, and operating financial structure for the proposed facility including resumes of officers, all members of the board of directors, and key technical staff assisting in the development.
 - E. The proposed phasing of the project including any change in ownership of the facility during development or following start-up.
 - F. All required federal, state, and local permits needed for facility operation, the procedures for permit application, the standards for review and approval, the specific agencies responsible for permit review, and the status of all such permit applications.
3. An application for a power generating facility shall include an environmental assessment in accord with the requirements of the Village of Stevensville as established by the Zoning Administrator.
4. All manufacturing and processing activities shall take place inside a fully enclosed building or structure. Outdoor storage shall be permitted but shall be buffered with a wall of evergreens, or six-foot-tall fencing designed to be compatible with the surrounding neighborhood.
5. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of seventy (70) decibels and any unreasonable vibration at any property line.
6. All local, county, state, and federal laws, statutory, and regulatory requirements shall be met at all times.
7. The provisions of this section are not intended to regulate utility scale solar energy systems.

Section 14.04.26. Private clubs or lodges

- 1. The use shall be located on a property with direct access to a public street.
- 2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any residential district or use.

3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
4. Buildings housing animals, storage equipment, or other similar buildings shall be located at least fifty (50) feet from any lot line.

Section 14.04.27. Reserved

Section 14.04.28. Reserved

Section 14.04.29. Self-storage facilities

1. Self-storage facilities shall be established and maintained in accordance with all applicable federal, state, and local laws.
2. All outdoor storage areas shall be fenced and screened from view from adjoining roadways and residential districts or uses.
3. All parking, maneuvering, and drive lane areas shall be provided with a paved, dust-free surface and all drive aisles shall be sufficient to accommodate vehicular movements and the parking of vehicles for loading/unloading purposes.
4. No outdoor storage shall be allowed.
5. No hazardous materials, perishable goods, or ammunition shall be stored.
6. Buildings shall contain individual, compartmentalized, and controlled-access stalls for seasonal recreational vehicles, boats for personal use, or other personal storage uses.

Section 14.04.30. Sexually oriented businesses

Some uses, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several such uses are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of property values of the surrounding neighborhood.

It is the intent and purpose of the Village of Stevensville to adopt reasonable regulations for sexually oriented businesses in the Village, so as to minimize the adverse effects caused by this activity on the public health, safety, and welfare of persons and property within the Village. Further, the purpose of the locational requirements is to prevent crime, protect and preserve the quality of life in the Village, maintain property values, preserve areas frequented by children from increased criminal activity, blight, or other neighborhood deterioration, and prevent the blighting, downgrading, and deterioration of residential neighborhoods in commercial districts.

1. The operation or expansion of any and all sexually oriented businesses, whether conducted as a separate business activity or in conjunction with another use, may be permitted as a special land use only in the C-1 district and only in conformance with the requirements of this Section.

2. No sexually oriented business shall be located on the east side of Red Arrow Highway, nor shall any sexually oriented business be located within 600 feet from a residential district as described in Section 2.01 or 1,000 feet from a church. Such required distances shall be measured by a straight line between a point on the boundary line of a zoning district or property to the location of the proposed building containing the sexually oriented business.
3. All sexually oriented businesses shall be contained in a free-standing building. Enclosed malls, commercial strip stores, common wall structures, and multiple uses within the same structure do not constitute a freestanding building.
4. No sexually oriented business shall be conducted in any manner that permits the observation of any material depicting, describing, or related to specified sexual activities or specified anatomical areas from any public way or any property not regulated as a sexually oriented business. This provision shall apply to any display, decoration, sign, show window, or another opening.
5. The proposed sexually oriented business owner/operator shall have provided an exterior maintenance program to the Village Zoning Administrator, together with its special land use application, which shall provide for routine reasonable and necessary grounds maintenance and shall include, at a minimum, the clearing of trash and rubbish from all parking areas and other portions of the premises not less than daily. Continued adherence to such exterior maintenance program shall be a condition to the issuance of any special land use permit pursuant to this Section.
6. The interior of the building shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Enclosed viewing booths shall not be permitted. Restrooms shall not contain video reproduction equipment. If the building has two or more manager's stations designated, then the interior of the building shall be configured in such a manner that there is an unobstructed view of each area of the building to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required by this subsection must be by direct line of sight from the manager's station.
7. Any booth, room, or cubicle available in any sexually oriented business used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall:
 - A. Be constructed in accord with the Michigan Building Code, as may be amended from time to time;
 - B. Be unobstructed by any door, lock, or other entrance and exit control device;
 - C. Have at least one side totally open to a lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - D. Be illuminated by a light bulb of not less than sixteen-hundred (1,600) lumens; and
 - E. Have no holes or openings, other than doorways, in walls.
8. The premises shall meet all barrier-free requirements and building code requirements applicable in the Village.

9. The number of patrons allowed on premises at any one time shall be limited to the amount of seating available, but shall not exceed the maximum occupancy permitted by applicable codes.
10. The applicant shall provide an overall management plan for the facility including explicit rules that prohibit total nudity and prevent any physical contact between or among performers, dancers, or entertainers and the establishment patrons. Other rules shall include, but not be limited to, hours of operation which shall conform to the requirements of this Section, the prohibition of alcoholic beverages, and other rules that may be imposed by the Planning Commission.
11. The Planning Commission may impose such additional conditions and safeguards deemed necessary to mitigate negative secondary effects reasonably documented to emanate from sexually oriented businesses for the protection of the general welfare and individual property rights of affected property owners, and for ensuring that the intent and objectives of this Section will be observed. The violation of any condition, safeguard, requirement, or approved rule of operation shall be grounds for suspension and/or revocation of the special land use permit, pursuant to Section 14.02(14) of this Ordinance.

Section 14.04.31. Reserved

Section 14.04.32. State licensed group care residential facilities (7-12 persons)

1. All required state and local licensing shall be maintained at all times.
2. All outdoor areas used for care and play shall be located in the rear or side yard only, and shall have appropriate fencing for the safety of the children. Such fence shall consist of a six-foot-high opaque fence along the area adjoining another residence, and a four-foot to six-foot-high fence in the rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way shall be prohibited.
3. Such facilities shall be located at least fifteen hundred (1,500) feet from any one of the following:
 - A. A licensed or pre-existing operating group or commercial day-care home.
 - B. An adult foster care facility.
 - C. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people.
 - D. A community correction center resident home halfway house or similar facility under the 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. In determining whether the use would be consistent, the Planning Commission may consider traffic volumes, adequacy of parking or drop-off sites, the presence of other group care facilities in the area, or other similar factors that could impact the neighborhood.

5. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10:00 p.m. and 6:00 a.m.

Section 14.04.33. Tattoo or piercing parlors

1. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity. Hours of operation shall be consistent with those of adjacent land uses.
2. Food or beverages shall not be served at the establishment.
3. The applicant shall demonstrate that outdoor loitering space would not be provided for and that outdoor loitering would be prohibited.
4. The use shall be compatible with other allowed uses in the vicinity. The impact of the establishment shall be no greater than of other uses allowed in the commercial districts of the Village.
5. A proposed tattoo or piercing parlor shall be located a minimum of one thousand (1,000) feet from an existing tattoo or piercing parlor or educational facility. The Planning Commission may waive this requirement if it finds that physical features significantly separate the uses so as to avoid concentration of tattoo or piercing parlors, and to avoid the establishment of a tattoo or piercing parlor in proximity to an educational facility.

Section 14.04.34. Utility-scale solar energy systems

1. Site Plan Required. An application for special land use approval for a utility-scale solar energy system shall include a site plan in accordance with Article 12. In addition to the information required for site plan approval, all applications must also include all of the following:
 - A. Equipment and unit renderings.
 - B. Elevation drawings.
 - C. Setbacks from all property lines and adjacent structures.
 - D. Notarized written permission from the property owner authorizing the utility-scale solar energy system.
 - E. All additional plans and requirements set forth in this Section and any other information required by the Village.
2. Special Land Use Approval; Permits. Utility-scale solar energy systems require special land use approval. In addition, no utility-scale solar energy system shall be constructed, installed, operated, maintained, or modified as provided in this section without first obtaining all applicable approvals and permits. The construction, installation, operation, maintenance, or modification of all utility-scale solar systems shall be consistent with all applicable local, state, and federal requirements, and all buildings and structures that comprise a utility-scale solar energy system shall be constructed, installed, operated, and maintained in strict accordance with the Michigan Building Code and the manufacturer's specifications.

3. Lot Area. Utility-scale solar energy systems shall be located on a lot at least twenty (20) acres in size.
4. Setbacks. Utility-scale solar energy systems shall be located at least 50 feet from all property lines. The Village may require greater setbacks if it is determined that greater separation would better protect adjacent residents and property owners.
5. Height. Utility-scale solar energy systems shall not exceed sixteen (16) feet in height, measured from the natural grade below the collector or equipment to the highest point at full tilt.
6. Noise. Noise emanating from the solar energy collector system shall not exceed 50 decibels (dBA) as measured from any property line.
7. Screening. The Planning Commission may require that a utility-scale solar energy system be screened from adjoining residential properties or public rights-of-way. Screening methods may include the use of material, colors, textures, screening walls, fencing, berms, landscaping, and/or natural vegetation that will blend the facility into the natural setting and existing environment.
8. Glare and Reflection. The exterior surfaces of utility-scale solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A solar collector surface shall not be installed or located so that sunlight or glare is reflected into neighboring residences or onto adjacent streets.
9. Location. Solar energy systems shall be located in the area least visibly obtrusive to adjacent residential properties and roads while remaining functional.
10. Obstruction. Solar energy systems shall not obstruct or impede solar access to adjacent and neighboring properties.
11. Power lines. On-site power lines between all structures and ancillary equipment and inverters shall be installed and maintained underground.
12. Fencing. For the purpose of restricting unauthorized access to the site, the Planning Commission may require that the perimeter of a utility-scale solar energy system be fenced in with at least a four (4) foot tall high fence.
13. Operation and Maintenance Plan. The applicant shall submit a plan to the Village for the operation and maintenance of the utility-scale solar energy system, which shall include measures for maintaining safe access to the installation and stormwater controls, as well as general procedures of operational maintenance of the installation, as applicable.
14. Emergency Services. Upon request by the Village, the owner/operator of the utility-scale solar energy system shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked on the plan. The owner/operator shall identify a current responsible person for public inquiries throughout the life of the installation. An information sign shall be posted and maintained at the entrance(s) which lists the then-current name, phone number, and email address of the operator.

15. Maintenance. The utility-scale solar energy system owner/operator shall maintain the facility in good and safe condition at all times. Maintenance shall include, but not be limited to, structural repairs, safety-related upgrades, and integrity of security measures. Site access roads or drives shall be maintained to a level acceptable to local emergency services personnel. The owner/operator shall be responsible for the cost of fully maintaining the solar photovoltaic installation and any access road(s).
16. Decommissioning.
- A. Any utility-scale solar energy system which has reached the end of its useful life or has not operated continuously for one (1) year or longer shall be fully removed and the parcel owners shall be required to restore the site to its prior state. The owner/operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations.
 - B. The owner/operator shall notify the Village directly or by certified mail of the proposed date of discontinued operations and plans for removal.
 - C. If the owner/operator fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Village may enter the property and physically remove all of the solar energy system and facilities and charge the cost back to the owner(s) of the lot.
 - D. Removal of the solar energy system and facilities shall consist of all of the following:
 - 1) Physical removal of all aboveground or underground utility-scale solar energy systems, structures, equipment, security barriers, and transmission lines from the site.
 - 2) Disposal off-site of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - 3) Restoration and stabilization or re-vegetation of the site as necessary to minimize erosion.
 - E. Financial Guarantee. The applicant for a utility-scale solar energy system shall provide to the Village a form of monetary surety or security, either through an escrow account, letter of credit, bond, or other instrument, acceptable to the Village Attorney. The purpose of the surety or security is to cover the cost of removal of the utility-scale solar energy system in the event the owner/operator does not fully remove the solar energy system and facilities or the Village must remove the same. The amount of the financial surety or security shall not exceed more than 125 percent of all costs of removal and compliance with the additional requirements set forth herein. The estimated costs of removal shall be submitted by the applicant to the Village and be prepared by a qualified engineer. The surety or security shall be subject to review and approval by the Planning Commission and the Village Attorney and shall be a condition of special land use approval. The amount of the surety or security shall increase by the Federal CPI every five years.

Section 14.04.35. Vehicle service and repair facilities

1. No buildings associated with a vehicle service and repair facility shall be erected within fifty (50) feet of any residential zoning district or use.
2. All equipment including hydraulic hoists, pits, and lubrication and repair facilities shall be entirely enclosed within a building.
3. All repair work and maintenance activities shall be conducted completely within an enclosed building.
4. The entire lot used for vehicular activities, excluding the area occupied by a building, shall be hard-surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.
5. Not more than four (4) dismantled, wrecked, or inoperable vehicles of any kind shall be parked or stored where visible from any adjoining property or right-of-way. Regardless of any screening, no dismantled, wrecked, or inoperable vehicle or vehicle parts may be stored outdoors for longer than ninety (90) days.
6. The Planning Commission may require an opaque fence or wall up to six (6) feet in height and/or an evergreen landscape buffer not less than six (6) feet in height at the time of planting to screen any vehicles from neighboring uses or adjacent rights-of-way.
7. Any wrecked vehicles stored outside shall be stored within or upon containment equipment intended to capture any fluids which may leak from the motor vehicles.
8. The premises shall not be used for the sale or rental of vehicles unless approved for such use as part of the special land use review.
9. A vehicle service and repair facility with any portion of the site used for vehicle sales shall also comply with the special land use standards for a vehicle sales facility set forth in Subsection 14.04.28.

Section 14.04.36. Reserved**Section 14.04.37. Vehicle sales facilities**

1. A site plan for a vehicle sales facility shall designate areas for required off-street parking and vehicle display. All display vehicles shall be positioned to avoid interference with off-street parking, loading, maneuvering, or pedestrian areas.
2. Any outdoor vehicle display or parking areas shall have a 10-foot setback from the right-of-way and adjacent properties.
3. The lot area used for parking and the display or storage areas shall be provided with a permanent, paved surface, and shall be graded and drained so as to dispose of all surface water.
4. An opaque fence or wall up to six (6) feet in height and/or an evergreen landscape buffer not less than six (6) feet in height at time of planting shall be required along any property boundary shared with a residential district or use.

5. Outdoor storage of parts, materials, or equipment shall not be permitted, except licensed vehicles for sale.
6. A vehicle sales facility with a vehicle service and repair facility shall comply with the special land use standards for a vehicle service and repair facility set forth in Subsection 14.04.26.

Section 14.04.38. Vehicle wash facilities

1. The applicant shall demonstrate to the satisfaction of the Planning Commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking, or pedestrian areas on site. Stacking shall be planned so as to minimize conflicts with entering and exiting traffic, pedestrians, and parking areas.
2. All washing activities shall be carried out within a building, however, drying and waxing activities associated with manual and coin-operated automobile washes may occur outdoors.
3. Vacuum equipment shall be considered an accessory structure and shall meet accessory structure setback requirements.
4. Noise generated on-site from any source shall not exceed seventy (70) decibels measured at any property line, unless more stringent standards apply.
5. Where adjoining a residential zoning district or use, a solid fence or wall six (6) feet in height shall be erected along the common lot line. Such fence or wall shall be continuously maintained in good condition.
6. Adequate drainage shall be provided, to prevent flooding, freezing of runoff, and environmental damage.

Section 14.04.39. Warehousing and storage facilities

1. The applicant shall submit estimates regarding the amount and type of truck traffic that can reasonably be expected to enter or leave the site on a daily and weekly basis.
2. If any hazardous materials are to be stored on the site or used in any manufacturing process, a detailed listing of each substance and the approximate quantity to be located on site shall be submitted. A detailed plan of substance storage, hazard control and prevention, and emergency response shall be submitted and reviewed by the Fire Chief and a report made to the Planning Commission.
3. The Planning Commission may require additional landscaping beyond the requirements of this Ordinance to help screen the building or any outdoor storage area.
4. The outdoor storage or display of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard shall be screened from the view from the street or from abutting properties.

Article XV – Parking and Loading

Section 15.01. Purpose and Intent

The purpose of this Article is to ensure there is adequate area to provide parking for motor vehicles, temporary storage of vehicles, and loading and unloading space within the Village of Stevensville. Through the parking provisions in this Article, it is the intent of the Village to encourage safe vehicular circulation, efficient traffic flow on roadways, and safe interactions between vehicles and pedestrians. Additionally, this Article is intended to prevent “over-parking” and excessive parking area pavement, which can cause stormwater runoff issues and hinder pedestrian connectivity in commercial areas.

Section 15.02. Applicability

In all zoning districts, after the effective date of this Ordinance, off-street parking facilities shall be provided for any new building, structure, or use; for any addition or enlargement to an existing building, structure, or use; or for any change of use to an existing structure, according to the standards in this Article. For additions or enlargements to an existing building, structure, or use, or change in use of an existing building or structure, additional parking shall be required only for such addition, enlargement, or incremental increase in required parking due to such change in use, and not for the existing building or structure or previous use.

Section 15.03. Location of facilities

Off-street parking facilities shall be located as hereafter specified. When a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to nearest normal entrance to the building or use that such facility is required to serve. Property owners shall be responsible for maintaining the minimum standards set forth herein.

- A. Unless otherwise permitted, all residential districts and uses shall be provided with required off-street parking facilities on the premises they are intended to serve. For single and two-family dwellings, off-street parking shall consist of a driveway and typically a garage, or combination thereof, and shall not be permitted in the required front yard except on a driveway which leads to an approved parking space. Parking shall not occur in lawn areas.
- B. For all non-residential buildings and uses in residential zoning districts, required off-street parking shall be provided on the premises with the building or use they are intended to serve.
- C. For all non-residential or mixed-use buildings and uses in the C1 and C2 districts, off-street required parking shall be provided on the premises or within 300 feet of the building or use they are intended to serve. In the I-1 district, off-street required parking shall be provided on the premises or within 1,000 feet of the building or use they are intended to serve.

- D. In the C-2 District, on-street or off-street public parking spaces within 400 feet of the building or use they are intended to serve may be counted toward the minimum parking requirement.

Section 15.04. Number of Off-Street Parking Spaces Required

The minimum number of required off-street parking spaces on a site shall be determined in accordance with the following table 15.01. The minimum requirements below may be adjusted per Section 15.05.

Table 15.01. Required Off-Street Parking Spaces	
Use	Minimum Parking Spaces Required
Assisted living facilities	1 for each 5 beds
Drive through business	5 stacking spaces per drive-through lane with window service or 3 stacking spaces for drive-through ATM, in addition to any spaces required for the non-drive-through uses
Dwellings, single and two-family	2 for each dwelling unit
Dwellings, multiple-family	1.5 for each dwelling unit
Education: private, elementary, and junior high schools	2 for each 3 employees normally engaged in or about the building and grounds
Education: Senior high schools and institutions of higher learning	2 for each 3 employees normally engaged in or about the buildings and grounds, and 1 additional for each 10 students enrolled in the institution
Equipment rental and repair	1 per 400 square feet of gross floor area
Financial institutions	1 for each 200 square feet of floor area
Gas stations	1 space per 150 square feet dedicated to retail activity, plus 1 space at each fuel pump, plus 1 stacking space per fuel nozzle
Hospitals	1 for each 3 beds dedicated to in-patient care, plus 1 for every 3 employees on the largest shift, plus 1 for each 1,000 square feet dedicated to out-patient services
Indoor entertainment establishments	1 for each 3 persons allowed within the maximum occupancy permitted by building code
Libraries, museums, and post offices	1 for each 500 square feet of floor area

Live/work	1 per unit, plus 1 per 500 square feet of space devoted to business use
Manufacturing, processing, and/or assembly buildings; machine shops; print, publishing, and related services; and/or other facilities related, but not necessarily connected to a manufacturing or industrial building	1 for each employee on the maximum shift or peak employment period
Medical clinics or offices	1 for each 250 square feet plus 1 for each employee on the largest shift
Mortuaries or funeral homes	1 for each employee on the largest shift, plus 1 per 4 seats of legal capacity
Hotels, Motels, and resorts	1 for each guest room, plus amount required for other uses on the premises, plus 1 per employee on the largest shift
Open air business	1 space per 350 square feet of indoor space devoted to retail activity, plus 1 space for each 2,000 square feet of outdoor display area
Outdoor entertainment event venue	Applicant shall demonstrate parking demand
Outdoor recreation	Applicant shall demonstrate parking demand
Outdoor storage facility or yard	1 space per employee on the largest shift, plus 1 space for each 500 square feet of useable floor area
Personal service establishments	1 for each 300 square feet of gross floor area
Place of public assembly	1 for each 4 seats of legal capacity
Private clubs and lodges	1 for each 300 square feet of usable floor area
Professional offices	1 for each 300 square feet of gross floor area
Public buildings not specifically mentioned elsewhere	1 for each 300 square feet of gross floor area
Residential over retail or office	1.5 spaces for each dwelling unit, plus parking for the nonresidential uses as determined in this table
Restaurants and nightclubs	1 for each 3 persons of legal capacity
Retail establishment	1 for each 200 square feet of gross floor area
Self storage facilities	Applicant shall demonstrate parking demand

Vehicle sales facilities	1 for each 500 square feet of gross floor area, plus 1 for each 1,000 square feet of outdoor lot area
Vehicle service and repair facilities, major or minor	1 space per employee of largest shift, plus 1 space per service bay
Vehicle wash	3 stacking spaces per bay, plus 1 space per 350 square feet of retail/office space, not including care wash bays
Warehouses	1 for each employee on the largest shift, plus 5 visitor spaces

Section 15.05. Adjustment of Standards

The Planning Commission may modify parking requirements if satisfactory evidence is provided by the applicant that demonstrates the need for an increased or decreased number of parking spaces. The applicant shall submit, in writing, justification for the proposed adjustment. Modifications shall not result in inadequate parking area; large, unwarranted amounts of unused parking space; or a reduction in critical open space or natural features. In addition, in approving any request to modify the parking standards, the Planning Commission must find that the proposed quantity of parking spaces would be consistent with Section 15.01 and protect the public health, safety, and welfare.

Section 15.06. General Standards

1. Before any building or structure is occupied, enlarged, or increased in capacity, parking shall be provided in accordance with the number of spaces required in Section 15.04.
2. For any use not specifically listed in Section 15.04, the Zoning Administrator or Planning Commission shall apply the parking requirements for the most similar use or use technical publications from entities such as the Institute of Transportation Engineers or other similar objective standards.
3. Fractional space. When calculations determining the number of parking spaces result in a fractional space, the fraction under 1/2 shall be disregarded, and fractions of 1/2 and over shall be counted as one parking space.
4. Joint use of facilities. Provision of common parking facilities for several uses in the same vicinity is encouraged. In the case of two or more uses on the same premises, a parking lot may be shared if the total space requirement for off-street parking facilities is the sum of the individual uses computed separately. The requirement for shared parking spaces may be reduced only under the following circumstances:
 - A. If a use is accessory to the principal use and is not intended to serve additional patrons or employees; or

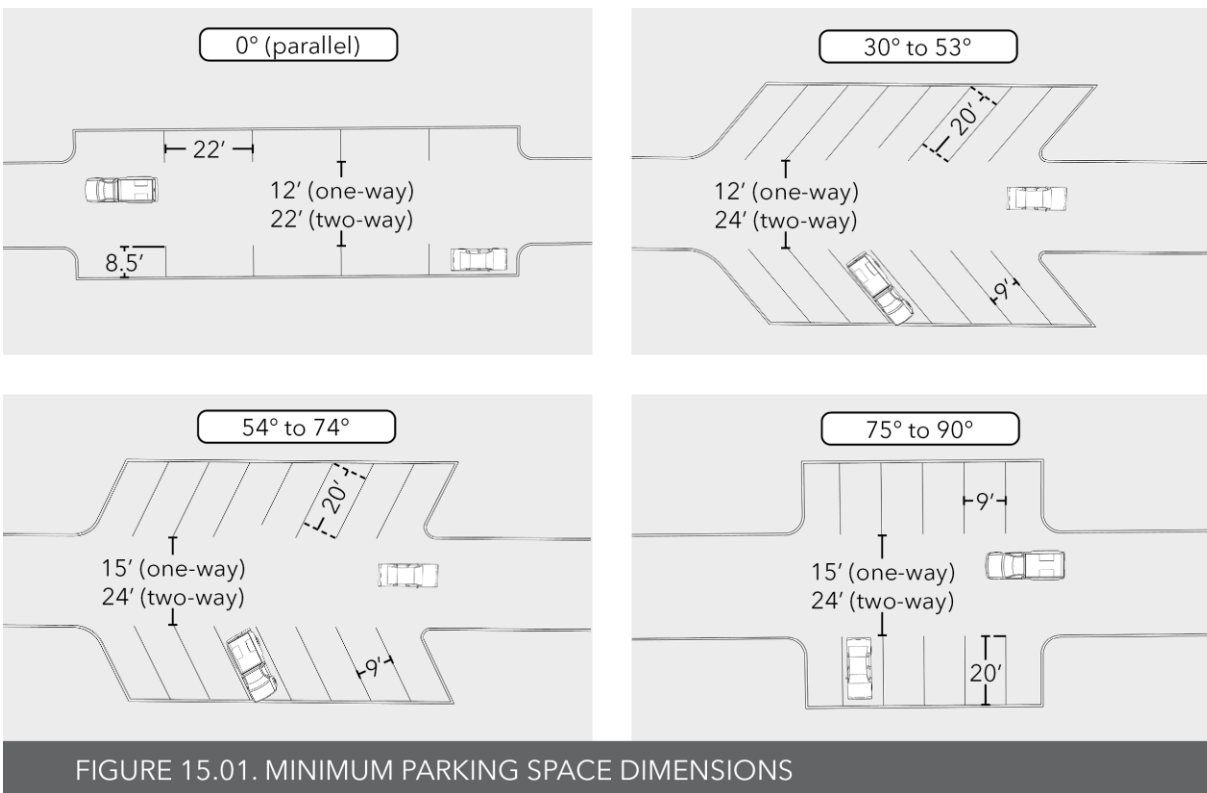
- B. If the peak demand for the uses occur at distinctly different times of the day from the peaks of the other use(s), as determined by the Zoning Administrator or Planning commission.
5. Deferred parking. Where the property owner/applicant can demonstrate that the required amount of parking is excessive, a portion of the required parking area may be deferred until some future date if the following conditions are met:
- A. Areas shown for deferred parking shall be shown on a site plan and shall be of sufficient area to permit the construction of the total number of parking spaces required by this Article.
- B. Such areas shall only be used as open landscaped space until parking is constructed.
- C. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or required by the Zoning Administrator based on parking needs and shall require the submission and approval of an amended site plan as required in Article 12.
6. Supplemental bike parking. For buildings and uses with 20 or more off-street parking spaces, up to five off-street parking spaces may be replaced with bicycle parking or bicycle racks equal to at least the number of off-street parking spaces being replaced.
7. Shared Parking and Public Parking. The joint or collective provision of off-street parking for mixed uses in the same building or buildings or uses on two (2) or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately. However, for buildings or uses where the peak parking demand does not overlap, the Zoning Administrator or Planning Commission may authorize a reduction of up to 50% in the collective number of off-street parking spaces required by this Chapter.
8. Screening. Off-street parking facilities shall be effectively screened pursuant to Section 13.04 of this Ordinance.
9. Lighting. Off-street parking facilities shall be arranged and designed pursuant to Section 13.17 of this Ordinance.

Section 15.07. Construction, Layout, and Maintenance

1. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any street, walk or alley, and so that any automobile may be parked and moved without disturbing another vehicle.
2. Adequate ingress and egress shall be provided to the parking lot by means of clearly limited and defined drives so located as to minimize traffic congestion.
3. All off-street parking and loading facilities required by this Article shall be maintained free of accumulated snow, debris, or other materials preventing full use and occupancy of such facilities in accordance with the intent of this Article, except for temporary periods of short duration in the event of heavy snowfall.
4. All driveways and parking areas shall be provided with pavements having an asphalt, cement, or similar alternative all-weather, dustless material approved by the Village.

5. Off-street parking and loading areas shall be graded and drained to dispose of all surface water accumulated within the area in such a way as to preclude drainage of water onto adjacent property, the public right-of-way, or toward buildings. Preference shall be given to drainage designs which include rain gardens, sunken landscape islands, or other forms of green infrastructure.
6. Bumper stops or wheel chocks shall be provided as necessary, or as required by the Village, and located so as to prevent any vehicle from projecting over the lot line or onto a sidewalk.
7. Off-street parking facilities shall include barrier free parking spaces reserved for physically handicapped persons, and be designed in accordance with PA 1 of 1966 (MCL 125.1351-1356, Barrier Free Design) and the 2010 ADA Standards for Accessible Design. Barrier free parking spaces shall count towards the minimum off-street parking requirement.
8. Dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements in Table 15.02:

Table 15.02. Parking Space Dimensions				
Parking Angle	Maneuvering Aisle Width		Parking Space	
	1 Way	2 Way	Width	Length
0 degrees (parallel)	12 feet	22 feet	8.5 feet	22 feet
30-53 degrees	12 feet	24 feet	9 feet	20 feet
54-74 degrees	15 feet	24 feet	9 feet	20 feet
75-90 degrees	15 feet	24 feet	9 feet	20 feet



Section 15.08. Loading / Unloading Spaces

1. For every building or addition to an existing building hereafter erected to be used for manufacturing, storage, display of goods, retail store or block of stores over 10,000 square feet, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other similar uses requiring the receipt or distribution, in vehicles, of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition off-street loading/unloading spaces in relation to floor area as follows:
 - A. Up to 20,000 square feet: one space.
 - B. Twenty thousand to 50,000 square feet: two spaces.
 - C. Fifty thousand to 100,000 square feet: three spaces.
 - D. One additional space for each additional 100,000 square feet or fraction thereof.
2. General loading/unloading requirements.
 - A. Each such loading/unloading space shall be at least 10 feet in width, 25 feet in length and 14 feet in height scaled to delivery vehicles expected to be used.
 - B. No such space shall be located closer than 50 feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall or a uniformly appointed solid board or masonry fence of uniform appearance not less than six feet in height or by a transition strip as defined in this Ordinance.
 - C. No such space shall be located within the required front yard of a lot.

- D. Required loading/unloading spaces shall not be included in calculations for parking spaces needed to meet general parking requirements.
- E. Where an applicant demonstrates that a loading space is not necessary to serve the proposed use, the Planning Commission or Zoning Administrator may waive the requirements of this Section.

Article XVI – Signs

Section 16.01. Purpose and Intent

It is the intent of this Article to regulate signs in the Village so as to protect public health, safety, aesthetics, and general public welfare of residents in the Village of Stevensville. This Article is further intended to protect all zoning districts from chaos and clutter, prevent injurious impacts from obstructed vision, eliminate distractions hazardous to motorists, protect uses from excessive signage, protect property values, and provide the public with the ability to identify premises and establishments. Additionally, the provisions of this Article are intended to encourage the attractiveness of the Village, showing special attention to its value of cultural and natural features. This is accomplished by regulating the size, placement, relationship, construction, illumination, and other aspects of signs in the Village.

Section 16.02. Permit Required

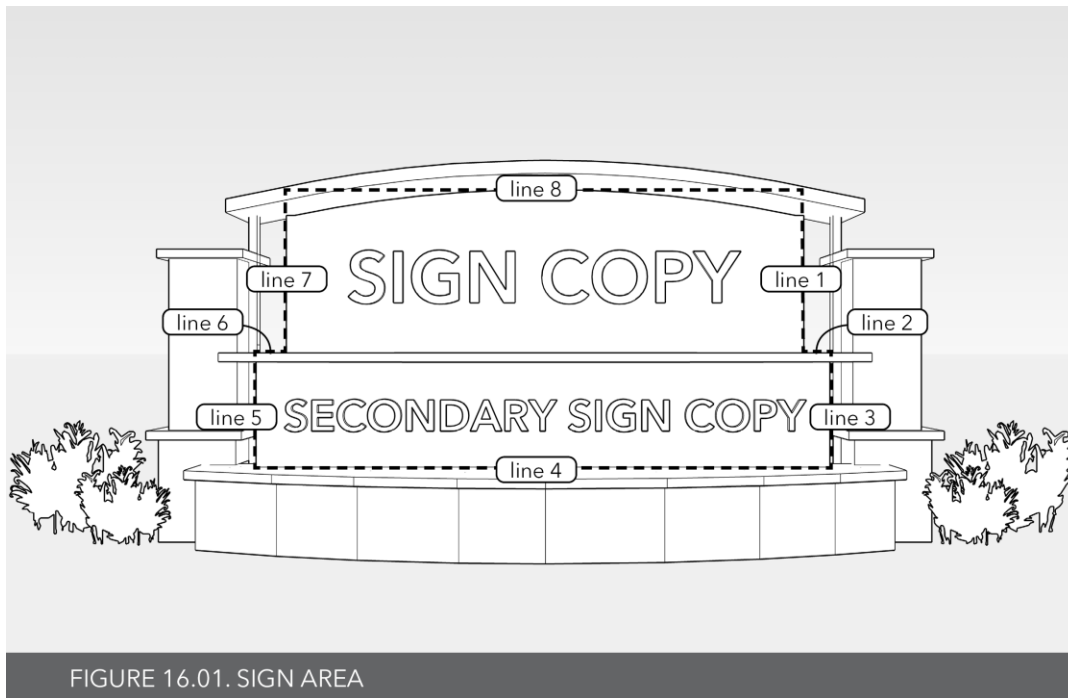
1. Permit Required. It shall be unlawful for any person to erect, place, relocate, structurally alter, or repair any sign within the Village, except with the provisions of this Article. Unless listed as an exempt sign in Section 16.06, a permit is required for the construction or reconstruction of signs.
2. Application. Application for a permit shall be made by submitting the following information to the Zoning Administrator:
 - A. A completed sign permit application on a form provided by the Village;
 - B. Payment of an application fee, which shall be nonrefundable, and which shall be established from time to time by resolution of the Village Council;
 - C. A sketch plan with signs drawn to scale, showing the proposed location, type of sign, and specifications for the proposed sign, in detail sufficient to determine its compliance with the provisions of this Article;
 - D. Sufficient other details to demonstrate that the proposed sign, including structural and electrical components, shall comply with the provisions of this Ordinance; and
 - E. The written consent of the owner of record of the property on which the sign is proposed to be erected.
3. No sign requiring a permit shall be erected or installed until an application is approved.
4. The Zoning Administrator shall grant permits if all regulations in this Article have been met. However, the Zoning Administrator may, at his/her discretion, bring any application for a building permit before the Village Planning Commission for their recommendations and/or approval prior to the issuance of it.
5. No permit is required for the routine maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.
6. Duration. Any sign permit may include a provision limiting the time for which the permit is valid.

7. Expiration. Approval of a sign permit shall expire one year from its effective date. If the sign is not completed within one year, unless an extension not to exceed one year has been granted by the Zoning Administrator, the permit shall expire. The Zoning Administrator may deny extension of time for the approved sign even if no substantial changes in circumstances are found.

Section 16.03. General Standards

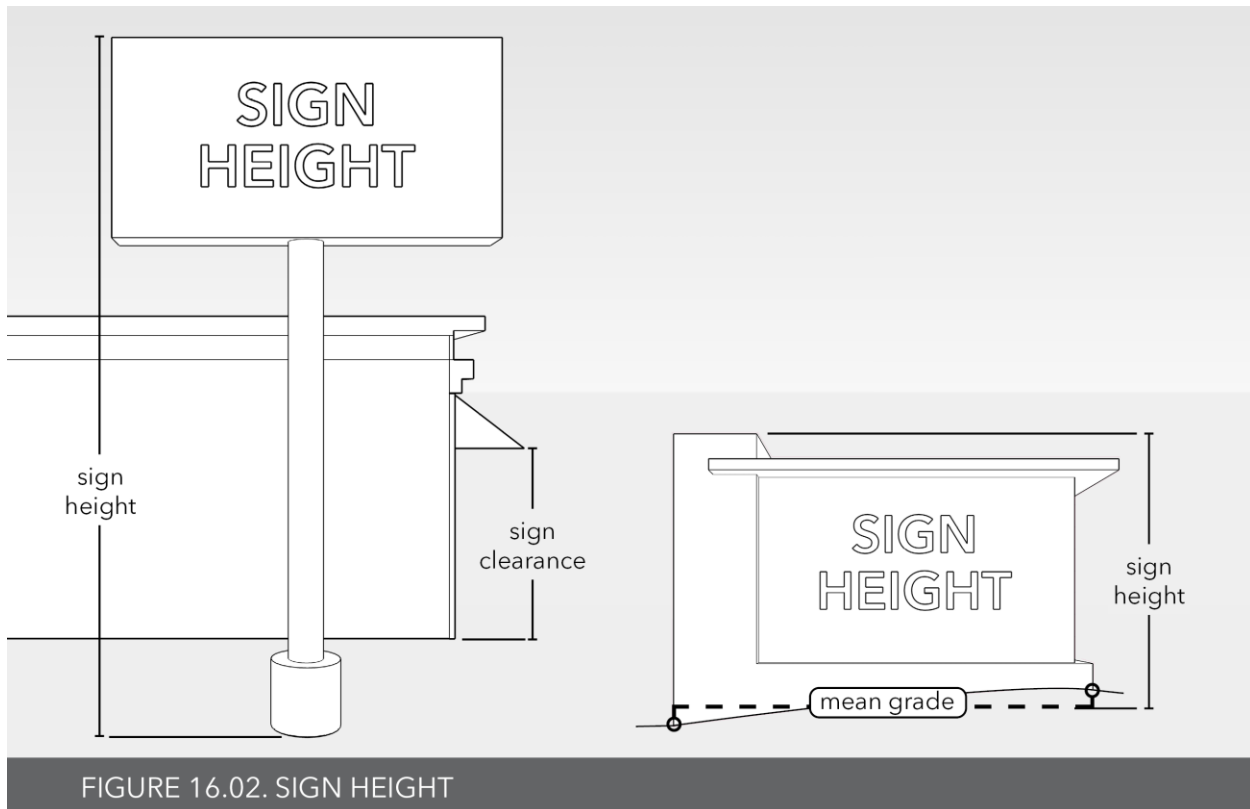
All signs shall meet the following general standards:

1. Sign area.
 - A. The area of a sign shall be measured within a single perimeter composed of not more than eight straight lines, which enclose the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports, braces, and/or uprights on which such sign is placed.
 - B. Where the sign has two or more faces placed back-to-back and are at no point more than two feet apart from one another, the area of the sign shall be computed by the measurement of one of the faces if the two faces are of equal area. When the faces are not equal in size, the area of the larger face shall be used. In the case of a sphere, the total surface area of the sphere shall be divided by two for purposes of determining the sign area.



2. Height.

- A. Sign height shall be measured as the vertical dimension from the median natural grade to the highest point of the highest attached component of the sign.
- B. A sign shall not extend above the roof line of a building to which it is attached.
- C. Any sign, including any awning to which a sign is affixed or displayed, not resting directly on the ground shall maintain a minimum vertical clearance of eight feet.



3. Setbacks.

- A. All signs shall be set back a minimum of two feet from any front lot line or right of way, except for sandwich board signs and projecting signs, and a minimum of ten feet from any side lot line.
- B. No sign shall be placed in the clear vision area as shown in Section 13.01 nor in a similar clear vision area at the intersection of a driveway or private road or access with a private road or street.
- C. For the purposes of this Article, each side of a corner lot abutting a public or private street shall be determined to be a front yard.

Section 16.03.01. Illumination

1. When illumination is permitted, external or internal illumination shall comply with the following requirements:

- A. Illumination shall not be flashing, oscillating, blinking, intermittent, or on-and-off type of lighting. Time and temperature numerals are exempt from this provision.
- B. Electronic message boards are permitted subject to Section 16.03(5).
- C. Illumination shall be arranged so that light is deflected away from adjacent properties so that no direct sources of light shall be visible to any motorist or pedestrian located in a public right-of-way or street easement or from any adjacent property.
- D. No sign shall be illuminated by other than electrical means.
- E. External illumination. Any external lighting of signs shall be downward facing, shielded, or otherwise directed to illuminate only the sign face.
- F. Internal illumination. Sign faces shall have an opaque background so that individual lamps are muted and cannot be distinguished behind the sign face. The sign face may have internally lit lettering, face lit channel lettering, or backlit lettering.
- G. Illumination for signs on properties not used for residential purposes shall only be permitted during the greater duration of (1) sunrise to one hour after sunset, or (2) hours where the use is open to the public.

Section 16.03.02. Electronic Message Boards

All electronic message boards shall be operated in accordance with the following standards:

- A. In the C1 and C2 zoning districts:
 - 1) One electronic message board sign is permitted for each street frontage.
 - 2) Electronic message board signs shall not flash, scroll, blink, strobe, or show moving pictures, or have a similar animated effect.
 - 3) The message shall change no more frequently than once every five seconds.
 - 4) The intensity and contrast of light levels on the electronic message board shall remain constant throughout the sign face. Electronic message board signs shall be fitted with automatic sensors that adjust their brightness and intensity during daylight and night time hours. The overall brightness and intensity shall only be enough to make the sign legible and shall not create a nuisance or a traffic hazard.
 - 5) Electronic message board signs shall be secondary to a traditional stationary sign and shall not exist as the sole sign, but in no instance shall such sign exceed 50 percent of the traditional stationary sign area.
- B. For all educational facilities and places of public assembly, except for public schools under the jurisdiction of the Michigan superintendent of public instruction, electronic message boards shall comply with the following standards:
 - 1) One electronic message board is permitted when all of the following conditions are met:
 - a. The lot is greater than two acres in size and a principal use occupies the subject lot.

- b. Electronic message board signs shall not flash, scroll, blink, strobe, or show moving pictures.
- c. Electronic message board signs shall be fitted with automatic sensors that adjust their brightness and intensity during daylight and nighttime hours. The overall brightness and intensity shall only be enough to make the sign legible and shall not create a nuisance or a traffic hazard.
- d. Electronic message board signs must be turned off between 10:00 p.m. and 6:00 a.m.
- e. Electronic message board signs shall be integrated into the traditional stationary sign and shall not exist as the sole sign, but in no instance shall such sign exceed 50 percent of the traditional stationary sign area.
- f. Electronic message board signs shall be integrated into the traditional stationary sign and shall not exist as the sole sign, but in no instance shall such sign exceed 50 percent of the traditional stationary sign area.

Section 16.03.03. Construction and Maintenance.

- A. All signs shall be constructed and maintained in accordance with all applicable codes and ordinances in effect in the Village of Stevensville.
- B. A sign may be either single-faced or double-faced. The face of the sign is the surface of the sign upon, against or through which the message of the sign is exhibited. In the case of the single-faced sign, the reverse surface shall be painted and/or treated so as not to be a detriment to the area.
- C. Signs shall be maintained in a safe condition with proper bracing, anchorage, and foundation and be subject to inspection by the Zoning Administrator or another designated representative. Signs shall at all times be in a state of good repair, with all braces, bolts, clips, supporting frame, and fastenings free from deterioration, insect infestation, rot, rust or loosening. All signs shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.

Section 16.04. Exempt Signs

The following signs are exempt from the permitting requirements of this article, but they shall conform to any other applicable standards of this Ordinance.

1. Flags, except when displaying commercial speech.
2. Signs directing and guiding traffic and parking on private property, but bearing no commercial speech.
3. Any public notice, traffic control, or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
4. Government signs.

5. One sign per street address not exceeding one square foot in area and bearing only property numbers, post box numbers, or names of occupants of residential premises and bearing no commercial speech.
6. Any sign wholly located within a building and not visible from outside the building.
7. Window signs, provided that sign coverage shall not exceed 25 percent of window area per building elevation.
8. Holiday lights and decorations with no commercial speech.
9. Works of art with no commercial speech.
10. Temporary banners covering a permitted and approved sign, provided that the banner does not exceed the size of the permitted and approved sign and meets the following standards:
 - A. The banner shall not obscure traffic or pedestrian visibility in any manner;
 - B. The banner shall not be tied to any utility poles;
 - C. The banner shall be located at least 20 feet from the edge of the road right-of-way; and
 - D. The banner shall be placed so that the lower edge of the banner is at least eight feet off the ground.
 - E. The banner shall displayed for not more than 60 days, except that one 60-day extension may be approved by the Zoning Administrator.
11. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

Section 16.04.01. Temporary signs

Temporary signs shall comply with the following standards:

1. Residential Uses.
 - A. On any lot used as a single-family, two-family, or owner occupied multi-family dwelling, up to four (4) temporary signs shall be generally permitted to be displayed on a pole or stake affixed to the ground.
 - B. Such signs shall not exceed six (6) square feet in area per side, and the top of such sign shall be no more than six (6) feet from ground level.
 - C. Such signs may display noncommercial messages or on-premises commercial messages (including, but not limited to, messages conveying that the dwelling is for sale, that work is being performed on the dwelling by a particular individual or business, or that a garage sale will be held).
 - D. Signs placed in conformance with the above standards A-C are exempt from the permitting requirements of this Article.
2. Non-Residential Uses.

- A. On any lot used for a non-residential use, one (1) non-permanent sign may be displayed up to for (4) times per calendar year for a period of not more than 30 days per display, provided that each display shall be separated by at least 30 days.
- B. Such signs shall not exceed 32 square feet.
- C. If building mounted, these signs must be flat wall signs and shall not project above the roof line.
- D. If ground mounted, the top shall be no more than six feet above ground level.
- E. Such signs may be used to promote noncommercial community events, but are not limited to that purpose.
- F. Signs intended to be utilized on an interim basis until a permanent sign may be obtained and erected may be approved by the zoning administrator for a period not to exceed 60 days. Such signs shall not exceed sign area permitted in Section 16.06.
- G. A sign permit shall be required for temporary signs located on lots containing non-residential uses.

Section 16.05. Prohibited signs

The following signs are prohibited in any zoning district:

1. Signs which are illegal under state laws or regulations or applicable local ordinances or regulations, and which are not consistent with the standards in this ordinance.
2. Signs that are not clean and in good repair, and signs that are out of compliance with applicable building and electrical codes.
3. Signs not securely affixed to a supporting structure.
4. Signs that are not official traffic signs that 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, or which may obstruct a motorist's vision.
5. Searchlights, air-filled balloons, and lighter-than-air signs.
6. Signs located in, projecting into, or overhanging within a public right-of-way or dedicated public easement, except:
 - A. Official traffic signs posted by a governmental agency;
 - B. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
 - C. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the right-of-way; and
 - D. Any sign installed by the Village or County Road Commission
 - E. Projecting signs located in compliance with this Article.
7. Roof signs.

Section 16.06. Permitted signs

In addition to the above standards, the following signs are allowed within the following zoning districts, provided that a sign permit is obtained from the Zoning Administrator:

Section 16.06.01. Signs permitted in all districts

1. Government Signs.
2. Portable signs.
 - A. A portable sign shall not exceed 32 square feet in area.
 - B. A portable sign may contain internal illumination only and shall not contain any flashing or intermittent lights.
 - C. A portable sign shall not be used more than twice in any six-month period, nor for a duration exceeding 30 days. 30 days shall occur from the end of the previous use before a second permit is issued.
 - D. One portable sign is permitted for each lot.
3. Special purpose signs.
 - A. Upon submittal of a site plan, per Article 12, the Zoning Administrator may consider approval of a special purpose sign that does not exceed the permitted sign area in the underlying zoning district, but such sign type is not contemplated in this section. In making its determination, the Planning Commission may consider:
 - 1) The compatibility of the proposed sign in relationship to the type and location of signage on adjacent parcels;
 - 2) The conformance of the proposed sign to the general standards for all signs; and
 - 3) The durability of sign materials, and compatibility with the building for which the sign serves.

Section 16.06.02. Residential districts

The following signs are permitted for nonresidential uses in the R1, R2, R3, and R4 zoning districts as provided in Table 16.1 below.

Table 16.1 Signs Permitted in R1, R2, R3, and R4 Districts					
Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted	Minimum Setback
Ground	1 per lot	32 sq. ft. ¹	6 ft.	No ²	2 ft. from right-of-way; 10 ft. from side lot lines

¹ Signs located on lots containing lawful home occupations are permitted one ground sign not to exceed six (6) square feet in area and three (3) feet in height.

² Signs located on lots containing churches, schools, or public buildings may be illuminated or contain electronic message boards in accordance with Section 16.03.01 and 16.03.02.

Section 16.06.03. Nonresidential districts

The following signs are permitted in the C1, C2, and I1 zoning districts as provided in Table 16.2 below.

Table 16.2 Signs Permitted in C1, C2, and I1 Districts					
Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted	Minimum Setback
Wall	One per street frontage	1 ½ sq. ft. per linear foot of building length or height, but not to exceed 64 sq ft.	Shall not extend more than 4 ft. above building wall	Yes	2 ft. from right-of-way, 10 ft. from side lot lines, and 5 ft. from driveways
Freestanding, single-tenant (C-1 and I-1 only)	1 per lot	32 sq ft.	20 ft	Yes	2 ft. from right-of-way, 10 ft. from side lot lines, and 5 ft. from driveways
Freestanding, multi-tenant (C-1 and I-1 only)	One per lot	64 sq. ft.	20 ft	Yes	2 ft. from right-of-way, 10 ft. from side lot lines, and 5 ft. from driveways
Projecting (C2 only)	One per street frontage	20 sq ft.	N/A	No	N/A

Section 16.07. Billboards

No new billboards shall be erected in the Village of Stevensville after the effective date of this Ordinance. Billboards already in existence as of the effective date of this Ordinance may continue to be displayed, provided that the billboard maintains compliance with the Highway Advertising Act of 1972, as amended, and applicable federal, state, and local regulations.

Section 16.08. Nonconforming Signs

1. Signs lawfully erected prior to the adoption of this ordinance or applicable amendment thereto which do not meet the standards of this section may be continued, except as hereinafter provided. No nonconforming sign shall:
 - A. Be structurally altered so as to change the shape, size, type or design of the sign; or

- B. Be reestablished or continued after the establishment, product, or service to which it applied has been discontinued for 180 days or longer.
2. Signs lawfully erected prior to the adoption of this ordinance or applicable amendment thereto which do not meet the size limitations of this article may be changed to or replaced by another nonconforming sign, provided that the sign replacing the original nonconforming sign is at least 33 percent smaller in area than the original nonconforming sign.
 3. No sign shall be required to be removed if it was erected in compliance with the zoning ordinance, or if such sign becomes nonconforming due to a change occurring after the adoption of this ordinance or applicable amendment thereto in the location of a building, streets, or other signs, and which change is reasonably beyond the control of the owner of the premises on which the sign is located.
 4. If the owner of the premises on which a sign is located changes the use of the building, or changes the location of any property line or sign, so that any sign is rendered nonconforming, such sign must be removed or made to conform to this Article.

Article XVII – Nonconforming Uses, Lots, and Structures

Section 17.01. Purpose and intent

1. Within the districts established by this Ordinance or any amendments thereto there exists lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance. Such lots, structures, and uses are called "legally nonconforming" (i.e., they do not conform to the requirements of this chapter and/or its amendments). These nonconforming lots, structures, and uses may also be known as "nonconformities."
2. Since such nonconformities tend to disrupt the harmony of neighborhoods and adversely affect the public health, safety, and welfare, it is the intent of this Article to permit them to continue until they are removed, but not to encourage their long-term existence. Therefore, it is the intent of this Article to reduce, rather than increase, such nonconformance.
3. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building for which a building permit has been issued and on which actual construction shall have been diligently carried on for 30 days preceding the date of adoption of this Ordinance.

Section 17.02. General Provisions

1. An existing lot, use of land, building, or structure that does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided that such lot, use of land, building or structure is in compliance with this Article.
2. Any lot, use of land, building, or structure that was established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time it was established shall remain in violation of this Ordinance.
3. Any lot, use of land, building, or structure that was established under a previous Zoning Ordinance, but violates the terms of the permit under which it was established, shall remain in violation of this Ordinance.
4. The burden of proof for establishing or proving the existence or any aspect of a lawful nonconforming structure, sign, lot, or use (as well as the size, scope, intensity, and extent thereof) is on the owner of the property involved.
5. A change of tenancy, ownership, or management of any existing nonconforming lots, uses of land, buildings, or structures, or combination thereof, shall be permitted.

Section 17.03. Nonconforming Lots of Record

1. Nonconforming lots of record are those existing and lawful prior to the effective date of this Ordinance, which do not conform to the lot area or width requirements of this Ordinance.
2. If the lot area or lot width is already less than the minimum requirements of this Ordinance, the lot shall not be further divided or reduced in dimensions or area so as to increase the degree of nonconformance with the minimum requirements of this Ordinance.
3. Where a lawful nonconforming lot of record exists at the time of the adoption or amendment of this Ordinance and it does not meet the current minimum requirements for lot width, frontage, area, or other lot dimensional requirements due to the adoption or amendment of this Ordinance or a new ordinance amendment, such lot may be used for any use permitted by the zoning district in which the lot is located provided that it meets all applicable building and structure setback, lot coverage, yard, and similar requirements.
4. If a nonconforming lot of record abuts one or more nonconforming lots of record in the same ownership which individually do not meet the lot width or other dimensional requirements of this Ordinance, such lots shall be combined and considered as one lot for the purposes of this Ordinance.
5. No portion of the combined lot shall be used or sold in a manner which diminishes compliance with lot area or frontage requirements of this Ordinance, nor shall any division of the combined lot be made that creates a lot with area or frontage less than the requirements stated in this Ordinance.

Section 17.04. Nonconforming Structures and Buildings

Where a lawful structure exists on the effective date of this Ordinance or amendments thereto which could not be built under its terms by reason of restrictions on area, height, yards, location on the lot, or other dimensional requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Repairs, maintenance, and renovation necessary for health or safety reasons or to keep such a nonconforming structure in a sound condition may be made, but no such structure shall be enlarged or altered in a way which increases its nonconformity.
2. Should such a nonconforming structure be relocated for any reason or for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located.
3. If such a nonconforming structure becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.
4. In the event a nonconforming structure is removed, demolished, or damaged by wind, fire, explosion, any natural calamity or the public enemy, and the estimated expense of reconstruction exceeds 50% of the market value of the structure prior to the damaging occurrence, the structure may be reconstructed or restored only in conformity with the zoning

district in which it is located. The market value of the structure, excluding the value of land, at the time of damage shall be determined by the most recent assessment for purposes of taxation. The estimated expense of reconstruction shall be determined by a licensed contractor and confirmed by the building inspector.

5. If any nonconforming building or structure is altered or modified to eliminate, remove, or reduce any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later re-established or increased.

Section 17.05. Nonconforming Uses

Where a lawful use of land or a structure exists on the effective date of the Ordinance from which this Article is derived or amendments thereto which would not thereafter be permitted in the zoning district in which it is located, such use may be continued so long as it remains otherwise lawful, such to the following conditions:

1. The nonconforming use of land or structure shall not be enlarged, extended, intensified, or expanded in such a way as to increase the nonconforming nature of the use, such as the addition of dwelling units, additional bedrooms, additional manufacturing, processing, or sales area, or by the addition of facilities which would allow the establishment of other nonconforming uses.
2. A nonconforming use of land or structure shall not be changed to another nonconforming use.
3. A nonconforming use of land or structure shall not be reestablished if the use is abandoned for more than one (1) year. A nonconforming use shall be considered to be abandoned if one or more of the following conditions exist, which are deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - A. Utilities such as water, gas, or electricity to the property have been disconnected;
 - B. The property, buildings, or grounds have fallen into disrepair or otherwise clearly indicate that the property is vacant;
 - C. Signs or other indications of the existence of the nonconforming use have been removed;
 - D. Removal of buildings, structures, equipment, or fixtures which are necessary for the continuation or operation of the nonconforming use; or
 - E. Other actions which in the opinion of the Zoning Administrator constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.
4. Any structure in which a nonconforming use is replaced by a permitted use shall thereafter conform to the regulations for the zoning district and the nonconforming use may not thereafter be resumed.
5. In the event a structure containing a nonconforming use is removed, demolished, or damaged by wind, fire, explosion, any natural calamity or the public enemy, and the estimated expense of reconstruction exceeds 50% of the market value of the structure prior to the damaging occurrence, the structure may be reconstructed or restored only of a use permitted in the zoning district in which it is located, unless a continuation of the nonconforming use is

approved by the Zoning Board of Appeals. The market value of the structure, excluding the value of land, at the time of damage shall be determined by the most recent assessment for purposes of taxation. The estimated expense of reconstruction shall be determined by a licensed contractor and confirmed by the building inspector.

6. In the event a structure containing a nonconforming use is removed, demolished, or damaged by wind, fire, explosion, any natural calamity or the public enemy, and the estimated expense of reconstruction does not exceed 50% of the market value of the structure prior to the damaging occurrence, it may be altered, repaired, or replaced and the nonconforming use thereof continued, subject to the following standards:
 - A. The repair, replacement, or alteration must be undertaken within two (2) years following the damage;
 - B. The extent of nonconformance with the provisions of this Ordinance shall not be increased.

Article XVIII – Zoning Board of Appeals

Section 18.01. Creation and membership

1. There is hereby established a Zoning Board of Appeals in accordance with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in said Act, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The Zoning Board of Appeals shall be composed of the following three members:
 - A. The first member of the Zoning Board of Appeals shall be a member of the Village Planning Commission, appointed by the Village Council.
 - B. The second member of the board of appeals shall be a member of the Village Council.
 - C. The third member of the board of appeals shall be appointed from the electors of the Village residing in the Village, representative of population distribution and of various interests present in the Village.
2. Terms. Members of the Zoning Board of Appeals shall adhere to the following terms of office:
 - A. An elected Village Councilmember shall not serve as chairperson of the Zoning Board of Appeals.
 - B. The term of each member shall be for three-year staggered terms, such that at least one member's term expires each year and there is a reasonable degree of continuity of membership from one year to the next.
 - C. The officers of the Zoning Board of Appeals shall consist of a chairperson and vice chairperson, and serve for a period of one year. Such officers shall be elected by a majority of the Zoning Board of Appeals.
 - D. Any vacancies on the Zoning Board of Appeals shall be filled by appointment by the Village Council. The appointed member shall serve out the term of the vacated position.
3. Alternate members.
 - A. Up to two alternate members may be appointed by the Village Council for three-year terms. If two alternate members have been appointed, they may be called on a rotating basis, as they are available, to sit as regular members of the Zoning Board of 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.
 - B. The alternate member having been appointed shall serve on the 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.

Section 18.02. Removal

Members of the Zoning Board of Appeals may be removed by the Village Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 18.03. Meetings and records

1. Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and as such other times as the Board in its rules of procedure may specify. All hearings conducted by such Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. The record of the proceedings of the Zoning Board of Appeals shall be filed in the office of the Village Clerk and shall be a public record. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.
2. Quorum. The Board shall not conduct business unless a majority of the members of the Board are present. Two members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business.
3. Public Hearing. The Zoning Board of Appeals shall make no decision regarding any application except after a public hearing is conducted by the Zoning Board of Appeals, providing the notice of such hearing in accordance with Section 19.04 of this Ordinance.

Section 18.04. Jurisdiction

1. The Board shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, exception, and to authorize a variance, as defined in Section 18.06 and granted in the Michigan Zoning Enabling Act, as amended.
2. The powers of the Zoning Board of Appeals include:
 - A. Appeals. To hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
 - B. Variances. To grant, upon request, a variance from the strict application of the provisions of this Ordinance in accordance with the standards, requirements, and procedures of this Article.
 - C. Zoning Ordinance Interpretation. Upon request, the Zoning Board of Appeals may interpret the provisions of this Ordinance to carry out the intent and purposes of the Zoning Ordinance where the meaning of the provisions is uncertain.

- D. Any other matters referred to them or upon which they are required to consider under the terms of this Ordinance.

Section 18.05. Application and Review Procedures

Section 18.05.01. Application

1. An appeal may be taken to the board by any person, firm, or corporation, or by an officer, department, board, or bureau affected by a decision of the Zoning Administrator. Such appeal shall be taken by the Zoning Administrator as notice of appeal, specifying the grounds thereof.
2. The following materials shall be filed with the Zoning Administrator at least 30 days in advance of the next regular meeting of the Zoning Board of Appeals:
 - A. A completed application form signed by the applicant or their agent. Applicants other than the owner of the property must submit evidence that the owner of the property is aware and approves of the application.
 - B. Payment of a fee which shall be established by resolution of the Village Council.
 - C. A legal description of the property involved in the request.
 - D. A written explanation from the applicant specifying the reasons for the requested variance, appeal, or other action requiring a decision by the Zoning Board of Appeals.
 - E. A site plan, drawn to scale, sufficient to show the nature and extent of the requested variance.
3. An application or appeal shall be filed not later than 30 days after the order, decision, or determination as to which the application or appeal is taken.
4. After an application for an appeal, a variance, or other authorized relief is complete, has been filed in proper form, and the application fee has been paid, the Zoning Administrator shall transmit to the Zoning Board of Appeals all of the application materials and other evidence relevant to the application.
5. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board after notice of appeal has been filed with him that by reason of fact stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of competent jurisdiction.
6. Notice of public hearing shall be given in accordance with Section 19.04 of this Ordinance.
7. Applicants shall be required to appear before the Board or be represented by a representative who can speak for and make commitments on behalf of the applicant. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

Section 18.05.02. Official record

The Zoning Board of Appeals shall prepare an official record for all appeals and shall base its decision on this record. The official record shall include the following:

1. The relevant administrative records and orders issued relating to the appeal.
2. The notice of the appeal.
3. Such documents, exhibits, photographs, or written reports as may be submitted to the Zoning Board of Appeals for its consideration.
4. The written decision of the Zoning Board of Appeals stating the conclusions of the Board relative to the appeal, variance, or interpretation, the basis for the decision, and any conditions imposed.

Section 18.05.03. Decisions

1. The decision and orders of the Zoning Board of Appeals shall be entered in the official record after they have been signed by the Chairperson and after written notice of the decision has been served either in person or by mail, upon the parties to the appeal, the Village Zoning Administrator, and the Village Clerk. The Chairperson shall sign the decision within 10 days after the Zoning Board of Appeals reaches its final decision.
2. The decision and orders of the Zoning Board of Appeals shall become effective five days after the decision and orders are entered on the official record unless the Board shall find immediate effect is necessary to preserve property or personal rights and shall so certify on the record.
3. A copy of the official record of the appeal shall be made available to the parties to any appeal upon request and after payment of a reasonable fee, as set by the Village Council, sufficient to recover the costs of duplicating such material.
4. The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Zoning Board of Appeals is required to pass under a provision of this Ordinance, or to grant a variance from the requirements of this Ordinance.
5. No request which has been denied by the Zoning Board of Appeals shall be submitted for reconsideration within a six-month period from the date of the original application unless the Zoning Board of Appeals or the Zoning Administrator finds that at least one of the following conditions exist:
 - A. The conditions involving all of the reasons for the original denial have been significantly altered; or
 - B. New conditions or circumstances exist that change the nature of the original request.
6. The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court within 30 days of the decision. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Zoning Enabling Act, as amended. The Court may affirm, reverse or modify the decision of the Zoning Board of Appeals or may remand the decision to the Zoning Board of Appeals for further hearings or action.

Section 18.06. Variances

1. The Zoning Board of Appeals, after a public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties in the way of carrying out the strict letter of the Ordinance relating to the construction, placement, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done.
2. Non-Use Variance. A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
 - A. There are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
 - 1) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter; or
 - 2) By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure; or
 - 3) By reason of the use or development of the property immediately adjoining the property in question, whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties.
 - B. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.
 - C. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 - D. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 - E. The variance will not impair the intent and purpose of this Ordinance.
 - F. The immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.
3. Notice. Prior to acting on an application for a variance, a public hearing shall be held. Notice of the public hearing shall be provided pursuant to Section 19.04 of this Ordinance.
4. Conditions. In granting a variance, the Zoning Board of Appeals may attach thereto such conditions regarding the location, character, and other features of the variance, as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance.

5. Period of Validity. Any variance or exception granted by the Zoning Board of Appeals shall automatically become null and void after a period of 12 months from the date granted unless the applicant shall have taken substantial steps toward effecting or exercising the variance within said period; provided, however, that the Zoning Board of Appeals may extend such period for a further period of time up to one year upon application, without another hearing notice, provided that the original circumstances authorizing the variance have not changed.

Article XIX – Administration and Enforcement

Section 19.01. Zoning Administrator

1. Where the provisions of this Ordinance authorize or direct the Zoning Administrator to perform any act or carry out any function, such act or function may also be carried out by a deputy or deputies designated by the Zoning Administrator.
2. The Zoning Administrator shall have the power to grant zoning permits and to inspect premises necessary to carry out his/her duties in the enforcement of this Ordinance, and to otherwise carry out the duties assigned herein.
3. The Zoning Administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violations of, its provisions.
4. It shall be unlawful for the Zoning Administrator to approve any plans or issue zoning permit for any excavation or construction or use until such plans have been reviewed in detail and are found to be in compliance with this Ordinance. To this end, the Zoning Administrator shall require that an application for a zoning permit for excavation, construction, moving, alteration, or change in type of use or type of occupancy, shall, where required by this ordinance, be accompanied by a site plan, in accordance with Article XII hereof.
5. Issuance of a zoning permit shall in no case be construed as waiving any provisions of this Ordinance. The Zoning Administrator shall have no authority to grant exceptions to the actual meaning of any clause, order, or regulation contained in this ordinance to any person making application to excavate, construct, move, alter, or use buildings, structures, or land. The Zoning Administrator shall have no authority to make changes to this ordinance or to vary the terms of this ordinance in carrying out his/duties.

Section 19.02. Zoning Permits

1. Zoning permits. It shall be unlawful to commence the excavation or site work for or the construction of any building or other structure, including an accessory structure, or to commence the moving, or structural alteration, including an accessory structure, costing more than one hundred dollars (\$100.00) or exceeding one hundred (100) square feet in floor area, until the Zoning Administrator has issued for such work a zoning permit including a certification of their opinion that plans, specifications, and intended use of such structure do in all respects conform to the provisions of this Ordinance.
2. It shall be unlawful to alter the contour of land, remove or damage wetlands or sensitive areas, 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 for such intended use a zoning permit.
3. In all cases where a building permit is required, application for a zoning permit shall be made coincidentally with the application for a building permit and in all other cases shall be made not less than ten (10) days prior to the time when a new or enlarged use of a building or

premises or part thereof is intended to begin. This application shall be made in writing to the Zoning Administrator and shall provide all relevant project information. A record of all such applications shall be kept on file by the Zoning Administrator.

4. Any zoning permit issued under the provisions of this ordinance shall be valid only for a period of one year following the date of issuance thereof. Any project which has not substantially commenced within the one-year period may not be started or continued unless the permit is reissued or extended or a new zoning permit is issued.
5. When the Zoning Administrator receives an application for a zoning permit, which requires a special land use approval, variance, or other approval, he shall so inform the applicant.
6. Before any zoning permit shall be issued, an application and inspection fee and any required escrow fees shall be paid. The amount of such fees and escrows shall be fixed by a schedule established by resolution of the Village Council.
7. No building or structure or use for which a land use permit has been issued shall be used or occupied until after a final inspection has been performed which indicates that all the provisions of this Ordinance are met and a certificate of occupancy has been issued by the building official. The issuance of a certificate of occupancy shall in no case be construed as waiving any provisions of this Ordinance.

Section 19.03. Amendments

1. Amendments and supplements to this Ordinance may be initiated by the Village Council or the Planning Commission upon its own motion, or it may be proposed for consideration by the owner or owners of real estate within the Village. All amendments to this Ordinance, both with reference to the text thereof or the Zoning Map, shall be made in the same manner as provided in the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.) for the enactment of this Ordinance.
2. Application. Written applications for an amendment to this Ordinance, including the Zoning Map, shall be submitted to the Zoning Administrator at least 30 days prior to the first consideration by the Planning Commission. An application for a zoning amendment shall consist of:
 - A. The name, address, and interest of the person making the request and the name, address, and interest of all persons having a legal or equitable interest in any land that is requested to be rezoned.
 - B. A written statement from the property owner indicating his or her permission to submit such application, if applicable.
 - C. The nature and effect of the proposed amendment.
 - D. Payment of a fee, as established by the Village Council.
 - E. The changed or changing conditions in the area or in the Village that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.

- F. The alleged error in the ordinance, if any, that would be corrected by the proposed amendment, along with a detailed explanation of such alleged error and explanation why the proposed amendment will correct it.
 - G. All other circumstances, factors, and reasons that the petitioner offers in support of the proposed amendment.
 - H. If the proposed amendment would require a change in the Zoning Map, the following shall also be required:
 - 1) A fully dimensioned map clearly showing the property to be considered for the zoning change, including all properties within 300 feet of the subject property;
 - 2) The current zoning of the property to be considered for a zoning change and of all abutting lands;
 - 3) All public and private rights-of-way and easements bounding and intersecting the land to be rezoned.
 - 4) A legal description of the property to be considered for the zoning change.
 - I. Following receipt of all required information, the Planning Commission shall hold a public hearing on the proposed amendment. Notice for the public hearing shall be provided as outlined in Section 19.04.
 - J. After the public hearing, the Planning Commission shall recommend either approval or denial of the proposed amendment to the Village Council.
 - K. Upon receipt of the recommendation from the Planning Commission, the Village Council shall either approve or deny the requested amendment in accordance with the procedures adopted by the Council.
3. Map Amendment (Rezoning). In making its recommendation on a proposed amendment of the Zoning Map, the Planning Commission shall consider the following factors:
- A. If the proposed zoning amendment is consistent with the Village's adopted Master Plan;
 - B. If the proposed zoning amendment is consistent with recent development trends in the area;
 - C. If the zoning amendment is compatible with existing and future land uses in the vicinity of the subject site or throughout the zoning district(s) affected by the proposed amendment;
 - D. If existing or planning public infrastructure, including streets, sanitary sewers, storm water, water mains or wells, sidewalks, and street lighting are capable of accommodating potential changes in land use resulting from the proposed amendment;
 - E. If the proposed amendment is consistent with the intent and purpose of this Ordinance and whether the proposed amendment would protect the health, safety, and welfare of the Village;
4. Text Amendment. In making its recommendation on a proposed amendment of the Zoning Ordinance text, the Planning Commission shall consider the following factors::

- A. If the proposed text amendment would clarify the intent of the Ordinance or correct an error;
- B. If the proposed text amendment would address changes to state legislation, recent case law, or opinions from the Attorney General, or promote compliance with changes in other county, state, or federal regulations;
- C. If the proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, and similar technical items;
- D. If the proposed amendment is consistent with the Village's ability to provide adequate public facilities and services and is consistent with the Village's desire to protect the public health, safety, and welfare of the community;
- E. In the event the amendment will add a use to a district, if the proposed use is fully consistent with the character of the range of uses provided for within the district, and that the amendment will not create incompatible land uses within a zoning district or between adjacent districts.

5. Conditional Rezoning

- A. Any interested property owner may voluntarily offer in writing, and the Village may approve, certain uses and/or development of the land as a condition to a rezoning of the land.
- B. Application Procedure.
 - 1) If the applicant wishes to submit an offer of conditions or restrictions related to the site, the proposed use or its impact on the community along with a petition to rezone land, such offer of conditions or restrictions shall be presented in writing. Proposed restrictions shall be stated clearly, as determined by the Zoning Administrator. The offer of conditions or restrictions shall be received with the application to rezone the land, except as provided in subparagraph B(4) hereof.
 - 2) The applicant may request a pre-application meeting, in which the Zoning Administrator and other village officials may identify concerns reasonably related to the rezoning request. The village shall not require the applicant to offer conditions or restrictions as a prerequisite for rezoning nor shall the presentation of an offer of conditions or restrictions create any obligation on the part of the village to rezone any land.
 - 3) The offer of conditions or restrictions shall be received in writing with the rezoning application, prior to the Planning Commission public hearing on the rezoning request. Provided, if an offer of conditions is proposed at a Planning Commission public hearing on the rezoning request, the public hearing may be adjourned or recessed to provide the village time to consider the offer; and if an offer of conditions is proposed at a Village Council meeting, the rezoning request and such conditions shall be remanded back to the Planning Commission for consideration and recommendation.

- 4) The Planning Commission or Village Council may postpone a request to give residents of the Village of Stevensville more time to fully understand the offer of conditions.

C. Standards for Approval.

- 1) When reviewing a rezoning request and/or an offer of conditions or restrictions, the Village may consider, but shall not be limited to: future land use recommendations in the master plan; goals and objectives in the master plan; the availability and capacity of utilities; potential impact on neighboring land uses and the natural environment; and other concerns related to the general welfare, safety and health of area residents.
- 2) Offers of conditions or restrictions shall not be approved if such conditions or restrictions would have the effect of departing from the standards of the Zoning Ordinance or other regulations or ordinances promulgated by, or applicable in, the Village.
- 3) When considering an offer of conditions or restrictions, the Village shall determine whether the conditions or restrictions offered would address or mitigate impacts that might otherwise be reasonably expected to result from the rezoning request.

D. Expiration of Agreement, Reversion, and Extensions.

- 1) In approving the conditions, the Village may establish a time period during which the conditions apply to the land. Except for an extension under subparagraph D(3) hereof, if the conditions are not satisfied within the time specified, the land shall revert back to its former zoning classification, per subparagraph D(4) hereof.
- 2) The Village shall not add to or alter the approved conditions during the time period specified under subparagraph D(1).
- 3) The time period specified under subparagraph D(1) may be extended upon the application of the property owner and approval of the Village:
 - a. The applicant shall submit in writing a request to the Zoning Administrator, who will forward the written request and his recommendation on the request to the Planning Commission. The written request shall include reasons why the extension is being solicited.
 - b. Upon recommendation of the Planning Commission, the Village Council may extend the time period specified under subparagraph D(1). If the extension is approved and if the conditions are not satisfied within the time specified under the extension, the land shall revert back to its former zoning classification, per subparagraph D(4).
- 4) If the conditions are not satisfied or the restrictions are not established within the specified time period, the Zoning Administrator shall initiate the reversion process, in which the land reverts back to its former zoning classification, in accordance with this paragraph. After a public hearing and after determining that the applicant has failed to satisfy the approved conditions, the Planning Commission shall make a recommendation to the Village Council. The Planning Commission shall state what specific conditions were not met, shall note all comments and reports requested or the

- absence of such. The Village Council shall then consider the rezoning of the land back to its former zoning classification.
- E. Coordination and Performance Bonds.
- 1) Where proposed conditions or restrictions involve public improvements, the applicant shall submit the following to the Planning Commission prior to final approval of the rezoning and offer of conditions:
 - a. A construction schedule.
 - b. Costs and obligations.
 - c. Responsible parties for obtaining permits.
 - d. Proof, in writing, that applicable utility or regional agencies or reviewing bodies have reviewed and approved final design of said public improvements.
 - 2) The Village may require a performance guarantee pursuant to Section 19.05 or similar tools as part of the agreement or approval.
- F. Notices and Hearing. Rezoning or zoning reversion of land shall require notice of public hearing in accord with Section 19.05 hereof.

Section 19.04. Public Hearings and Notices

Whenever a public hearing is held as required or permitted by this Ordinance, notice of the public hearing shall be given as follows:

1. 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.
2. Except as provided in subsection 4 of this Section, notice of public hearing shall also be mailed or be delivered to the following persons, at least 15 days prior to the date of the public hearing:
 - A. The applicant;
 - B. All persons to whom real property is assessed within 300 feet of the property that is the subject to the application or request; and
 - C. The occupants of all structures within 300 feet of the property that is the subject of the application or request.
 - D. If the above described 300 feet 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.
3. The notice of public hearing shall include the following information:
 - A. A description of the nature of the application or request.
 - B. An identification of the property that is the subject of the application or request. Except as provided in subsection 4 below, the notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no

such addresses currently exist within the property and another means of identification of the property shall be used.

- C. State when and where the application or request will be considered.
 - D. Identify when and where written comments will be received concerning the application or request.
 - E. In the case of an amendment to this Ordinance or to the Zoning Map the notice shall indicate the place where and the times when the proposed text or map amendment may be examined.
4. When a proposed rezoning involves 11 or more adjacent properties, or when the public hearing does not pertain to a specific property, the mailing or delivery requirements of Subsection 2 are not required, and the listing of individual property addresses under Subsection 3(B) is not required.

Section 19.05. Performance guarantee

1. As a condition of approval of a site plan, special land use, variance, planned development, or any other approval granted pursuant to this Ordinance, the Planning Commission, Village Council, or Board of Zoning Appeals may require a performance guarantee to ensure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include but shall not be limited to roadways, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
 - A. Such performance guarantee shall be in a principal amount reasonably estimated to enable the Village to recover any costs it incurs to complete such work or otherwise assure compliance with the requirements, specifications, and conditions of such approval should the applicant fail to do so within the time specified within the approval. The zoning administrator, the village engineer, the village's legal counsel and the applicant shall work together to establish the amount needed to reasonably cover the costs of non-performance. The terms of the performance guarantee may, but shall not be required to, provide for partial releases of the amount of the guarantee as the requirements, specifications and conditions imposed with the approval are fulfilled. If the applicant disagrees with the village staff as to the amount needed to reasonably cover the costs of non-performance, the village engineer shall provide an engineer's cost estimate shall be used to determine the amount required.
 - B. The performance guarantee shall be provided before any permits are issued pursuant to this Ordinance or the construction code and the failure of any such performance guarantee shall be a basis for revoking any permit granted under this Ordinance or the construction code.
2. Performance guarantees shall be processed in the following manner.

- A. Prior to the filing of a final site plan, a pre-application conference may be held to provide an opportunity to the Village staff to inform the applicant of the Village's requirements regarding performance guarantees.
- B. Upon filing of the final site plan, the applicant shall prepare an itemized cost estimate of the required improvements, which shall then be reviewed by the Zoning Administrator. The amount of the performance guarantee shall be 100% of the cost of installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.
- C. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village.
- D. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a zoning permit, special land use permit, or other permit as appropriate for the subject development or activity, provided that all other requirements of this Ordinance have been met.
- E. The Zoning Administrator, upon written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
- F. When all of the required improvements have been completed, the obligor shall send written notice to the Village Clerk of completion of said improvements.
 - 1) Thereupon, the Zoning Administrator shall inspect all of the improvements and shall recommend to the Council approval, partial approval, or rejection of the improvements with a statement of the reasons for any rejections. If partial approval is recommended, the cost of the improvement rejected shall be set forth.
 - 2) The Council shall either approve, partially approve or reject the improvements. The Zoning Administrator shall notify the obligor in writing of the action of the Council within 30 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
- G. A record of authorized performance guarantees shall be maintained by the Zoning Administrator or their designee.

Section 19.06. Enforcement

1. Penalties. Any person violating any provision of this Ordinance shall be responsible for a municipal civil infraction.
 - A. A separate offense shall be deemed committed upon each day during or when a violation of this Ordinance occurs or continues.

- B. The owner of record or tenant of any building, structure, premises, or part thereof, and any agent or person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
 - C. The imposition of any fine shall not exempt the violator from compliance with the provisions of this Ordinance.
 - D. Any building or structure which is erected, altered, or converted or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
2. Procedure. The Zoning Administrator shall be authorized to issue and serve civil infraction documents on any person with respect to any violation of this Ordinance when there is reasonable cause to believe that the person has committed such an offense. The Village, through its duly authorized attorney, may pursue a civil infraction proceeding for any violation of this Ordinance. In addition, the Village, acting through its duly authorized attorney, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate, or remove any violation of this Ordinance.
3. Rights and remedies. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 19.07. Fees and Applicant Escrow Accounts

The Village Council shall periodically establish by resolution a schedule of fees and escrow amounts to be paid by applicants for any permit, certificate, approval, application, or appeals required by this Ordinance. All fees shall be paid to the Zoning Administrator, who shall promptly remit the same to the Village Treasurer. The fee and escrow schedule shall be posted on public display in the Village Hall and may be changed only by resolution of the Village Council. No permit, certificate, approval, application or appeal shall be issued or considered unless and until the fees and escrow amounts therefor have been paid in full, and payment of the required fees and escrow shall be a condition precedent to the validity of any permit, certificate, or approval.

Section 19.08. Administrative Liability

No officer, agent, employee, or member of the Village Council, Planning Commission, or Board of Appeals shall be personally liable for any damage which may accrue to any person or property as the result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this Ordinance.

Section 19.09. Severability

This Ordinance and each section, subsection, paragraph, subparagraph, or any provision thereof, shall be deemed to be severable. If any section, subsection, paragraph, subparagraph, or any other provision of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, unenforceable, or unconstitutional for any reason, it is hereby provided that the remainder of this Ordinance shall not be affected thereby and shall remain in force and effect.

Section 19.10. Repealer

The former Zoning Ordinance of this Village, effective November 23, 2004, and all amendments thereto, are hereby repealed; provided, however, that the same shall remain in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of any penalty or liability thereunder.

Section 19.11. Effective Date

This Ordinance was adopted at a regular meeting of the Stevensville Village Council on November 10, 2021 and is ordered to take effect upon the expiration of eight (8) days following publication of adoption in a newspaper having general circulation in the Village, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

ROLL CALL VOTE:

YES: Ken Hansen, Chris Mason, Carl Steinberger, Amanda Pohbyba, David Wenger

NO: None

ABSENT: Brian Liggett, Pat Arter

Declared adopted on: November 10, 2021

David Wenger, Village President

Tiffany Moore, Village Clerk

CERTIFICATE

I, Tiffany Moore, the Clerk for the Village of Stevensville, Berrien County, Michigan, Michigan, certify that the foregoing Ordinance was adopted at a regular meeting of the Stevensville Village Council held on November 10, 2021. The following members of the Village Council were present at that meeting: Ken Hansen, Chris Mason, Carl Steinberger, Amanda Pohbyba, David Wenger. The following members of the Village Council were absent: Brian Liggett, Pat Arter. The Ordinance was adopted by the Village Council with members of the Council Ken Hansen, Chris Mason, Carl Steinberger, Amanda Pohbyba, and David Wenger voting in favor and no members of the Council voting in opposition. A notice of adoption was published on November 18, 2021.

Tiffany Moore, Stevensville Village Clerk