



**VILLAGE OF VICKSBURG
KALAMAZOO COUNTY, MICHIGAN**

NOTICE OF PUBLIC HEARING

TO RESIDENTS AND PROPERTY OWNERS OF THE VILLAGE OF VICKSBURG, KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Village Council for the Village of Vicksburg will conduct a public hearing for the purpose of amending the following ordinances on **Tuesday, May 24, 2016 at 7:00 p.m.** at the **Vicksburg Community Center, 101 S Main St.** , Vicksburg, MI 49097.

If you are unable to attend, written comments may be submitted in lieu of personal appearance by writing to the Village Council at the Vicksburg Village Hall, 126 N Kalamazoo Avenue, Vicksburg, MI 49097. All materials related to these requests may be examined at the Village Hall during normal business hours.

The Village of Vicksburg will provide necessary reasonable auxiliary aids and services at its meetings to individuals with disabilities, such as signors for the hearing impaired and audiotapes of printed materials being considered, upon reasonable notice to the Authority. Individuals with disabilities requiring auxiliary aids or services should contact the Vicksburg Village office as designed below:

Village of Vicksburg
126 N. Kalamazoo Avenue
Vicksburg, MI 49097
(269) 649-1919
Theresa L Paddock
Village of Vicksburg Clerk

**VILLAGE OF VICKSBURG ORDINANCE NO. 280
AN ORDINANCE AMENDING ORDINANCE # 250 SCREENING,
ZONING, ARTICLE VIII, SECTION 82-716 (b) OF THE
VILLAGE OF VICKSBURG CODE OF ORDINANCES.**

The Village of Vicksburg Ordains:

The Village of Vicksburg has established a minimum standard for property screening. Section VIII Section 82-716 (b) of the Village of Vicksburg Code of Ordinances shall be amended as follows:

ARTICLE VIII SCREENING

Sec. 82-716 (b)

Residential Districts. Fences in residential districts may be located within a side yard or rear yard as those terms are defined in this chapter. Fences must be placed entirely in the confines of a residential lot. No fence shall be located within a required front yard, clear vision corner, or side yard on a corner lot where adjacent lot(s) have front yards facing the same street as the subject

property side yard, without the approval as a special land use by the planning commission, who shall take into consideration the type of materials to be used, effect of the fence on neighboring properties, traffic and pedestrian vision and safety, and any other factor deemed relevant by the commission. All fences shall be installed with the solid (good) side facing away from the parcel with any bracing installed on the inside of the fence toward the parcel. Hedges and fences must be placed entirely within the confines of a residential lot. No hedge, planting, fence, berm or wall shall extend at a height greater than 30 inches along a drive, street, alley, sidewalk, or other vehicular or pedestrian travel way, within 20 feet of an intersection of any two of the above, to create a clear vision corner at the intersection. All hedges or fences in residential districts, except in those areas where commercial and industrial uses occupy land immediately adjacent to a residence or residential district (subsection (a) above), shall be installed at a maximum height of six feet, and maintained in good appearance except as allowed in this section. No fence or wall shall be constructed of materials harmful to residents such as protruding nails, barbs, spikes, nor electrically charged. All hedges and fences shall be installed and maintained with their good sides out away from the property on which they are installed. All hedges and fences which exist prior to the adoption of this section that require repairs and/or maintenance of one-half the installation cost shall comply with the conditions of this section.

Only decorative fences, which shall be 80 percent open uniformly along the length of the fence shall be allowed to be installed in front yard areas at a height greater than 30 inches, but not greater than 49 inches. Decorative fences shall include fences with designs made of wood, plastic, or metal, not including wire or poles.

**VILLAGE OF VICKSBURG ORDINANCE NO. 281
AN ORDINANCE AMENDING ORDINANCE # 113 SITE PLAN REVIEW
ZONING, ARTICLE V, SECTION 82-166 OF THE
VILLAGE OF VICKSBURG CODE OF ORDINANCES.**

ARTICLE V. SITE PLAN REVIEW

Sec. 82-166. Purpose of article.

The intent of this article is to provide for consultation and cooperation between the land developer and the planning commission in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this chapter and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.

(Ord. No. 113, § 8.15, 3-26-76, 5-__-16)

Sec. 82-167. Developments requiring review.

The building inspector shall not issue a building permit for the construction or alteration of the following buildings, structures or uses until a site plan has been reviewed and approved by the planning commission:

- (1) Multiple-family buildings containing four or more dwelling units;

- (2) Mobile home parks.
- (3) Office, commercial or industrial buildings with a total floor area greater than 1500 square feet.
- (4) An increase in the building floor area up to 1,500 square feet or 20% of the existing floor area, whichever is less, based on the cumulative total of the proposed expansion

(Ord. No. 113, § 8.151, 3-26-76, 5-__-16)

Sec. 82-168. Application procedure.

A request for site plan review shall be filed with the village manager and be accompanied by the following:

- (1) *Application.* Three copies of the application for site plan review shall be filled out completely and returned to the village manager's office.
- (2) *Fee.* A review fee, the schedule of which shall be determined by the village council, will be paid by the applicant to cover the cost of processing the site plan.
- (3) *Site plan Requirements.* The following information must be included on all Site Plans submitted for review.

General

- a. Two (2) sets of plan documents on uniform sheets no greater than 30"x42" and seven (7) 18" x 24" reproductions of the plan.
- b. It shall be of a scale not greater than one inch equals 20 feet nor smaller than one inch equals 200 feet and of such accuracy that the planning commission can readily interpret the plan.
- c. All plans shall be accurately scaled with an appropriate descriptive legend, and a north arrow oriented to the top of the sheet.
- d. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
- e. It shall identify subject property by lot lines and location, including dimensions, angles and parcel size, correlated with the legal description of the property.
- f. It shall show the name, address and phone number of the property owner and applicant.
- g. It shall show the professional seal, signature, address and telephone number of the firms/professionals involved with the preparation of the site plan.

Location

- a. It shall show the existing and proposed topography in at least two-foot contour intervals including natural features such as woodlots, streams, rivers, lakes, drains and similar features.
- b. It shall show existing manmade features on, and within 100 feet of the site, such as buildings, structures, high tension towers, pipe lines, existing utilities such as water and sewer lines, etc., excavations, bridges, culverts, drains and easements and shall identify the existing uses and zoning of adjacent properties.
- c. It shall identify any buildings or structures to be demolished on the site.
- d. It shall show the building location including front, side and rear setbacks, proposed finished floor and grade line elevations, size of proposed main and accessory buildings, their relation to one another and to any existing structures on the site, the height of all buildings and square footage of floor space.
- e. Site plans for multiple-family residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
- f. It shall show the proposed streets, driveways, sidewalks, bike paths and other vehicular and pedestrian circulation features within the properties adjacent to the site.
- g. It shall show access, both pedestrian and vehicular, showing approach type, dimensions, materials, radii on curb returns and points of ingress and egress.
- h. It shall show the location, typical size and number of standard and handicap parking spaces in the off-street parking areas and the identification and dimension of service lanes, service parking and loading and unloading areas.
- i. It shall show location of refuse area and proposed screening.
- j. It shall show the location, height, type and wattage of proposed lighting fixtures, structures or poles.
- k. It shall show the location size and height of existing and proposed signs.
- l. It shall show the proposed location, use, and size of open spaces and the location, type and height of any landscaping, screening, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
- m. It shall show location of proposed storm water structures and systems.
- n. Any other information deemed necessary by the planning commission.

Calculations

- a. Gross area of site.
- b. Net area of open space exclusive of buildings, parking areas, drives and other developed areas
- c. Number of parking spaces required by ordinance
- d. Number of parking spaces provided
- e. Net useable floor area.

(Ord. No. 113, § 8.152, 3-26-76, 5-__-16)

Sec. 82-169. Action on site plan.

(a) The disposition of all site plans shall be the responsibility of the planning commission.

(b) The village manager shall transmit the completed application to the chairman of the planning commission or zoning board of appeals who shall place it on the agenda of the commission.

(c) The applicant will receive a written notice stating the date, time and place that his application will be reviewed.

(d) Approval or disapproval of the site plan shall be issued within 60 days of receipt of the application. All provisions of applicable ordinances must be met and also any special conditions or requirements imposed by the planning commission must be incorporated into the plan before the issuance of a building permit.

(e) Site plan approval shall be valid for one year from and after the date of approval.

(1) Extension. Upon written request, one extension of six months may be granted by the body that approved the sketch plan or final site plan for good cause shown if a request for an extension is submitted prior to the expiration of the permit pursuant to expiration.

(Ord. No. 113, § 8.153, 3-26-76, 5-__-16)

Sec. 82-170. Criteria.

The site plan shall be approved by the planning commission upon finding that:

- (1) The proposed use will be compatible with the surrounding neighborhood development. The provision for fencing, walls, and/or landscaping may be required as a screening device to minimize adverse effects upon the surrounding development.
- (2) There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas so as to ensure the safety and convenience of pedestrian and vehicular traffic.
- (3) Any possible adverse effects resulting from the locations of buildings and

accessory structures will be minimized to the occupants of that use and the occupants of adjacent properties.

- (4) The proper development of roads, easements and public utilities has been provided to protect the general health, safety and welfare of the community.
- (5) The development proposed in the site plan is harmonious with, and not harmful or injurious to existing and planned future uses in the immediate area. The proposed development will be coordinated with improvements serving the subject property and with the other developments in the vicinity.
- (6) Exterior lighting proposed in the site plan complies with applicable Village regulations. Exterior lighting is arranged so it is deflected away from adjacent properties and it does not impede the vision of traffic along adjacent streets.
- (7) Signage proposed in the site plan complies with applicable Village regulations, and is generally complementary with surrounding signage and does not impede adjacent traffic operations.
- (8) The number and dimensions of off-street parking and loading/unloading spaces, and the design of parking and loading areas, comply with the requirements of Article X: Off-Street Parking. The site provides barrier free parking and access in compliance with all applicable Federal, State and Village regulations.
- (9) The proposed project, the structure itself, and all proposed uses of the establishment must comply with all regulations implemented by the Village Council for the areas within the Vicksburg Central Shopping Overlay District and/or the Vicksburg Downtown Development Authority boundaries.

(Ord. No. 113, § 8.154, 3-26-76, 5-__-16)

Sec. 82-171. Conformity to approved site plan.

- (a) When an applicant receives site plan approval, he must develop the subject property in complete conformity with the approved plan, except as may be modified by the planning commission. Approval of the site plan shall be valid for a period of one year. If a building permit has not been obtained and the onsite development was not begun within one year of the date of approval, the site plan approval shall become void and the developer shall make a new application for approval before proceeding.
- (b) Once approved, the Village Manager may request a performance bond equal to 50 percent of the total cost of the project to ensure conformity with the approved site plan.
- (c) A property that does not conform to the approved plan will be denied a certificate of occupancy until it is brought into conformity with the approved plan.

(Ord. No. 113, § 8.155, 3-26-76, 5-__-16)

Sec. 82-172. Amendment or Modification to site plan.

A proposed amendment or modification to a previously approved site plan shall be submitted for review in accordance with the procedures of this article and may be approved by

the reviewing body, subject to its conformance with all applicable requirements of this chapter.

Modification of Final Site Plan During Construction. It shall be the responsibility of the applicant to notify the Village if changes to the site plan are made during construction. If they constitute minor deviations, they are subject to review and approval, approval with conditions or disapproval by the Village Manager and Building Official. If they constitute amendments, they are subject to review and approval, approval with conditions or disapproval by the Planning Commission.

Minor Deviations.

Minor deviations from a site plan may be approved by the Village Manager and Building Official. All minor deviations shall comply with the minimum requirements of this Ordinance. All other modifications shall be considered amendments and shall be reviewed and approved by the Planning Commission in accordance with all requirements of this chapter.

Minor deviations may/shall consist of:

- a) Minor Variations in Layout. Minor variations in the design layout of the development.
- b) Residential Floor Area. An increase or decrease in residential floor area of 5% or less of the site plan
- c) Nonresidential Floor Area. An increase or decrease in commercial, industrial, institutional, semi-public, organizational and other nonresidential floor area of 5% or less of the site plan.
- d) Finished Grades or Heights of Landscape or Screening Berms. Increases or decreases from the planned finished grades or heights of landscape or screening berms within two feet.
- e) Trees, Shrubs, Ground Cover. Changes in the species, sizes of specimens or spacing of required trees, shrubs, or the type of ground cover to be used as designated on the site plan.
- f) Finished Surface. Changes in the type of finished surface of walks, roads, drives, parking lots and loading and unloading paved areas.
- g) Height. Increases in the height of buildings or structures by less than 10%.
- h) Walls, Fencing, or Screening. Increases or decreases of the length or height of walls, fencing or screening by 20% or less.
- i) Accessory Uses. Additions or deletions of permitted accessory uses to the approved principal uses designated on the site plan.
- j) Right-of-Ways and Public or Private Easements. Additions, deletions or

relocations of right-of-ways and public or private easements or adjustments to accommodate essential services for the proposed development or developments on adjacent properties.

k) Changes Due to Unforeseen Natural or Environmental Conditions or Natural or Constructed Features. Additions to accommodate changes due to unforeseen natural or environmental conditions or natural or constructed features e.g. underground water or geological features, existing structures and improvements and items of historical or other significance.

Amendments

A Site Plan may be amended only in accordance with the procedures and standards established for its original approval.

(Ord. No. 113, § 8.156, 5-__-16)

Secs. 82-173--82-200. Reserved.