

## Chapter 11

# SITE PLAN REVIEW

### SECTION 11.1 INTENT AND PURPOSE

It is the purpose of this Chapter to require site plan review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, environmental quality, traffic patterns and the character of future development in the vicinity. It is typical for applicants to request that a planning commission accept a "napkin" type site plan drawing for site plan approval. Unfortunately, it is difficult to use informal methods as a proper way of providing for the health, safety and welfare of Village residents. The Village Council and Planning Commission realize that suitable site plans require an applicant to spend some time and money. It is the Village's belief that the end result of suitable site plan development will allow plans to be properly reviewed for health, safety and welfare issues. In addition, many problems that may have been encountered in or after the project development process are often averted. Averting problems through a planning process can save the applicant and community time and money. The requirements for site plans in this Chapter are intended to reduce hazards to life and property due to fire, flooding, soil erosion, inadequate surface water drainage, inadequate sewage disposal systems, pollution, dust, fumes, noise, vibration, noxious odors, and other hazards; and to facilitate the provision of a system of roads, streets, parking, municipal sewage disposal, storm sewers, municipal water supply, public education, and other public needs. These requirements are further intended to promote orderly development and harmonious design in order to conserve the value of existing development and property.

### SECTION 11.2 USES SUBJECT TO SITE PLAN REVIEW

- A. A Building Permit for any proposed use or building requiring a site plan shall not be issued until a Site Plan has been reviewed and approved in accordance with the requirements of this Chapter.
- B. A Final Site Plan approved by the Planning Commission shall be required under the following conditions:
  - 1. All uses Permitted by Special Land Use.
  - 2. All uses required by this Ordinance to provide more than five (5) new off-street parking spaces or two (2) or more loading spaces.
  - 3. Developments of more than one (1) main building or use on a single lot or parcel, submitted as a site condominium.
  - 4. For any use which, in the opinion of the Zoning Administrator, should be reviewed by the Planning Commission for site plan approval because of the intensity of development proposed and potential effects on properties in the general vicinity.
- C. The uses listed below do not require Planning Commission site plan review and approval.

The uses listed below require review and approval only by the Zoning Administrator:

1. Single and two family dwellings (unless submitted as a site condominium under the provisions of B, 3, above).
2. State licensed residential family care facilities.
3. Day care, family homes.
4. Accessory uses or structures.
5. Home Occupations (home occupation must be obtained).

### **SECTION 11.3 PROCEDURE FOR SITE PLAN REVIEW**

#### **A. Application Procedures**

1. An application for Site Plan Review shall be submitted to the Zoning Administrator at least thirty (30) days prior to the next planning commission meeting. If the zoning administrator deems that the application is complete per the requirements of Section 11.3, A,2 then the plans will be reviewed and submitted to the Planning Commission for their consideration. The zoning administrator has the ability to reduce or extend the thirty (30) day period if it is deemed appropriate (e.g. - the submitted site plan is very basic and review can be performed in less than thirty (30) days or the site plan requires additional time due to the high level of detail and size of the project).
2. An application for either a Preliminary or Final Site Plan Review shall consist of the following:
  - a. A completed application form, as provided by the Village. The application shall be signed by an owner of, or person having an interest in the property to be developed, or an authorized representative.
  - b. A suitable number of copies of the Preliminary or Final Site Plan at a scale drawing of not less than 1 inch = 40 feet for parcels less than three (3) acres and 1 inch = 100 feet for parcels three (3) acres or more.
  - c. Payment of a fee, in accordance with a fee schedule, as determined periodically by a Village Council resolution.
  - d. A legal description, including the permanent parcel number, of the subject property.
  - e. Other materials as may be required in this Chapter, by the Zoning Administrator or by the Planning Commission.
3. An application shall not be accepted until all required materials are provided. Incomplete applications shall be returned to the applicant with an indication of the items necessary to make up a complete application.

#### **B. Workshop Meeting**

Prior to performing site plan review procedures, an applicant may request a workshop meeting of the Planning Commission. The purpose of the workshop meeting is to allow the applicant to present a conceptual plan, such as in the case of a PUD. In return, the Planning Commission can inform the applicant of the general acceptability of the proposed plans with little or no real costs to the applicant.

- C. Preliminary Site Plan Review Procedures
1. If desired by the applicant, a Preliminary Site Plan may be submitted to the Planning Commission for review prior to Final Site Plan review. The purpose of the Preliminary Site Plan Review is to allow further discussion between the applicant and the Commission prior to incurring extensive engineering and other costs which may be necessary for the review of the Final Site Plan.
  2. Preliminary Site Plans shall include the following, unless deemed unnecessary by the Zoning Administrator or the Planning Commission.
    - a. Small scale sketch of an area within one quarter (1/4) mile of the subject property showing the property location.
    - b. Existing adjacent streets and proposed streets and existing curb cuts within one-hundred (100) feet of the property.
    - c. All lot lines with dimensions.
    - d. Parking lots (including required parking calculations) and access points
    - e. Proposed buffer strips or screening.
    - f. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, flood plains, hills, and other significant natural features.
    - g. Location of any signs not attached to the building.
    - h. Existing and proposed buildings, including existing buildings or structures within one-hundred (100) feet of the boundaries of the property.
    - i. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
    - j. Dwelling unit densities by type, if applicable.
    - k. Proposed method of providing sewer and water service, as well as other public and private utilities.
    - l. Proposed method of providing storm drainage.
  3. The Commission shall review the Preliminary Site Plan and make such recommendations to the applicant that will cause the Plan to be in conformance with the review standards required by this Chapter and this Ordinance.
  4. The Planning Commission may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.
- D. Final Site Plan Review Procedures
1. A Final Site Plan, including those provided in conjunction with a Special Land Use request, shall be reviewed by the Planning Commission. The Planning Commission shall approve, approve with conditions, or deny the site plan, stating the reasons (use the Standards provided in Section 11.4) for such action in the Planning Commission minutes.
  2. Final Site Plans shall include the following information, unless deemed unnecessary by the Zoning Administrator or the Planning Commission:
    - a. Small scale sketch of an area within one quarter (1/4) mile of the subject property showing the property location.

- b. Date of preparation/revision.
  - c. Name, address, and professional seal of the preparer.
  - d. The topography of the site at a minimum of five (5) foot intervals and its relationship to adjoining land.
  - e. Existing man-made features.
  - f. Dimensions of setbacks, locations, heights and size of buildings and structures, including the locations of existing buildings or structures within one-hundred (100) feet of the boundaries of the property.
  - g. Street rights-of-ways, indicating proposed access routes, internal circulation, relationship to existing rights-of-ways, and curb cuts within one-hundred (100) feet of the property.
  - h. Proposed grading.
  - i. Location, sizes, and type of drainage, sanitary sewers, water services, storm sewers, and fire hydrants.
  - j. Location, sizes, and type of fences, landscaping, buffer strips, and screening.
  - k. Location, sizes, and type of signs and on-site lighting, including information regarding lighting levels at the edges of the site.
  - l. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of the Chapter on Parking.
  - m. Any public and private easements.
  - n. Dimensions and number of proposed lots.
  - o. Significant natural features, and other natural characteristics, including but not limited to open space, stands of trees, flood plains, hills, and other significant natural features.
  - p. Building elevations.
3. The Planning Commission may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.
- E. Staff, Professionals, Agency Reviews
1. Prior to the planning commission taking action on an applicant's final site plan, the zoning administrator and/or planning commission may have Village staff, support professionals or governmental agencies provide reviews on the plans. Reviews may also be placed as a condition of approval (e.g. - wetland mitigation approval by a state agency).

#### **SECTION 11.4 STANDARDS FOR SITE PLAN APPROVAL**

- A. The Planning Commission in making its determination shall review the Final Site Plan and find the following prior to approval:
1. Compliance with the requirements of this Ordinance and other applicable Village Ordinances.

2. Compliance with any applicable comments received from reviewing Village officials, support professionals or public agencies.
3. Compliance with other applicable state and federal statutes and standards.

B. General Standards

In reviewing an application for Final Site Plan Review, the following standards shall be met:

1. The site shall be developed so as not to hinder the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. All buildings or groups of buildings shall be arranged as to permit emergency vehicle access by some practical means to all sites. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
3. Every structure or dwelling unit shall have access to a private street, public street, walkway or other areas dedicated to common use. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within and around the Village of Fowler.
4. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties, the Village, or the County's storm drainage system.
5. Provisions shall be made for the construction of storm sewer facilities including grading, gutters, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicle or pedestrian traffic or create standing water in paved areas.
6. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substances.
7. General purpose floor drains shall only be allowed if they are approved by the Village's Department of Public Works for a connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
8. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without permits and approvals.
9. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

**SECTION 11.5 APPROVED PLANS AND AMENDMENTS**

- A. Upon approval of the Final Site Plan, the Planning Commission Chair, or the Chair's designee, shall sign three (3) copies. One (1) signed copy shall be made a part of the Village's files; one (1) copy of the Final Site Plan shall be forwarded to the Building Official for issuance of a building permit; and one (1) copy shall be returned to the applicant.
- B. Each development shall be under construction within one (1) year after the date of approval of the Final Site Plan, except as noted in this Section.
1. An applicant may request from the Planning Commission one (1) six (6) month extension of the Final Site Plan approval. Any request for extension must be applied for in writing prior to the date of the expiration of the Final Site Plan. Such request may only be granted provided that:
    - a. The applicant presents reasonable evidence that development has encountered unforeseen difficulties beyond the control of the applicant; and
    - b. The site plan requirements and standards, including those of the Zoning Ordinance, that are reasonably related to said development have not changed.
  2. Should neither of the provisions of Section 11.5, B, be fulfilled, or a six (6) month extension has expired without construction having been started and proceeding meaningfully, the Final Site Plan approval shall be null and void.
- C. Amendments to an approved Final Site Plan may occur only under the following circumstances:
1. The holder of a valid Final Site Plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
  2. Minor changes may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission. The Zoning Administrator shall consider the following to be a minor change:
    - a. Reduction of the size of any building and/or sign.
    - b. Movement of buildings and/or signs by no more than ten (10) feet, provided that such movement does not cause a violation of this Ordinance.
    - c. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
    - d. Changes in floor plans which do not alter the character of the use or increase the amount of required parking.
    - e. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
    - f. Changes required or requested by the Village as it relates to their roads within the Village or a Clinton County department for safety reasons.
  3. Should the Zoning Administrator determine that the requested modification to the approved Final Site Plan is not minor, a new site plan shall be submitted and reviewed as required by this Chapter.

D. Certification of Compliance

At final inspection or at other appropriate times the Zoning Administrator shall certify whether all conditions and other requirements of the Planning Commission in its approval of the Final Site Plan have been fulfilled.

**SECTION 11.6 APPEAL OF DECISIONS**

A person aggrieved by the decision of the Planning Commission with respect to an action regarding the Final Site Plan may have that decision reviewed by the Board of Zoning Appeals; provided the petition for appeal is filed with the Village Clerk within twenty (20) days of the Planning Commission decision.





## Chapter 12

# SPECIAL LAND USES

### SECTION 12.1 INTENT AND PURPOSE

- A. This Chapter is intended to respond to the functions and characteristics of an increasing number of new kinds of land uses, combined with conclusive experience regarding some of the older, familiar kinds of uses, which call for a more flexible and equitable procedure for properly accommodating these activities in the community. Rather than assigning all uses to special, individual, and limited zoning districts, it is important to provide control and reasonable flexibility in requirements for certain kinds of uses that will allow practical latitude for the applicant, but will maintain adequate provision for the security of the health, safety, convenience, and general welfare of the community's inhabitants.
- B. In order to accomplish this dual objective, provisions are made in this Ordinance for a more detailed consideration of each specified activity as it may relate to proposed conditions of location and design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors.
- C. Land and structure uses possessing these particularly unique characteristics are designated as Special Land Uses and may be authorized by the issuance of a Special Land Use permit, which contains conditions and safeguards necessary for the protection of the public welfare.
- D. The following sections, together with previous references in other Chapters of this Ordinance, designate those uses requiring a Special Land Use Permit. With any noted exceptions, the procedures for obtaining such a Special Land Use Permit shall apply to all special land uses indicated.

### SECTION 12.2 APPLICATION PROCEDURES

- A. Application Procedures
  - 1. An application for a Special Land Use deemed to be complete, according to the requirements of Section 12.2, A,2, shall be submitted within a reasonable period of time, determined by the Zoning Administrator, prior to the next scheduled Planning Commission meeting through the Zoning Administrator. The Zoning Administrator, or appointee, will review the application materials to ensure that the requirements of this Section are met, then transmit it to the Planning Commission.
  - 2. An application for a Special Land Use shall not be considered complete until all of the following materials have been submitted and deemed complete by the Zoning Administrator or appointee:

- a. A completed application form, as provided by the Village. The application shall be signed by an owner of, or person having an interest in, the property to be developed, or an authorized representative.
  - b. Suitable number of copies of the Preliminary or Final Site Plan meeting the requirements of Section 11.3.
  - c. Payment of a fee, in accordance with a fee schedule, as determined by Village Council resolution.
  - d. A legal description, including the permanent parcel number, of the subject property.
  - e. A statement with supporting evidence regarding the required findings as specified in Section 12.4.
  - f. Other materials as may be required in this Chapter, the Zoning Administrator, Planning Commission, or Village Council.
3. An application shall not be accepted until all required materials are provided. Incomplete applications shall be returned to the applicant with an indication of the items necessary to make up a complete application.

### **SECTION 12.3 REVIEW AND FINDINGS**

- A. Public Hearing
1. The Planning Commission shall review the application at its next regular meeting following filing and shall set a date for public hearing within forty-five (45) days thereafter.
  2. The Village Clerk shall cause to be published one (1) notice of public hearing in a newspaper of general circulation within the Village not less than fifteen (15) days before the date the application will be considered for approval, and shall provide notice by regular mail or personal delivery to all persons to whom property is assessed within three hundred (300) feet of the subject property and to the occupants of all structures within three hundred (300) feet of the property, regardless of whether the property or occupant is located within the Village. If the name of an occupant is not known, the term "occupant" may be used in making notification.
  3. Such notice shall describe the nature of the request, identify the property that is the subject of the request, and shall include a listing of all street addresses within the property, if such addresses exist.
  4. The notice shall also state when and where the request will be considered, and indicate when and where written comments will be received concerning the request.
- B. Upon conclusion of the hearing, and after time for deliberation, the Planning Commission shall make a recommendation to the Village Council for approval, approval with conditions, or denial. The Commission shall state its reasons for such recommendation in its minutes for submission to the Council.
- C. Upon receipt of a report and summary of hearing comments from the Planning Commission, the Village Council may hold an additional public hearing, if it considers a further hearing necessary, using the same hearing requirements as the hearing held before the Planning Commission. The Village Council, upon approval of an application

for Special Land Use Permit, shall authorize the Zoning administrator to issue the permit subject to the conditions specified by the Village Council.

[AMENDED 3/10/08]

#### **SECTION 12.4 GENERAL STANDARDS FOR MAKING DETERMINATIONS**

- A. The Planning Commission and Village Council shall review the particular facts, circumstances and evidence presented. The Planning Commission and Village Council decisions shall be based on the General Standards of this Section and the applicable Specific Requirements contained in Section 12.6.
- B. It shall be incumbent upon the representatives of the applicant for a Special Land Use Permit to provide documentation and evidence in support of the proposal. It shall also be the obligation of the applicant to furnish evidence, or proof of compliance with the specific and general criteria contained in this Ordinance.
- C. General Standards:  
The General Standards are basic to all Special Land Uses; and the Specific Requirements of Section 12.6 is in addition to and shall be required in all applicable situations.
1. The proposed use shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity.
  2. The proposed use is served by necessary public facilities which are adequate or can be made adequate to serve the proposed use. Specifically, existing streets, storm water drainage, water supply, fire protection, police, emergency medical care, sanitary sewer disposal, solid waste disposal, and public recreation shall be adequate to serve the proposed project.
  3. The proposed use shall not be hazardous or disturbing to neighboring uses or cause any conflict to the existing use and quiet enjoyment of surrounding property.
  4. The proposed use shall not involve activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
  5. The proposed use shall be consistent with the intent and purpose of this Ordinance.

#### **SECTION 12.5 CONDITIONS AND SAFEGUARDS**

- A. Before granting a Special Land Use Permit, the Village Council may impose reasonable conditions or limitations upon the establishment, location, construction, maintenance, or operation of the use authorized by the Special Land Use Permit as may be necessary for the protection of the public interest.
- B. Such conditions may include those necessary to insure that public services and facilities affected will be capable of accommodating increased demand and facility loads; to protect the natural environment and conserve natural resources and energy; to insure compatibility with adjacent uses of land; to promote the use of land in a socially and

economically desirable manner and be consistent with the general standards as established in this Ordinance and are necessary to meet the intent and purpose of the regulations contained in this Ordinance.

- C. The conditions imposed shall be recorded in the minutes of the Village Council and shall remain unchanged except upon mutual consent of the Village Council and the owner of the property affected. The Village Council shall record in its minutes any changes in conditions of approval of Special Land Use Permits.
- D. Conditions and requirements stated as part of Special Land Use Permit authorization, including all plans, specifications and statements submitted with the application for a Special Land Use Permit, shall be a continuing obligation of its holder. The Zoning Administrator shall make periodic investigations of uses authorized by Special Land Use Permits to determine compliance with all requirements.
- E. Certification of Compliance: At final inspection or at other appropriate times the Zoning Administrator shall certify whether all conditions and other requirements of the Village Council in its approval of the Special Land Use have been fulfilled.
- F. An application for a Special Land Use Permit which had been denied wholly or In part by the Village Council shall not be resubmitted until the expiration of one (1) year or more from the date of denial, except in the case of newly discovered evidence or changed conditions found to be sufficient to justify reconsideration by the Village Council.

## **SECTION 12.6      SPECIFIC REQUIREMENTS**

The requirements set forth in this Section relate to particular Special Land Uses and specific requirements which must be met in addition to the standards of Section 12.4.

### **A.      Above ground storage of flammable liquids.**

- 1. The minimum lot size shall be five (5) acres.
- 2. The lot shall be located so that at least one (1) side abuts a major street (as defined by Act 51) and all access shall be from such street.
- 1. The main and accessory buildings and any storage facilities shall not be located nearer than three hundred (300) feet to any adjacent Residential District or use.
- 2. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures will not cause the contamination of any groundwater source.
- 3. No advertising or other signs, other than required regulatory or warning signs, shall be permitted on any tank or other storage facility.

### **B.      Adult entertainment activities.**

- 1. **Intent:** It is the intent of this subsection to provide regulations controlling those uses which are recognized as having serious, objectionable, operational characteristics inducing a deleterious impact on adjacent uses and areas. Special regulations of these uses are necessary to insure that the anticipated adverse

impacts will not contribute to the blighting or downgrading of the surrounding neighborhood. Uses subject to these controls include: Adult Bookstores, Adult Motion Picture Theaters, Adult Motels, Nightclubs, and Massage Parlors, as herein defined.

2. **Definitions:** For purposes of this subsection, the Adult Entertainment Activities listed above shall have the meanings as noted in the definitions chapter of this ordinance.
3. **General Requirements And Restrictions:** Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Village Council as provided herein. The Village Council shall only issue a Special Land Use Permit for Adult Entertainment Activities which comply with the following requirements:
  - a. Adult Entertainment Activities shall not be located in any zoning district except the industrial district.
  - b. Adult Entertainment Activities shall not be allowed within five hundred (500) feet of another existing Adult Entertainment Use, or within five hundred (500) feet of any residential zoning district, or within five hundred (500) feet of an existing church, school, park or playground.
  - c. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the Planning Commission.
    - (1) All massage clinics are subject to inspection from time to time by the Building Inspector and shall be required to file reports as may be required by the Village, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.
    - (2) This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder.
    - (3) This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.
  - d. Any sign or signs proposed for the adult use business must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
  - e. No person younger than eighteen (18) years of age shall enter into or be permitted to remain on the premises of a sexually oriented business at any time the sexually oriented business is open for business.
  - f. A sexually oriented business that offers live entertainment shall provide:

- (1) A dressing area for performers that has direct access to and from the dressing area and the performance area or stage so that the performer may enter the performance area or stage without entering the area from which the patrons view the performance. The dressing area must be separate from, and not freely accessible to, areas of the business to which patrons or customers have ready access, and must contain hot and cold running water, toilet facilities, and must also be handicap accessible to the extent required by the American with Disabilities Act, as amended.
  - (2) A performance area or stage that is at least twelve (12) inches above the area from which patrons view the performance.
  - (3) Signs must be posted on both that notify patrons of the sexually oriented business that contact between the patrons and any employee, owner, independent contractor, or performer who displays specified anatomical areas or who performs specified sexual activities is prohibited. At a minimum, two (2) such signs must be displayed on the premises of the sexually oriented business. The required sign must be situated in the area of the sexually oriented business in which patrons are admitted and in which patrons are served beverages, if any. The signs must be at least twenty-four (24) inches by thirty-six (36) inches in size, and contain the following notice:

**"NOTICE: Physical contact between patrons and performers who display specified anatomical areas or who perform specified sexual activities is prohibited by Ordinance of the Village of Fowler. Violators will be prosecuted."**

This notice must be printed in bold face types that is at least twenty-four (24) point in lettering size.
- g. An employee, owner, independent contractor, or performer of any kind who displays specified anatomical areas or performs specified sexual activities shall not have any physical contact with a patron of the sexually oriented business in regards to, or the receipt of, tips or gratuities. Physical contact with patron includes, but is not limited to, any contact between the employee, owner, independent contractor, or performer of the sexually oriented business and a patron in which the patron touches any part of the employee's, owner's, independent contractor's, or performer's body, or if the patron causes something in his or her direct control to touch any part of the employee's, owner's, independent contractor's, or performer's body.
  - h. A sexually oriented business shall meet all local, state, and federal building code requirements. A sexually oriented business shall only be located in the Village as provided for by the Village Zoning Ordinance.
  - i. An operator of a sexually oriented business shall permit the Village Zoning Administrator and his/her agents, including any law enforcement official or building inspector, to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the

requirements of this Ordinance, of any other Village ordinances, or of any other law or regulation.

- j. No employee, owner, independent contractor, or performer shall engage in any act of public nudity, unless that person is in or on the performance area or stage area.
- k. No patrons shall be permitted to engage in any act of public nudity.
- l. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
- m. No adult use shall be open for business prior to ten (10) a.m., nor after eleven (11) p.m. However, employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, clean-up, preparation, record keeping, and similar purposes.

**C. Automobile wash establishment, either self-serve or automatic.**

- 1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. Such vehicle stacking space shall be equivalent to five (5) times the wash capacity. Wash capacity shall be determined by dividing the length of the mechanical wash/dry machinery by twenty five (25) feet. No less than twelve (12) stacking spaces shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance to the wash. At least two (2) stacking spaces shall be provided at the exits of both self-serve and automatic car washes.
- 2. Vacuuming activities, if outdoors, shall be at least three hundred (300) feet from any residential use or district property line. Wash bays for self-service establishments shall be located at least one hundred fifty (150) feet from any residential use or district property line.
- 3. Should self-service wash bays be located with openings facing an adjacent street, they shall be screened and continuously maintained in good condition.
- 4. Only one (1) access driveway shall be permitted on any single street. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.
- 5. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

**D. Banks, credit unions and savings and loans with drive-through facilities.**

- 1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of three (3) stacking spaces for each outdoor service station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular

circulation and egress from the property by vehicles not using the drive-through portion of the facility.

2. Parking areas shall have side and rear yard setbacks of at least ten (10) feet.
3. Public access to the site shall be located at least fifty (50) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
4. Where parking and maneuvering areas directly abut a Residential District or use they shall be fenced and screened from view by a decorative fence or wall, or a landscaped equivalent.
5. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

#### **E. Bed and breakfasts**

1. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
2. The facility shall be in compliance with all applicable State licensing requirements.
3. Such uses shall only be established in a detached single family dwelling.
4. Parking shall be located to minimize negative effects on adjacent properties.
5. The total number of guest rooms in the establishment shall not exceed five (5).
6. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.
7. The establishment shall contain the principal residence of the operator.
8. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.
9. Meals prepared for commercial use may only be served to overnight guests.

#### **F. Building material suppliers**

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. The Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
4. The lot area used for parking, display or storage shall be a paved surface and shall be properly graded and drained so as to dispose of all surface water.

#### **G. Cemeteries**

1. A cemetery is a privately or publicly owned property which provides perpetual care of grounds used solely for the interment of human beings or customary household pets.
2. Cemeteries shall be established in compliance with Public Act 368 of 1978, as amended, MCLA 333.1101 et seq., Public Act 88 of 1875, as amended MCLA 128.111 et seq., and other applicable state laws.



3. Minimum property size shall be 10 acres.

#### **H. Churches, synagogues and other similar places of worship**

1. Minimum lot width shall be one hundred fifty (150) feet.
2. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the District, an additional (to the minimum setback) foot of front, side and rear yard setback shall be provided.
3. Lighting shall be prevented from spilling onto adjacent residential uses.

#### **I. Commercial storage warehouses.**

1. Minimum lot area shall be two (2) acres.
2. An office for security personnel or operator may be permitted on the premises.
3. Parking and circulation:
  - a. One parking space shall be provided for each ten (10) storage cubicles, and shall be equally distributed throughout the site. One (1) additional parking space per twenty (20) storage cubicles, up to a maximum of ten (10) spaces, shall be located adjacent to the rental office for the use of customers.
  - b. Two (2) parking spaces shall also be required for the security or operator's office located on the premises.
  - c. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

#### **J. Composting centers**

1. The applicant shall submit an Impact Assessment describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.
2. The site plan shall clearly illustrate the layout of the composting operation, including: buildings, staging area, parking, on-site truck maneuvering (truck turning radii shall be illustrated), curing area, landscape buffers, sales area and fencing.
3. Commercial composting operations shall be at least five hundred (500) feet from any residential district.
4. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.
5. The applicant shall use acceptable methods for control of odors.
6. A landscaped major buffer, as described in Chapter 13 shall be provided on all sides adjacent to a residential district. A landscaped minor buffer zone shall be provided on all other sides unless specifically exempted by the Planning Commission in consideration of adjacent uses and topographic features.
7. Access shall be provided solely on Class A truck routes.
8. Any materials stored or used on the premises that are not being composted shall meet the standards of the outdoor storage yards Section 12.6.U.

#### **K. Day care, group homes**

1. Off-street parking shall be provided for employees of the facility. Client pickup and drop off areas shall be located in a manner that vehicles do not stop in the travel lane of the adjacent roadway and vehicles are not required to back into the roadway.
2. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
3. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client making up the licensed capacity of the facility.
4. The outdoor recreation area shall be fenced and screened from any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
5. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.

**L. Funeral home or mortuary**

1. Minimum lot area shall be one (1) acre with a minimum width of one hundred and fifty (150) feet.
2. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
3. A caretaker's residence may be provided within the principal building.

**M. Government and community service facilities, emergency services, postal services, museums and libraries**

1. Minimum lot size shall be one (1) acre. The lot shall provide direct vehicular access to a public street.
2. Ingress and egress shall be at least fifty (50) feet from an intersection.
3. Parking areas shall have a minimum front yard setback of twenty (20) feet and side and rear yard setbacks of at least ten (10) feet.
4. All principal buildings or outdoor activity areas shall be set back at least fifty (50) feet from any property line.

**N. Hospitals**

1. The minimum lot area shall be at least two (2) acres and have direct access to a collector street as defined by this Ordinance.
2. The emergency entrance, delivery area, and the refuse disposal container area shall be obscured from the general view.
3. No building shall be any closer than seventy-five (75) feet to any property line or street right-of-way.
4. Safe pedestrian movement shall be provided within the site and onto adjacent street sidewalks, including street crossings.

**O. Hotels and motels**

1. Minimum floor area of each guest unit shall contain not less than two hundred fifty (250) square feet.
2. The minimum lot area shall be twenty-five thousand (25,000) square feet with a minimum width of one hundred (100) feet, provided that there shall be at least five hundred (500) square feet of lot for each lodging unit.
3. The maximum lot coverage of all buildings, including accessory buildings shall not exceed more than thirty-five (35) percent of the lot.
4. All parking areas shall have direct access to a major street as defined by Public Act 51.

**P. Metal and wood stripping establishment.**

1. Minimum lot size shall be two (2) acres.
2. The lot location shall be such that at least one (1) property line abuts a major street. The ingress and egress for all vehicles shall be directly from said thoroughfare.
3. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.
4. Truck parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

**Q. New and used vehicle or farm implement sales including incidental servicing and minor repair**

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. The lot area used for parking shall be paved and the display or storage areas shall be provided with a permanent, durable, and dust controlled surface, and shall be graded and drained so as to dispose of all surface water.
4. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.

**R. Nurseries and greenhouses**

1. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.
2. All loading activities and parking areas shall be provided on the same premises (off-street).
3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
4. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.

**S. Open air businesses.**

1. The lot area used for parking, display, or storage shall be paved, graded and drained so as to dispose of all surface water.
2. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.
3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

**T. Outdoor storage yards.**

1. All outdoor storage shall only be located in the rear or side yard. If located in the side yard, landscape screening at least six (6) feet tall shall be provided to obscure vision from the front yard. All outdoor storage areas shall be fenced with a six (6) foot high chain link fence, screen wall, or equivalent per the requirements of Section 13.2 F, 3-8.
2. All outdoor storage yards shall be provided with a hard surface. Asphalt or concrete is recommended, however, where practical other suitable materials, such as compacted limestone may be approved conditionally by the Planning Commission.
3. Screening of outdoor storage yards shall be provided along all property lines in accordance with the requirements of the Landscape Chapter.
4. Outdoor storage yards shall only be permitted in conjunction with a principal use on the property.
5. All flammable or explosive liquids, solids, or gases shall be stored in a manner as required by law.
6. All outdoor storage shall be maintained in a safe manner.

**U. Private clubs and lodges**

1. No building shall be closer than forty (40) feet to any property line or street right-of-way.
2. No commercial, for profit enterprise shall be permitted to operate on the premises, except that vending machines shall be permitted.

**V. Residential dwelling units, in the same building with commercial uses.**

1. No commercial uses, including storage, shall be located on the same floor of the building as the dwelling unit.
2. Two (2) on-site parking spaces shall be required for each dwelling unit.
3. Principal access to dwelling units shall be from outside of the building.
4. No dwelling unit shall be located on the ground floor of the building.

**W. Restaurants with drive through service**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have side and rear yard setbacks of at least ten (10) feet.
4. Public access to the site shall be located at least fifty (50) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

**X. Shopping centers or shopping malls**

1. The minimum lot area for a shopping center or mall shall be three (3) acres.
2. The site shall have a minimum of three hundred (300) feet of frontage on a collector street, as defined in this Ordinance.
3. No building shall be located closer than one hundred (100) feet to a street right-of-way line.
4. Shopping centers or malls shall be served by public sanitary sewer and water supply.
5. Motor vehicle entrance and exit shall only be from a collector street as defined in this Ordinance.
6. Pedestrian movement between buildings shall be designed without the need to cross drives or parking areas.
7. No building within a shopping center or mall shall have a separate access to a street.
8. Where possible, existing trees and other significant vegetation on the site shall be preserved. Greenbelts, buffer strips, and berms may be required.

**Y. State licensed residential care group facilities**

1. The minimum lot area shall be at least one (1) acre.
2. The proposed site shall have direct access to a major street as defined by Act 51.
3. No building shall be closer than forty (40) feet to any property line or street right-of-way.
4. Off-street parking shall be provided for family members and employees of the facility. Client pickup and drop off areas shall be located in a manner that vehicles do not stop in the travel lane of the adjacent roadway and vehicles are not required to back into the roadway.

5. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
6. The facility shall be in compliance with all applicable State licensing requirements.

#### **Z. Truck terminals**

1. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or any other driveway.
2. Trucks and trailers parked overnight shall be setback from the front lot line a minimum of eighty (80) feet.
3. The principal buildings and structures shall not be located within one hundred and fifty (150) feet from any Residential District or Use.
4. The lot area used for parking, display, or storage shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
5. Any vehicle or equipment stored outside of an enclosed building shall not extend into any Required yard. Other than trailers, no other equipment may be stored or displayed in the front yard. (See definitions for difference between Required Front Yard and the Front Yard).

#### **AA. Vehicle repair and service station**

1. Parking or storage of inoperative vehicles shall be completely surrounded by an opaque fence of not less than six (6) feet in height.
2. A minimum lot frontage of one hundred (100) feet shall be required.
3. In addition to the minimum lot area required by the zoning district in which the use is located, the minimum lot area shall be increased five hundred (500) square feet for each fuel pump unit in excess of four (4) and one thousand (1,000) square feet for each service bay in excess of two (2), and three hundred (300) square feet for each parking space intended for the storage of inoperative vehicles.
4. All buildings and accessory structures including gasoline pumps shall be setback at least fifty (50) feet from any lot line or street right-of-way.
5. All equipment including hydraulic hoist, pits, and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building. There shall be no outdoor storage of merchandise such as tires, lubricants and other accessory equipment.
6. All activities, except those required to be performed at the fuel pump, shall be carried on within a building.
7. There shall be no above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gases. In ground storage of flammable liquids shall be in non-metallic containers, pressure tested under the supervision of the Zoning Administrator or appointed designee and annually approved thereafter by the applicable State agency.

**BB. Veterinary hospital, clinic or indoor kennel**

1. Outdoor areas in which animals are kept, such as runs, pens, and/or exercise areas shall not be located nearer than one hundred (100) feet to any residential district and shall not be located within any required yard .
2. Outdoor runs, pens, and/or exercise areas that face residential districts shall be screened with a six (6) foot high fence. Suitable shade, including some natural vegetation shall be provided around these outdoor areas.
3. All indoor and outdoor hospital and clinic areas, runs, pens, and/or exercise areas shall be daily maintained, including the removal of animal waste.