

**VILLAGE OF SPARTA  
PLANNING COMMISSION  
Regular Meeting  
June 3, 2024 @ 7:00 PM  
75 N. Union St. (Sparta Civic Center)**

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) MINUTES
  - a. *Approve Regular Planning Commission Meeting Minutes of May 6, 2024*
- 4) ADDITIONS OR CORRECTIONS TO THE AGENDA – APPROVAL OF AGENDA
- 5) PUBLIC COMMENT ON AGENDA ITEMS
- 6) COMMUNICATIONS –
- 7) PUBLIC HEARING –
  - a. Ord. 24-02 An ordinance to amend – Chapter 82 Zoning: Multiple Sections
- 8) NEW BUSINESS –
  - a. Ord. 24-02 An ordinance to amend – Chapter 82 Zoning: Multiple Sections
- 9) UNFINISHED BUSINESS –
  - a. None.
- 10) PUBLIC COMMENT
- 11) VILLAGE MANAGER REPORT
- 12) COMMISSION COMMENT
- 13) ADJOURNMENT



**VILLAGE OF SPARTA  
PLANNING COMMISSION  
Regular Meeting  
May 6, 2024, 7:00pm  
75 N. Union St. (Sparta Civic Center)**

**Present:** Chairman Emilie Henry, Commissioners Jon Braybrook, Robert Carlstrom, Rose Frederick, Bob Liscombe, Gary Moody, Christina Owens, and Robert Whalen.

**Absent:** Jon Braybrook

**Also present:** Village Manager Jim Lower and Village Clerk Katy Shelton.

- 1) **CALL TO ORDER:** The meeting was called to order at 7:00pm. The Pledge of Allegiance was recited.
- 2) **ROLL CALL:** Formal roll call was taken. Those in attendance/absent are noted above.
- 3) **MINUTES:**
  - a. Approve Regular Planning Commission Meeting Minutes of April 1, 2024: Motion to approve by Carlstrom with a second by Frederick. Motion passed unanimously.
- 4) **ADDITIONS OR CORRECTIONS TO THE AGENDA – APPROVAL OF AGENDA:** No additions or corrections. Motion to approve by Moody with a second by Liscombe. Motion passed unanimously.
- 5) **PUBLIC COMMENT ON AGENDA ITEMS:**
  - a. None.
- 6) **COMMUNICATIONS:**
  - a. None.
- 7) **PUBLIC HEARING:**
  - a. **Ordinance 24-01: An ordinance to amend – Chapter 82 Zoning: Zoning Map Special Land Use Application.** Public hearing opened at 7:02pm. No public comment. Public hearing closed at 7:03pm.
  - b. **Special Land Use Application – 1055 13 Mile Rd. Vehicle Sales Dealership.** Public hearing opened at 7:04pm. This business will be a vehicle sales dealership (tractors, boats, etc.) as well as a car wash for its own equipment. Per the Village Manager, assuming the rezoning is

approved, this project needs a special use permit. No public comment.  
Public hearing closed at 7:05pm.

## 8) NEW BUSINESS:

- a. **Ordinance 24-01: An Ordinance to amend – Chapter 82 Zoning: Zoning Map Special Land Use Application.** All annexed property comes into the village with R-1 zoning per local ordinance. The property owner has requested a GC (General Commercial) zoning. This will amend the zoning map from R-1 to GC. Motion by Whalen to approve. Second by Moody. Motion passed unanimously.
- b. **Special Land Use Application – 1055 13 Mile Rd. Vehicle Sales Dealership.** Motion to approve by Moody. Second by Liscombe. Motion passed unanimously.
- c. **Site Plan Review 1055 13 Mile Rd:** This project involves the addition of a paved parking area and the construction of a new building on property that was recently annexed into the Village. The owner plans to operate a vehicle sales business on the property if everything is approved. Scott Olin from Land & Resource Consulting was present to discuss the project and answer questions. The storm water portion of the project is almost complete, and the Village engineers have approved the plan. It was asked if the north side of the new building needs to look like the other three sides. The consensus was yes – all four sides need to have a similar brick and stone appearance. Contingent upon staff signoff on the stormwater plan and architecture plan, motion by Moody to approve the site plan with a second by Frederick. Motion passed unanimously.
- d. **Zoning Ordinance Update Rough Draft:** Village Manager Lower discussed this. He said that 95% of what is in the rough draft is what was discussed during the discussions on the Village Master Plan. There are a couple of additions/changes that the Village Council previously discussed. He said that the Village did get a grant to cover some of the costs of this revision of the zoning ordinance which would cover attorney fees, mailing costs, and some of the staff time needed for the revision. He said that the final draft should be ready in June. The consensus of the Council was to move forward with the rough draft.

## 9. Unfinished business:

- a. None.

## 10. Public comment:

- a. None.

**11. Village Manager Report:** Village Manager Lower said that the new day care is very close to opening. It is only waiting for the state fire marshal to approve the building, which is dependent upon scheduling, He said that the resurfacing of State St on the south side of Division went well, and that the north side is scheduled to be resurfaced next year. He said that the railroad depot on the north side of the Village will be moving into the space previously occupied by the shipping containers. It will be reconfigured to include a museum and public restrooms.

**12. Commissioners Comment:** Commissioner Liscombe asked about the bond for the proposed new Village Civic Center. This building will contain the DPW garage, a village hall, and a public meeting space which will all be connected to the existing police department. The Village Manager said that the plans for the project are being finalized. Commissioner Moody thanked the Village Manager for all of his hard work.

**13. Adjournment:** Meeting was adjourned by Chairman Henry at 7:53pm.

Submitted by Katy Shelton, Village Clerk.



Bloom Sluggett, PC  
Counselors & Attorneys

**Memorandum**

TO: Jim Lower, Village Manager  
FROM: Toby Koenig  
DATE: May 2, 2024  
RE: Village of Sparta – Draft of Proposed Revisions to the Zoning Ordinance

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The purpose of this memorandum is to outline what is included in the May 2, 2024 draft of the revisions that you requested we make to the zoning ordinance. Importantly, the May 2, 2024 draft is in draft form and is subject to final legal review and any necessary legal revisions and/or editing. Moreover, these proposed revisions are substantial changes to the current zoning ordinance. Neither the draft revisions nor this memo purport to take any position on whether the proposed changes should be approved as that is a policy question left to the discretion of the Village Council. Additionally, to the extent the Village works with a municipal planner, we typically recommend that such revisions be submitted to the planner for review and comment.

As set forth below, the draft revision is set forth in draft ordinance format in that there are separate sections that modify, amend, add to, or repeal provisions of the zoning code. The text of the draft is in redlined format with language that is to be deleted or removed in strikethrough text with language to be added in red text that is underlined and in bold font. The following is a summary of the content of each of the substantive sections.

**Section 1:** Amends Article II, Sec. 82-43 entitled “Definitions, “A”” to add a definition for “Accessory Dwelling Unit.”

**Section 2:** Amends Article II, Sec. 82-52 entitled “Definitions, ‘L’” to add a definition of “Living Area.”

**Section 3:** Amends Article III, Sec. 82-103:

- Amends subparagraph (a)(5) to provide that accessory buildings are not to be occupied for dwelling purposes unless otherwise provided in this article.
- Adds subparagraph (a)(7) to allow raised garden beds without an accessory use permit.
- Adds subparagraph (e) to permit rooftop solar panels in all zoning districts and to provide standards and regulations for rooftop solar panels.
- Adds subparagraph (f) to provide that Accessory Dwelling Units (ADUs) are permitted by right in all residential districts subject to the requirements of new Section 82-132.

**Section 4:** Amends Article III, Division 1, Sec. 82-112 entitled “Fences and Walls,” by revising fence height for side and rear yards from six to eight feet. Amends subparagraph (d) and adds (e) regarding materials and construction of fences to provide greater options in fencing construction. This section also revises wording in subparagraph (h) to reflect the new business district.

**Section 5:** Amends Article III, Div. 1, Sec. 82-130, entitled “storage of recreational vehicles and equipment,” to provide that the section applies to RVs, boats, equipment, and other motorized vehicles and amends regulations to allow these items to be parked in driveways provided that they are currently licensed with up-to-date registration plates as required by the Michigan Secretary of State, and to require that such vehicles are maintained in good operational order to prevent deterioration. Adds language to subparagraph (a)(5) to provide that storage of junk/wrecked vehicles is prohibited in accord with Chapter 26, Art. III of the Village Code.

**Section 6:** Amends Article III, Div. 1, to add Sec. 82-132 entitled “Accessory Dwelling Units” to provide rules and regulations to permit ADUs in residential districts.

**Section 7.** Amends Article III, Div. 2, Sec. 82-151 entitled “Establishment of districts,” to replace the R-1, R-2, R-3, R-4 districts with the new R-M and R-H districts. Replaces O/NC, GC and LI districts with the new B-district.

**Section 8.** Amends Art. III, Div 2, Sec. 82-156 entitled “Zoning of annexed areas,” to replace the R-1 language with “R-M” language.

**Section 9.** Amends Article III, Div.3, entitled “R-1 Single Family Residential District” as follows:

- Replaces R-1 district with R-M—Medium Density Residential District, which is a district combining the former R-1 and R-2 districts.
- Revises Sec. 82-171 “Intent and purpose” to mirror what was previously in R-2, and to specifically provide that duplexes and triplexes are permitted in the new district.
- Revises 82-172 “Permitted uses,” to move all permitted uses in R-1 and R-2 and 4 of 9 special land uses into the R-M permitted uses. Adds ADUs as permitted use, adds rooftop solar as a permitted use with an accessory use permit.
- Revises Sec. 82-173, “Special land uses,” to leave only five uses that are special land uses.
- Revises Sec. 82-174, “Site development requirements”
  - Lot dimensions to match R-2.
  - Lot coverage increased to 70%
  - Revises accessory building regulations to permit 1 or 2 accessory buildings not exceeding a combined 2,000 sq. ft. on lots under five acres. Five or more acres remain the same.

**Section 10:** Amends Art. III, Div. 4, entitled “R-2 Single Family Residential District”:



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- Replaces former R-2 District with R-H District, which combines former R-3 and R-4 into new residential high-density district.
- Sec. 82-191, “Intent and purpose” is revised to merge R-3 and mirror current R-4 language.
- Sec. 82-192, “Permitted uses,” is revised to move 4 of 9 special land uses from R-3 and R-4 into permitted use.
- Adds duplexes and triplexes and rooftop solar as permitted uses.
- Sec. 82-193, “Special land uses,” is amended to move 4 of 9 R-3 and R-4 SLUs into permitted uses, adds manufactured home parks from R-4 into special land use section.
- Sec. 82-194, “Site development requirements,”
  - Adopts R-2 lot requirements for the R-H district.
  - Increases maximum lot coverage to 70%.
  - Adopts minimum dwelling unit size from R-4 (960 sq. ft).
  - Accessory building regulations align with R-M district except for lots over 5-acres, which will have 4,000 square foot minimum for accessory buildings.
  - Revises minimum lot area requirements for multi-family units to provide that multi-family units shall not exceed a gross density of 10 units per acre (minimum lot size 30,000 square feet).
  - Revises minimum unit size for multi-family dwelling units to allow efficiency apartments and smaller one and two bedroom apartments.

**Section 11:** Repeals all provisions of Article III, Division 5 entitled “R-3 Single and Two-Family Residential District,” as these provisions were merged into the R-H district. Division 5 will be reserved for future use.

**Section 12:** Repeals all provisions of Article III, Div. 6, entitled “R-4 Single, Two-Family, and Multiple Family Residential District,” and reserves Division 6 for future use. R-4 was merged into the R-H district.

**Section 13:** Amends Article III, Div. 7 entitled “O-Office District”:

- Replaces O-District with new B-Business District, which combines former Office, General Commercial and Light Industrial districts into one district.
- Retitles Division 7 as “B-Business District.”
- Amends Sec. 82-251 “Intent and Purpose” by synthesizing intent and purpose language from O, GC, and LI districts.
- Sec. 82-252, “Permitted uses,”
  - Combines all permitted uses from O, GC, and LI districts into 82-252 permitted uses.
  - Adds rooftop solar with accessory use permit.
- Sec. 82-253. “Special land uses,”

- Apart from buildings accessory to an SLU, moves all SLUs from O-District and GC-District and 8 SLUs from LI District into B-District permitted uses.
- Sec. 82-254, “Site development requirements,” modifies site development requirements to eliminate many requirements that are in the O-District; keeps site requirements from G-C district that will be applicable in the B-District, but simplifies some to incorporate some relevant LI site requirements. Modifies setbacks, height, area, and lot dimensions to mirror most permissive from all three districts. Increases maximum lot coverage to 70%. Site design requirements are modified to provide more flexibility to planning commission in approving site plans. Adopts outdoor storage provisions from LI district.

**Section 14:** Repeals all provisions of Art. III, Div. 8, entitled “GC General Commercial District,” and reserves for future use. The GC-District is merged into the new B-District.

**Section 15:** Repeals Article III, Division 10, entitled “LI Light Industrial District,” as this district is merged into the B-District. Division 10 will be reserved for future use.

**Section 16:** Amends Article IV, Sec. 82-386, which governs standards for issuance of a special land use permit in the residential districts. This section is amended to reflect the deletion of all of the former uses that were special land uses, which are now permitted uses in the residential districts. For the remaining special land uses, this section contains the standards that will govern the issuance of special land use permits in the residential districts.

**Section 17:** Amends Article IV, Section 82-387 governing special land use permits in the nonresidential districts. Removes all former special land uses that are no longer special land uses. For those special land uses that remain, including those applicable only to the CDB district, the special land uses are listed and there are standards for each use.

**Section 18:** Amends Chap. 82, Article VI, Sec. 82-422 entitled “Uses subject to site plan review” to reflect new permitted uses in the R-M, R-H, and B-Districts that are no longer special land uses yet remain subject to site plan review.

**Section 19.** Amends Article VII, Section 82-506 to permit two (2) signs on parcels in the residential districts for uses subject to site plan review by the planning commission—i.e., parcels with private educational institutions, golf courses, religious institutions, bed and breakfasts, and apartment complexes.

Other Notes:

- With respect to the zoning of governmental facilities and public school facilities, Section 82-102 of the current zoning ordinance exempts “government and community service facilities” from the zoning ordinance. This exemption means that village buildings and structures are not subject to the zoning ordinance. Similarly, public school facilities related to a school purpose are, in general, not subject to local zoning requirements under state law.

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- Noxious Weeds. The Sparta Village Code addresses noxious weeds in Code Chapter 78, Article III. If needed, this can be amended in a separate ordinance.
- Sidewalks. The Village Code also addresses sidewalk maintenance and repairs at Chapter 58, Article III. If needed, this can be revised as well.

This memo has been marked “**PRIVILEGED AND CONFIDENTIAL**” and should not be disclosed to anyone other than Village officials unless the Village Council determines to otherwise disclose this memo or portions hereof.



VILLAGE COUNCIL  
VILLAGE OF SPARTA  
KENT COUNTY, MICHIGAN

(Ordinance No. 2024- \_\_)

At a regular meeting of the Village Council for the Village of Sparta held at the Village Hall on \_\_\_\_\_, 2024, and commencing at \_\_: \_\_ p.m., the following Ordinance was offered for adoption by Council Member \_\_\_\_\_ and was seconded by Council Member \_\_\_\_\_:

**AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE II, SECTIONS 82-43, 82-46, AND 82-52; TO AMEND CHAPTER 82, ARTICLE III, SECTIONS 82-103, 82-112, 82-130; TO ADD SECTION 82-132; TO AMEND CHAPTER 82, ARTICLE III, SECTIONS 82-151 AND 82-156; TO AMEND CHAPTER 82, ARTICLE III, DIVISION 3; TO AMEND CHAPTER 82, ARTICLE III, DIVISION 4; TO REPEAL CHAPTER 82, ARTICLE III, DIVISION 5; TO REPEAL CHAPTER 82, ARTICLE III, DIVISION 6; TO AMEND CHAPTER 82, ARTICLE III, DIVISION 7; TO REPEAL CHAPTER 82, ARTICLE III, DIVISION 8; TO REPEAL CHAPTER 82, ARTICLE III, DIVISION 10; TO AMEND CHAPTER 82, ARTICLE IV, SECTIONS 82-386 AND 82-387; TO AMEND CHAPTER 82, ARTICLE V, SECTION 82-422; TO AMEND CHAPTER 82, ARTICLE VII, SECTION 82-506; TO AMEND CHAPTER 82, ARTICLE IX, SECTION 82-588 OF THE SPARTA VILLAGE CODE; AND TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF SPARTA ACCORDINGLY.**

THE VILLAGE OF SPARTA (the “Village”) ORDAINS:

**Section 1**      **Amendment.** That Chapter 82, Article II, Section 82-43 of the Sparta Village Code is hereby amended to add the following definition of “accessory dwelling unit”:

***Accessory Dwelling Unit (ADU) – An ADU is a small or secondary residential living unit on the same parcel as a single-family dwelling or a multifamily structure in a residential zoning district. As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and sleeping area. The ADU may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded, new or remodeled single-family unit or a unit in a multifamily dwelling.***

**Section 2: Amendment.** That Chapter 82, Article II, Section 82-46 of the Sparta Village Code is hereby amended to read in its entirety as follows:

**Sec. 82-46. Definitions “D.”**

*Day care:*

- (1) *Commercial:* A facility, other than a private residence, receiving minor children for care for periods of less than 24 hours in a day, for more than two weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered commercial day care.
- (2) *Family:* An occupied single-family residence in which care is provided for more than one but fewer than seven minor children or adults for periods of less than 24 hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.
- (3) *Group:* An occupied single-family residence in which care is provided for at least seven but not more than 12 minor children or adults for periods of less than 24 hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

*Demolition:* The purposeful razing or destruction, or disassembly of a building or structure.

*Density:* The number of dwelling units per unit of lot area (see *Lot area*).

- (1) *Gross:* A figure equaling the total number of dwelling units on a lot divided by the total number of acres included in the lot.
- (2) *Net:* A figure which equaling the total number of dwelling units on a lot divided by the total number of acres included in the lot, excluding any lot area owned by a governmental entity, used as a private street or occupied by a nonresidential use.

*Development:* The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; and mining, excavation, landfilling or land disturbance, and any extension of an existing use of land.

*Development permit:* A permit issued to a person proposing a development that is regulated by this chapter, which indicates compliance with the chapter.

*Disturbed land:* A parcel of land that is graded, filled, excavated or mined or stripped of its natural vegetative cover or grass for a purpose other than agriculture land use.

*Drive-through service:* A business establishment with driveways and approaches developed and designed to serve patrons while in the motor vehicle, or to permit patron self-service within motor vehicles, even though the establishment may have some indoor services. Establishments where food or beverages are consumed on the premises but not within a building are construed as having drive-through service. An automated teller machine (ATM) shall also be considered as a drive-through facility whether as a principal or accessory use.

*Driveway:* A private path of travel over which a vehicle may be driven which provides access from one or two parcels of land to a public or private road.

*District:*

- (1) *Nonresidential:* The **B-D Business District and the NC Neighborhood Commercial District, GC General Commercial District, CBD Central Business District, LI Light Industrial District.**
- (2) *Residential:* The ~~R-1 Single Family Residential District, R-2 Single Family Residential District, R-3 Single and Two Family Residential District, and R-4 Single, Two Family, and Multiple Family Residential District.~~ **R-M Medium-Density Residential District and the R-H High-Density Residential District.**
- (3) *Zoning:* An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations, and other appropriate regulations. Also referred to as "district."

*Dwelling:* A detached building or portion thereof designed or used exclusively as the primary residence or sleeping place of one or more persons, not including accessory buildings or structures, either attached or detached. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this chapter and shall comply with the provisions herein relative to dwellings.

- (1) Multiple family: A single building with abutting walls containing more than two residential dwelling units.
- (2) Single-family: A detached building designed for or occupied exclusively by one family.
- (3) Two-family: A detached building designed for or occupied by two families living independently of each other.
- (4) Three-family: A detached building designed for or occupied by three families living independently of each other.**

*Dwelling unit:* A building, or portion thereof, designed exclusively for human occupancy providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. This includes an existing dwelling unit, or a unit for which a building permit has been issued by the village as of the effective date of this section.

**Section 3: Amendment.** That Chapter 82, Article II, Section 82-52 of the Sparta Village Code is hereby amended to add the following definition of "living area":

**Living Area: The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.**

**Section 4: Amendment.** That Chapter 82, Article III, Section 82-103 of the Sparta Village Code is hereby amended to read in its entirety as follows:

**Sec. 82-103. Accessory buildings and structures.**

(a) *General requirements.*

- (1) Accessory buildings and structures located on the same lot and not otherwise regulated by this chapter, shall be permitted subject to the regulations of this section.
- (2) Attached accessory buildings and structures shall be made structurally a part of the main building and shall conform to the site development requirements of the district in which the building or structure is located.
- (3) Detached accessory buildings and structures shall be no closer than ten feet from the main building or structure.
- (4) Accessory buildings and structures in excess of 100 square feet must be designed, constructed, and finished such that the exterior appearance is compatible in terms of materials, color and general construction with that of the principal structure.
- (5) Accessory buildings and structures shall not be occupied for dwelling purposes, **unless otherwise provided in this section.-**
- (6) Height for accessory buildings and structures shall not exceed the accessory structure height requirement of the district it is located in or the primary structure height.
- (7) **Raised garden beds shall not be considered an accessory structure and shall not require an accessory use permit provided that the structure is not located within the public right-of-way, does not otherwise obstruct the view of traffic, does not exceed the height of a permissible fence in the applicable zoning district, and otherwise complies with all other applicable provisions of the village code.**

(b) *Detached accessory buildings and structures, residential districts or uses.*

- (1) Detached accessory buildings and structures shall be located only in the rear yard or side yard. In no case shall a detached accessory building be closer than five feet from any lot line, as measured from the closest point of the building.
- (2) One detached accessory building shall be permitted on a property for a residential district or use as provided in the site development requirements of the district in which the principal use is located.
- (3) One additional detached storage shed shall be permitted for a residential district or use not to exceed 200 square feet in area. A swimming pool and cover structure shall also be permitted on a lot, subject to the requirements of section 82-116 and any other applicable chapter.
- (4) Properties over two acres in size may split the maximum square footage allowed between two detached accessory structures if they meet all other requirements of their zoning district.

(c) *Detached accessory buildings, nonresidential districts or uses.*

- (1) No more than two detached accessory buildings shall be permitted on any lot.
- (2) The total area of all accessory buildings shall not exceed 25 percent of the floor area of the main building(s).
- (3) Detached accessory buildings shall not be located in the front yard, and in no case shall be closer than ~~ten~~ **five** feet from any lot side or rear line.



(4) No detached accessory building shall exceed the permitted height for main buildings in the district in which it is located.

**(5) Shipping containers may be used for outside storage in the B-district provided that, to the greatest extent practicable, such containers shall be obscured from the public view, and meet all of the other requirements for outside storage in the B-district.**

(d) *Wind energy turbines.*

(1) Wind energy turbines located on the same lot as the main building or structure are a permitted accessory use in all zoning districts subject to the requirements of article X of this chapter.

**(e) Rooftop solar energy systems.**

**(1) Rooftop solar energy systems, also referred to as solar panels, located on the same lot as the main building or structure are a permitted accessory use in all zoning districts subject to the requirements in this section.**

**(2) An accessory use permit shall be required for installation of roof-mounted systems.**

**(3) Roof-mounted solar energy systems may include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection, or separate flush mounted solar panels attached to the roof. Such design shall comply with all building code requirements.**

**(4) Mounting and projection.**

**A. Sloped Roofs:**

**i. Solar panels shall be mounted flush (within six inches of the roof surface), shall not project above the peak of the roof, and if integrated solar panels that also serve as the surface layer of the roof structure with no additional apparent change in relief or projection, then not beyond any roof edge.**

**ii. Solar panels shall not be mounted on any roof that is steeper than 11/12 pitch or on the face of any building.**

**iii. Solar panels that are separate flush mounted solar panels attached to the roof shall be set back a minimum of two feet from any roof edge.**

**B. Flat Roofs:**

**i. Solar panels shall not project more than two feet above the roof plane at its highest point on the back edge of any panel. Front edge of the panel shall be no greater than six inches from the roof plane.**

**ii. Solar panels shall be set back a minimum of two feet from any roof edge.**

**iii. Framework and/or hardware used to affix the solar panels that is visible from the edge of the structure must be the same color as the roof underneath so as to minimize the visual impact of the system.**

C. Height. A roof mounted solar energy system shall not be installed in a manner that would exceed the maximum height restrictions applicable for the property.

D. Glare and Screening.

- i. Glare: Glare shall not be generated that would project onto adjacent property; therefore, non-reflectiveness through design, material, or a combination of both, must be demonstrated in the permit application.
- ii. Screening: Vegetative or architectural screening may be required if, in the determination of the Building Official, the roof mounted solar energy system is proposed in a location or manner that is reasonably expected to be negatively impactful in terms of glare, noise, or visual impact to adjacent property owners and the effects can be mitigated by such means.

E. Removal. If a roof-mounted solar energy system ceases to be capable of performing its intended function (generating electricity) for more than six consecutive months, the operator must remove the collectors, mounts, and associated equipment and facilities no later than 90 days after the end of the six-month period. Where the removal has not been lawfully completed as required above, and after at least 30 days' written notice, the Village may remove or secure the removal of the solar energy system or portion thereof, with the Village's actual cost of administrative and legal charges to be placed as a lien on the property.

(f) Accessory Dwelling Units.

- (1) Accessory dwelling units are permitted by right in all residential zoning districts subject to the requirements of Sec. 82-132.

**Section 5:** **Amendment.** That Chapter 82, Article III, Division 1, Section 82-112 of the Sparta Village Code is hereby amended to read in its entirety as follows:

**Sec. 82-112. Fences and walls.**

- (a) *Fences in front yard.* Fences and walls in front yards of all districts shall not exceed four feet in height, and shall be of non-solid construction, such as cyclone fencing, which have openings of at least 75 percent in each square foot of fencing, or wall. Fences or walls located in the front yard must be one foot from the inside edge of the sidewalk or right-of-way line.
- (b) *Fences on corner lot.* On a corner lot which has two front lot lines, fences and walls shall comply with section 82-112(a) unless the secondary front yard meets the requirements of section 82-113. If so the fence shall be allowed to be of solid construction and up to six feet in height. Fences or walls located in the front yard or secondary front yard must be one foot from the inside edge of the sidewalk or right-of-way line.
- (c) *Fences in side yard & rear yard.* Solid walls and fences, and those of open construction, not exceeding ~~six~~ **eight** feet in height are permitted in side and rear yards of all districts, except that unless otherwise permitted, the requirements of section 82-113 shall be met.

- (d) ~~Fencing material shall be all weather, low maintenance, must be wood, vinyl, chain link or similar material.~~ All fences shall be of uniform design, construction and appearance. The method of construction and type of materials and design shall be of a kind normally and customarily associated with the uses permitted in the zoning district in which it is located. All fences shall be sturdily constructed to withstand normal weather conditions and properly maintained so as not to become a visual nuisance, or pose a safety hazard to nearby residents, passerby, or the general public.
- (e) The interior posts of fence shall face property owner and finished side shall face outward toward adjacent property or right-of-way.
- (f) *Prohibited fences.* The following fences are prohibited:
- (1) A fence consisting in whole or part of coils of barbed wire, concertina wire or razor wire;
  - (2) A fence with razored edges, broken glass, affixed spikes, projecting nails or other pointed instruments of any kind or description attached; fence gates shall not be constructed so as to create a hazard to the public by the projection of any pointed instrument or member when open or partially open;
  - (3) A fence charged or connected with an electrical current, provided however, this provision shall not be construed to apply to electrical fences installed below ground as elements of an animal control or security system;
  - (4) A standard barbed wire fence except upon essential service sites or industrial properties which do not abut property zoned or used for residential purposes; in such locations standard barbed wire may be installed on the top of a fence on arms or cradles extending inward over the owner's property provided that the fence has a minimum height of six feet above the adjacent grade and the combined height of the fence and barbed wire and arms does not exceed eight feet above the adjacent grade;
  - (5) A fence which consists in whole or part of woven plastic or other similar materials utilized within a chain link fence; and
  - (6) A fence with all metal (i.e. barn siding, roof material, etc.), opaque paneling.
- (g) *Fences in industrial-business districts.*
- (1) On a lot occupied by a principal structure, no fence may be located within the required front yard.
  - (2) No fence may exceed eight feet in height.
  - (3) All fences should attempt to be decorative in nature and should be wrought iron, wood, brick, stone and similar replications of these materials. However, when abutting residentially zoned and/or used property, and when used to screen parking or outdoor storage areas, the fence shall be constructed of an opaque material.
  - (4) Chain link or similar fencing is permitted everywhere except within the front yard and when abutting residentially zoned and/or used property.
  - (5) No fencing shall be permitted within the clear vision area (see section 82-113).
- (h) *Permit requirements.*

- (1) Prior to the construction of any fence or wall, an application for a permit to construct the fence shall be filed with the village. No fence shall be constructed without first obtaining approval from the zoning administrator.
- (2) The fee for the permit shall be established by village council.

**Section 6:** Amendment. That Chapter 82, Article III, Division 1, Section 82-130 of the Sparta Village Code is hereby amended to read in its entirety as follows:

**Sec. 82-130. Storage of recreational vehicles, boats, and equipment and other motorized vehicles.**

- (a) Recreational vehicles, boats, and equipment, and other motorized vehicles may be located outside of an enclosed building in the driveway of ~~on~~ any lot within a residential district provided that the following requirements are met:
  - (1) Recreational vehicles, boats, and equipment and other motorized vehicles shall ~~not be located within the required front yard or nearer than one foot to a side or rear lot line~~ be currently licensed with up-to-date registered plates as required by the Michigan Secretary of State. Boats shall have an up-to-date license with the Secretary of State and boat trailers shall have a permanent license per state requirements. Recreational vehicles, offroad vehicles, boats, trailers and other trailered camper vehicles shall be operational and maintained in good working order.
  - (2) Notwithstanding the provisions of this section, recreational vehicles and equipment, and other motorized vehicles may be parked within any yard, ~~but not within a required yard,~~ for cleaning, loading, or unloading purposes for not more than 48 hours within any seven-day period. ~~Notwithstanding the provisions of this section, recreational vehicles and equipment may be parked within any improved driveway for not more than 14 days in any 90-day period.~~
  - (3) Recreational vehicles and equipment may be used for living or housekeeping purposes for a period not exceeding 14 days in any calendar year, provided that running water or indoor sewage facilities within the equipment is not utilized.
  - (4) No vehicular display for purpose of sale shall be carried on or permitted upon such premises, except in licensed and approved vehicle sales establishments.
  - (5) Outside parking or storage of recreational vehicles, boats, and equipment, and other motorized vehicles, or commercial vehicles or automobiles which are not used in the operation of the business is prohibited; provided, however, that such provision shall not apply to any equipment or vehicle which is temporarily on the premises for repair or service and which is stored or parked in a designated parking place. No more than one tow truck may be parked in the front or side yards or in the street at an automobile service station location. Outdoor storage of disabled, abandoned, junk, wrecked and/or unlicensed vehicles is prohibited in all districts in accord with Chapter 26, Article III of the village code except for properly licensed junk/scrap yards in the business district with special land use approval. Unless otherwise permitted in this section, ~~Outdoor storage of rubbish and junked equipment or parts is prohibited unless such rubbish, junked equipment or parts are stored adjacent and to the rear of the principal~~

building and are in a fully screened area approved by the village planning commission, and provided, further, that such rubbish and junked equipment or parts shall be removed from the property at least once every week.

- (b) Where physical features of a property, such as, but not limited to, immovable structures or a tree with a diameter of four inches or greater, prohibit recreational vehicles and equipment from being parked in compliance with this section, the owner may apply to the zoning administrator for permission to park the recreational equipment on the lot. This permission shall be granted, provided that the following requirements are met:
- (1) A 20-foot setback shall be maintained from the recreational equipment to the edge of the street pavement or curb; or, if a sidewalk exists, the 20-foot setback shall be measured from the inside edge of the sidewalk.
  - (2) Parking approval, if granted by the zoning administrator, shall be effective for five years following the date of issuance. The zoning administrator may grant additional approvals in accordance with this section.

**Section 7:**     **Addition of new section.** That Chapter 82, Article III, Division 1, Sec. 82-132 of the Sparta Village Code is hereby added to read in its entirety as follows:

**Sec. 82-132. Accessory Dwelling Units.**

**I. General Provisions.**

- (a) Accessory dwelling units (ADU) are a permitted use in all residential zoning districts, subject to issuance of a land use permit issued by the Zoning Administrator and subject to the requirements of this section.**
- (b) A maximum of one (1) accessory dwelling unit is allowed on conforming lots and parcels with a principal single-family, two-family (duplex), or three-family (tri-plex) residential dwelling unit.**
- (c) An accessory dwelling unit may be erected on a lot or parcel with either an existing dwelling or a new dwelling unit.**

**II. Standards.**

- (a) An accessory dwelling unit may be erected on any lot that meets the minimum lot size required for single-family, two-family (duplex), and three family (tri-plex) dwelling units in the residential zoning districts.**
- (b) The principal dwelling unit shall be a residence and shall be owner-occupied.**
- (c) An accessory dwelling unit shall be integrated within or attached to the principal dwelling as an attached accessory dwelling unit or as a separate building as a detached accessory dwelling unit. Mobile homes, shipping containers, and RV/camping units are prohibited from serving as accessory dwelling units.**

(d) No more than two (2) occupants may reside within an accessory dwelling unit.

(e) An accessory dwelling unit may not be rented or leased for less than 30-days at a time.

(f) The setback requirements and lot coverage limitations of this Ordinance shall be met. The creation or conversion of an accessory building that does not comply with principal building setbacks is prohibited.

(g) Attached and detached accessory dwelling units shall retain a residential appearance consistent with the architectural design and building materials of the principal dwelling, including but not limited to roof material, roof type, siding material, and window type and placement.

(h) Unless otherwise provided in this section, the maximum square footage of an accessory dwelling unit shall not exceed 49 percent of the above-grade gross floor area of the principal dwelling or 900 square feet, whichever is greater. Accessory dwelling units located over a garage may be equal to the same square footage as the ground level of the garage.

(i) If there are no public water and/or sewer connections available, well and septic approval by the County Health Department is required. Systems may be shared with the principal system or be separate, contingent upon the approval of the Health Department. Written verification of approval from the Health Department shall be submitted to the Village.

(j) Specific Requirements for Attached Accessory Dwelling Units.

1. An attached accessory dwelling unit located over an attached garage may be served by a single access point, separate from the rest of the principal dwelling.

(k) Specific Requirements for Detached Accessory Dwelling Units.

1. A parcel or lot shall not be divided in a manner that separates a detached accessory dwelling unit and the principal dwelling unit onto separate parcels or lots.

2. A detached accessory dwelling unit shall not be located closer to a front lot line than the principal dwelling. All other side and rear yard setbacks applicable to the primary dwelling unit shall apply to the detached accessory dwelling unit.

3. In the case of a detached accessory dwelling unit over garage space, such as a carriage house, the first-floor garage space shall not count against the maximum square footage applicable to the accessory dwelling unit.



4. The minimum square footage shall be the minimum necessary to comply with applicable building codes.

5. The height of a detached accessory dwelling unit shall not exceed the height of the principal dwelling. However, the height of a detached accessory dwelling unit over garage space may exceed the height of a single-story principal dwelling by 10 feet. The maximum height shall be calculated based on the highest point of the roof compared with the lowest point of ground level at the foundation.

(l) Accessory dwelling units shall not have a separate meter for public utilities, such as electric and gas service, or a separate mailing address. The owner of the principal dwelling shall be responsible for all utility service costs.

(m) An accessory dwelling unit must be properly maintained at all times and may not at any time fall into disrepair such that it detracts from the appearance of the subject property or nearby properties or become a blighted structure.

(n) The lot coverage limits applicable in the residential zoning districts shall apply to the combined lot coverage of both the principal unit and the accessory unit.

(o) No additional off-street parking is required for construction of an accessory dwelling unit. If the construction of the ADU necessitates the removal of an existing off-street parking space, it must be replaced on-site if required by the underlying zoning district.

### III. Permit Application.

(a) Applications for a land use permit for an accessory dwelling unit shall be submitted to the Zoning Administrator.

(b) The Zoning Administrator shall review the application to ensure compliance with this section and all other provisions of the zoning ordinance.

(c) Applicants shall submit copies of the building permit and certification from the county health department that water and sewage disposal facilities are adequate for the projected number of residents.

(d) The Village Council may establish an application fee and may adjust the fee from time to time.

Secs. 82-133-150. Reserved.

**Section 8:** Amendment. That Chapter 82, Article III, Division 2, Section 82-151 of the Sparta Village Code is hereby amended to read in its entirety as follows:

**Sec. 82-151. Establishment of districts.**

For the purposes of this chapter, the Village of Sparta is divided into the following zoning districts:

<del>R-1</del> <b>M</b>	<del>Single Family Residential District</del> <b>Residential Medium Density</b>
<del>R-2</del> <b>H</b>	<del>Single Family Residential District</del> <b>Residential High Density</b>
<del>R-3</del>	<del>Single and Two Family Residential District</del>
<del>R-4</del>	<del>Single Family, Two Family, and Multiple Family Residential District</del>
<del>NC-B</del>	<del>Neighborhood Commercial</del> <b>Business</b> District
<del>GC</del>	<del>General Commercial</del> District
CBD	Central Business District
<del>LI</del>	<del>Light Industrial</del> District
PUD	Planned Unit Development Districts
	Residential PUD
	Mixed Use PUD
	Commercial PUD
	Industrial PUD
	Traditional Neighborhood Development PUD

**Section 9:** Amendment. That Chapter 82, Article III, Division 2, Section 82-156 of the Sparta Village Code is hereby amended to read in its entirety as follows:

**Sec. 82-156. Zoning of annexed areas.**

When property is annexed into the village, the planning commission shall consider the appropriate district classification and shall propose an amendment to this chapter concerning the annexed land to the village council within one year of the effective date of the annexation. In the interim period, the property shall be considered to be in the ~~R-1~~**R-M** district.

**Section 10:** Amendment. That Chapter 82, Article III, Division 3 of the Sparta Village Code is hereby amended to read in its entirety as follows:

DIVISION 3. ~~R-1~~**M** ~~SINGLE FAMILY MEDIUM DENSITY~~ RESIDENTIAL DISTRICT

**Sec. 82-171. Intent and purpose.**

The ~~R-1~~**M** district is intended to provide for stable, ~~low~~ **moderate** density **residential** areas by ensuring compatible residential density, encouraging a safe environment for family life, and protecting these areas from undesirable land uses. The purpose of this district is to preserve the character, amenities and property values associated with ~~low~~**moderate**-density residential development. This district allows for primarily single-family homes, **two-family homes, and three-family homes** but may allow, in a limited number of cases, other uses compatible with single, **two, and three--**family residential and supportive of cohesive residential neighborhoods such as parks and public service facilities/buildings.



### Sec. 82-172. Permitted uses.

In the R-~~M~~<sup>+</sup> district no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this division:

- (1) Parks and playgrounds.
- (2) Single-family detached dwellings, including home occupations, meeting the requirements of section 82-123, Home occupations.
- (3) Two-family dwellings, including home occupations, meeting the requirements of section 82-123, Home occupations.**
- (4) Three family dwellings, including home occupations, meeting the requirements of section 82-123, Home occupations.**
- ~~(3)~~**(5)** State licensed residential care family facilities.
- ~~(4)~~**(6)** Family day care facilities.
- ~~(5)~~**(7)** Accessory buildings, **structures**, and uses, meeting the requirements of section 82-103, Accessory buildings and structures.
- (8) Accessory dwelling units, meeting the requirements of Sec. 82-132, accessory dwelling units.**
- (9) Private educational institutions.**
- (10) Golf courses and country clubs, including related uses, such as snack bars, small retail shows selling goods directly related to the primary use, and other similar uses integral to the main use.**
- (11) Religious institutions.**
- (12) Bed and breakfast accommodations.**
- (13) Rooftop solar panels with an accessory use permit in accordance with Sec. 82-103.**

### Sec. 82-173. Special land uses.

Land and/or buildings in the R-~~M~~<sup>+</sup> district may be used for the following purposes when approved by the village council in accordance with the requirements of article IV, special land uses:

- (1) Campgrounds.
- (2) Private cemeteries.
- ~~(3) Private educational institutions.~~
- ~~(4) Golf courses and country clubs, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.~~
- ~~(5)~~**(3)** Public utility structures.
- ~~(6) Religious institutions.~~

~~(7)(4)~~ State-licensed residential care group facilities.

~~(8)(5)~~ State-licensed group day care facilities.

~~(9) Bed and breakfast accommodations.~~

**Sec. 82-174. Site development requirements.**

All permitted uses and special land uses are subject to the following site development requirements:

- (1) Site plan review is required in accordance with article V, Site Plan Review.
- (2) Parking is required in accordance with article VI, Off-Street Parking and Loading.
- (3) Signs are permitted in accordance with the requirements of article VII, Signs.
- (4) Setbacks, height, area, and lot dimensions are required as noted below:

<del>R-M1</del> District Regulations	Requirements			
Minimum Lot Requirements	Area:	<del>12,000</del> <u>5,500</u> sq. ft.		
	Width:	<del>100</del> <u>50</u> ft.		
	Front:	<del>35</del> <u>20</u> ft.		
	Side:	One Side	7 ft.	
		Total Both Sides	15 ft.	
Rear:	<del>35</del> <u>25</u> ft.			
Maximum Lot Coverage	<del>35%</del> <u>70%</u>			
Building Requirements	Maximum Height	35 ft. or 2 ½ stories, whichever is less		
	Minimum Dwelling Unit Size	<del>1,040</del> <u>960</u> sq. ft. with a minimum of <del>624</del> <u>500</u> sq. ft. on ground floor		
<i>Residential Accessory Buildings (See Section (82-103))</i>	<i>Lot Size:</i>	<i>Number</i>	<i>Size</i>	<i>Max Height</i>
	<del>Less than 12,000</del> <u>5,500</u> sq. ft. <del>to 4.99 acres</del>	1 <b>(or 2 if the combined square footage of both structures does not exceed 2,000 sq. ft.)</b>	<del>720</del> <u>2,000</u> sq. ft.	<del>16</del> <u>21</u> ft.
	<del>12,000 sq. ft. — 14,999 sq. ft.</del>	1	1,000 sq. ft.	21 ft.
	<del>15,000 sq. ft. — 43,559 sq. ft.</del>	1	1,200 sq. ft.	21 ft.
	<del>1 acre — 1.99 acres</del>	1	1,500 sq. ft.	21 ft.
	<del>2 acres — 4.99 acres</del>	2	2,000 sq. ft.	21 ft.
	5 or more acres	2	Not to exceed 200% of the sq. footage of the primary residence	23 ft.
	Nonresidential Accessory Buildings (See Section 82-103(c))			

**Secs. 82-175—82-190. Reserved.**

**Section 11: Amendment.** That Chapter 82, Article III, Division 4 of the Sparta Village Code is hereby amended to read in its entirety as follows:

*DIVISION 4. R-~~H 2~~ SINGLE-FAMILY-HIGH DENSITY RESIDENTIAL DISTRICT*

**Sec. 82-191. Intent and purpose.**

~~The R-2 district is intended to provide for stable, moderate density single family areas by insuring compatible density, encouraging a safe environment for family life, and protecting these areas from undesirable land uses. The purpose of this district is to preserve the character, amenities and property values associated with moderate density residential development. This district allows for primarily single family homes, but may allow, in a limited number of cases, other uses compatible with single family residential and supportive of cohesive residential neighborhoods such as parks and public service facilities/buildings.~~

**The R-H district provides opportunities for more affordable housing, and a wider variety of housing types. Lands within this classification will contain the most intensive residential development, including single-family dwellings on smaller lots, two-family, three family, and multiple family dwellings, as well as other residential related development.**

**Sec. 82-192. Permitted uses.**

In the R-~~2~~**H** district no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this division:

- (1) Parks and playgrounds.
- (2) Single-family detached dwellings, including home occupations, meeting the requirements of section 82-123, Home occupations.
- (3) State licensed residential care family facilities.
- (4) State licensed family day care facilities.
- (5) Two-family dwellings, including home occupations, meeting the requirements of Section 82-132, Home occupations.**
- (6) Three-family dwellings, including home occupations, meeting the requirements of Section 82-132, Home occupations.**
- ~~(5)~~**(7) Accessory buildings and uses, meeting the requirements of section 82-103, Accessory buildings and structures.**
- (8) Accessory dwelling units, meeting the requirements of Sec. 82-132.**
- (9) Bed and breakfast establishments.**
- (10) Private educational institutions.**

(11) Golf courses and country clubs, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.

(12) Government service facilities, and community centers.

(13) Multiple family dwellings.

(14) Religious institutions.

(15) Rooftop solar panels with an accessory use permit as required by Sec. 82-103.

**Sec. 82-193. Special land uses.**

Land and/or buildings in the R-~~2~~H district may be used for the following purposes when approved by the village council in accordance with the requirements of article IV, Special Land Uses:

~~(1) Bed and breakfast establishments.~~

~~(2)~~(1) Campgrounds.

~~(3)~~(2) Private cemeteries.

~~(4) Private educational institutions.~~

~~(5) Golf courses and country clubs, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.~~

(3) Manufactured home parks.

~~(6)~~(4) Public utility structures.

~~(7) Religious institutions.~~

~~(8)~~(5) State licensed residential care group facilities.

~~(9)~~(6) State licensed group day care facilities.

**Sec. 82-194. Site development requirements.**

Unless otherwise provided in this Section, All permitted uses and special land uses are subject to the following site development requirements:

- (1) Site plan review is required in accordance with article V, Site Plan Review.
- (2) Parking is required in accordance with article VI, Off-Street Parking and Loading.
- (3) Signs are permitted in accordance with the requirements of article VII, Signs.
- (4) Setbacks, height, area, and lot dimensions are required as noted below:

R- <del>2</del> <u>H</u> District Regulations	Requirements	
Minimum Lot Requirements	Area:	5,500 sq. ft.
	Width:	50 ft.

	Front:	20 ft.		
	Side:	One Side	7 ft.	
		Total Both Sides	15 ft.	
	Rear:	25 ft.		
Maximum Lot Coverage	<del>35%</del> <b>70%</b>			
Building Requirements	Maximum Height	35 ft. or 2 ½ stories, whichever is less		
	Minimum Dwelling Unit Size <b>(not including units in multiple family developments)</b>	<del>1,040-960</del> sq. ft. with a minimum of <del>500</del> <b>624</b> sq. ft. on ground floor		
<i>Residential Accessory Buildings (See Section (82-103))</i>	<i>Lot Size:</i>	<i>Number</i>	<i>Size</i>	<i>Max Height</i>
	<del>Less than 5,500 sq. ft. to 4.99 acres-ft.</del>	<b>1 (or 2 if the combined square footage of both structures does not exceed 2,000 sq. ft.)</b>	<del>624-2,000</del> sq. ft.	<del>16</del> <b>21</b> ft.
	<del>5,501 sq. ft.—11,999 sq. ft.</del>	<b>1</b>	<del>720</del> sq. ft.	<del>16</del> ft.
	<del>12,000 sq. ft.—14,999 sq. ft.</del>	<b>1</b>	<del>1,000</del> sq. ft.	<del>21</del> ft.
	<del>15,000 sq. ft.—1 acre</del>	<b>1</b>	<del>1,200</del> sq. ft.	<del>21</del> ft.
	<del>More than 1 acre</del> <b>5 or more acres</b>	<del>1</del> <b>2</b>	<del>1,500</del> sq. ft. <del>4,000</del> sq. ft.	<del>21</del> <b>23</b> ft.
Nonresidential Accessory Buildings (See subsection 82-103(c))				

<b><u>Multiple Family Developments and Nonresidential Uses</u></b>				
<b><u>Minimum Lot Requirements</u></b>	<b><u>Area</u></b>	<b><u>Multiple family developments shall not exceed a gross density of 10 units per acre (minimum lot size 30,000 sq. ft.)</u></b>		
	<b><u>Width</u></b>	<b><u>75 ft.</u></b>		
<b><u>Minimum Yard Requirements</u></b>	<b><u>Front</u></b>	<b><u>If parking is in the front yard</u></b>	<b><u>100 ft.</u></b>	
		<b><u>No parking in front yard</u></b>	<b><u>50 ft.</u></b>	
	<b><u>Side</u></b>	<b><u>One Side</u></b>	<b><u>10 ft.</u></b>	
		<b><u>Total Both Sides</u></b>	<b><u>25 ft.</u></b>	
	<b><u>For multiple family developments the distance between buildings shall be at least equal to the height of the taller building</u></b>			
<b><u>Rear</u></b>	<b><u>35 ft.</u></b>			
<b><u>Maximum Lot Coverage</u></b>	<b><u>70%</u></b>			
<b><u>Building Requirements</u></b>	<b><u>Maximum Height</u></b>	<b><u>40 ft. or 3 stories whichever is less</u></b>		
	<b><u>Minimum Dwelling Unit Size (per unit)</u></b>	<b><u>Efficiency</u></b>	<b><u>375 sq. ft.</u></b>	
		<b><u>1 bedroom</u></b>	<b><u>480 sq. ft.</u></b>	
		<b><u>2 bedrooms</u></b>	<b><u>600 sq. ft.</u></b>	
<b><u>3 bedroom</u></b>	<b><u>720 sq. ft. and 100 sq. ft. for each</u></b>			

			<b>additional bedroom over 3</b>
<b>Residential Accessory Buildings (See Section 82-103)</b>			
<b>Nonresidential Accessory Buildings (See subsection 82-103(c))</b>			

**Secs. 82-195—82-~~250~~210. Reserved.**

**Section 12: Repealed.** That Chapter 82, Article III, Division 5 of the Sparta Village Code is hereby repealed.

*~~DIVISION 5. R-3 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT~~*

**~~Sec. 82-211. Intent and purpose.~~**

~~The R-3 district is intended to provide for stable, low density areas by ensuring compatible residential density, encouraging a safe environment for family life, and protecting these areas from undesirable land uses. The purpose of this district is to preserve the character, amenities and property values associated with medium density residential development. This district allows for primarily single family and two family homes, but may allow, in a limited number of cases, other uses compatible with single family residential and supportive of cohesive residential neighborhoods such as parks and public service facilities/buildings.~~

**~~Sec. 82-212. Permitted uses.~~**

~~In the R-3 district no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this division:~~

- ~~(1) Parks and playgrounds.~~
- ~~(2) Single family detached dwellings, including home occupations, meeting the requirements of section 82-123, Home occupations.~~
- ~~(3) State licensed residential care family facilities.~~
- ~~(4) Family day care facilities.~~
- ~~(5) Two family dwellings.~~
- ~~(6) Accessory buildings and uses, meeting the requirements of section 82-103, Accessory buildings and structures.~~

**~~Sec. 82-213. Special land uses.~~**

~~Land and/or buildings in the R-3 district may be used for the following purposes when approved by the village council in accordance with the requirements of article IV, Special Land Uses:~~

- ~~(1) Bed and breakfast establishments.~~
- ~~(2) Private cemeteries.~~

- ~~(3) Private educational institutions.~~
- ~~(4) Government service facilities, and community centers.~~
- ~~(5) Public utility structures.~~
- ~~(6) Religious institutions.~~
- ~~(7) State licensed residential care group facilities.~~
- ~~(8) State licensed group day care facilities.~~

**Sec. 82-214. Site development requirements.**

All permitted uses and special land uses are subject to the following site development requirements:

- ~~(1) Site plan review is required in accordance with article V, Site Plan Review.~~
- ~~(2) Parking is required in accordance with article VI, Off Street Parking and Loading.~~
- ~~(3) Signs are permitted in accordance with the requirements of article VII, Signs.~~
- ~~(4) Setbacks, height, area, and lot dimensions are required as noted below~~

R-3 District Regulations	Requirements			
Minimum Lot Requirements	Area:	7,500 sq. ft. per dwelling unit		
	Width:	75 ft.		
	Front:	25 ft.		
	Side:	One Side	7 ft.	
		Total Both Sides	15 ft.	
Rear:	25 ft.			
Maximum Lot Coverage	35%			
Building Requirements	Maximum Height	35 ft. or 2 ½ stories, whichever is less		
	Minimum Dwelling Unit Size	960 sq. ft. with a minimum of 500 sq. ft. on ground floor		
<i>Residential Accessory Buildings (See Section 82-103)</i>	<i>Lot Size:</i>	<i>Number</i>	<i>Size</i>	<i>Max Height</i>
	<del>Less than 12,000 sq. ft.</del>	<del>1</del>	<del>720 sq. ft.</del>	<del>16 ft.</del>
	<del>12,000 sq. ft.—14,999 sq. ft.</del>	<del>1</del>	<del>1,000 sq. ft.</del>	<del>21 ft.</del>
	<del>15,000 sq. ft.—1 acre</del>	<del>1</del>	<del>1,200 sq. ft.</del>	<del>21 ft.</del>
	<del>More than 1 acre</del>	<del>1</del>	<del>1,500 sq. ft.</del>	<del>21 ft.</del>
<del>Nonresidential Accessory Buildings (See subsection 82-103(c))</del>				

**Secs. 82-215—82-230. Reserved.**

**Section 13:** Repealed. That Chapter 82, Article III, Division 6 of the Sparta Village Code is hereby repealed.

*~~DIVISION 6. R-4 SINGLE, TWO-FAMILY, AND MULTIPLE FAMILY RESIDENTIAL DISTRICT~~*

**~~Sec. 82-231. Intent and purpose.~~**

~~The R-4 district provides opportunities for more affordable housing, and a wider variety of housing types. Lands within this classification will contain the most intensive residential development, including single-family dwellings on smaller lots, two-family and multiple family dwellings, as well as other residential related development.~~

**~~Sec. 82-232. Permitted uses.~~**

~~In the R-4 district no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this division:~~

- ~~(1) Parks and playgrounds.~~
- ~~(2) Single family detached dwellings, including home occupations, meeting the requirements of section 82-123, Home occupations.~~
- ~~(3) State licensed residential care family facilities.~~
- ~~(4) Family day care facilities.~~
- ~~(5) Two family dwellings.~~
- ~~(6) Accessory buildings and uses, meeting the requirements of section 82-103, Accessory buildings and structures.~~

**~~Sec. 82-233. Special land uses.~~**

~~Land and/or buildings in the R-4 district may be used for the following purposes when approved by the village council in accordance with the requirements of article IV, Special Land Uses:~~

- ~~(1) Bed and breakfast establishments.~~
- ~~(2) Private cemeteries.~~
- ~~(3) Private educational institutions.~~
- ~~(4) Government service facilities, and community centers.~~
- ~~(5) Manufactured home parks.~~
- ~~(6) Multiple family dwellings.~~
- ~~(7) Public utility structures.~~
- ~~(8) Religious institutions.~~
- ~~(9) State licensed residential care group facilities.~~
- ~~(10) State licensed group day care facilities.~~



**Sec. 82-234. Site development requirements.**

All permitted uses and special land uses are subject to the following site development requirements:

- (1) ~~Site plan review is required in accordance with article V, Site Plan Review.~~
- (2) ~~Parking is required in accordance with article VI, Off Street Parking and Loading.~~
- (3) ~~Signs are permitted in accordance with the requirements of article VII, Signs.~~
- (4) ~~Setbacks, height, area, and lot dimensions are required as noted below~~

R-4 District Regulations	Requirements			
Minimum Lot Requirements	Area:	7,500 sq. ft. per dwelling unit		
	Width:	75 ft.		
	Width:	25 ft.		
	Side:	One Side	7 ft.	
		Total Both Sides	15 ft.	
Rear:	25 ft.			
Maximum Lot Coverage	35%			
Building Requirements	Maximum Height	35 ft. or 2½ stories, whichever is less		
	Minimum Dwelling Unit Size	960 sq. ft. with a minimum of 500 sq. ft. on ground floor		
Residential Accessory Buildings (See Section 82-103)	Lot Size:	Number	Size	Max Height
	Less than 12,000 sq. ft.	1	720 sq. ft.	16 ft.
	12,000 sq. ft. – 14,999 sq. ft.	1	1,000 sq. ft.	21 ft.
	15,000 sq. ft. – 1 acre	1	1,200 sq. ft.	21 ft.
	1 acre or more	1	1,500 sq. ft.	21 ft.
Nonresidential Accessory Buildings (See subsection 82-103(c))				
<i>Multiple Family Dwellings and Nonresidential Uses</i>				
Minimum Lot Requirements	Area	Dwelling Unit Type Area Per Unit (in sq. ft.)		
		Efficiency 1,250 One Bedroom 1,650 Two Bedroom 2,250 Three Bedroom 2,750 Four Bedroom 3,750 Multiple family developments shall not exceed a gross density of 10 units per acre (minimum lot size 30,000 sq. ft.)		
	Width	75 ft.		
Minimum Yard Requirements	Front	If parking is in the front yard	100 ft.	
		No parking in front yard	50 ft.	
	Side	One Side	10 ft.	
		Total Both Sides	25 ft.	
	For multiple family developments the distance between buildings shall be at least equal to the height of the taller building			
	Rear	35 ft.		

Maximum Lot Coverage	35%		
Building Requirements	Maximum Height	40 ft. or 3 stories whichever is less	
	Minimum Dwelling Unit Size (per unit)	1 bedroom	550 sq. ft.
		2 bedrooms	800 sq. ft.
		3 bedrooms	960 sq. ft.
Per bedroom over 3		120 sq. ft.	
Residential Accessory Buildings (See Section 82-103)			
Nonresidential Accessory Buildings (See subsection 82-103(c))			

~~Secs. 82-235—82-250. Reserved.~~

**Section 14:** Amended. That Chapter 82, Article III, Division 7 of the Sparta Village Code is hereby amended to read in its entirety as follows.

*DIVISION 7. ~~O-OFFICE~~ B-BUSINESS DISTRICT*

**Sec. 82-251. Intent and purpose.**

~~The office district (O) is intended for a variety of smaller business and professional office uses that will typically generate lower volumes of traffic than retail uses, and will have less impact upon single family residential neighborhoods which may be adjacent to the office district. The zoning ordinance anticipates that locations zoned office may include residential structures that may be converted to office uses.~~

(a) The business (B) district is intended primarily for a variety of business, professional office, and retail uses and to accommodate wholesale activities, warehouses, and light industrial operations. Managing access to individual properties will receive strong consideration during the review of individual sites. The use of combined drives, service drives, and well-planned access points will be stressed. Efforts will be made to discourage the placement of loading areas, outside storage and other unattractive features in areas clearly visible from the roadway. This district is further intended to provide for uses, which, due to either size or nature, are not well suited for locations within the central business district. This district is structured to permit, along with any other specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material, it being the intent of the district that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

(b) The business (B) district is also intended to:

- (1) Provide sufficient space, in appropriate locations, to meet the needs of the village's expected future economy for selected types of businesses, manufacturing and related uses.
- (2) Protect abutting residential districts from objectionable influences by separating them from business and manufacturing activities, and by prohibiting the use of industrial areas for new residential development.

(3) Promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards and from offensive noise, vibration, smoke, odor and other objectionable influences.

(4) Promote the most desirable use of land in accordance with a well-considered plan.

(5) Protect the character and established pattern of adjacent development, and in each area conserve the value of land and buildings and other structures and protect the village's tax base.

#### **Sec. 82-252. Permitted uses.**

In the **Θ B**-district no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this division:

- (1) Office buildings for any of the following occupations:
  - a. Executive, governmental, administrative, legal, professional, designers, real estate, accounting, financial, drafting, service organizations, travel agencies, and other similar professional activities.
  - b. Medical, optical, dental, and veterinary offices and clinics.
- (2) Banks, credit unions, savings and loan associations, and other similar uses, ~~excluding those with drive-through facilities~~ with or without drive-through service.
- (3) Radio and television stations.
- (4) Research, development and testing laboratories and offices without manufacturing.
- (5) Religious institutions.
- (6) Utility and public service buildings, without storage yards, but not including essential public service structures such as poles, wires, and underground utility systems.
- (7) Buildings, structures, and uses accessory to the permitted uses pursuant to section 82-103, accessory buildings and structures.
- (8) Bars or taverns. Outdoor seating areas may be permitted, pursuant to section 82-128, outdoor dining/seating.
- (9) Funeral homes and mortuaries.
- (10) Personal service establishments.
- (11) Private educational institutions.
- (12) Public service establishments and governmental buildings.
- (13) Restaurants, not including drive through service. Outdoor seating areas may be permitted where patrons are served, pursuant to section 82-128, outdoor dining/seating.
- (14) Enclosed theaters, assembly halls or concert hall.
- (15) Offices and showrooms of contractors, decorators or similar trades in connection with whom not more than 25 percent of the usable floor area of the building or part

of the building occupied by the establishment is used for making, assembling, repairing, remodeling, altering, finishing or refinishing the products or merchandise of the trade. All storage of materials shall be within the confines of the building or part thereof occupied by the establishment.

(15) Private clubs, lodges, fraternal organizations, and other similar uses.

(16) Retail stores selling commodities within an entirely enclosed building.

(17) Wholesale establishments.

(18) Outdoor display of merchandise as a use accessory to the principal use of the parcel subject to the following requirements:

a. The merchandise displayed outdoors is the same as or is related to that which is offered inside the building which is the principal use of the parcel.

b. The area where merchandise is displayed outdoors shall not create unsafe conditions for vehicles, pedestrians or those on a bicycle.

c. The area devoted to the outdoor display of merchandise shall at all times be kept neat and orderly.

d. The outdoor display of merchandise shall not be located within on-street or off-street parking spaces.

(19) Commercial day care facilities.

(20) Commercial recreation facilities.

(21) Residential uses meeting the lot area requirements of the R-H district.

(22) Nonresidential uses as permitted in sections 82-252, 82-253 and 82-272 located in converted residential buildings.

(23) Nurseries and greenhouses.

(24) Hotels and motels.

(25) New and used vehicle, boat or farm implement sales including incidental servicing and minor repair.

(26) Massage (licensed).

(27) Open air businesses.

(28) Restaurants, including drive through service. Outdoor seating may be permitted where patrons are served pursuant to section 82-128, outdoor dining/seating.

(29) Shopping center or shopping mall.

(30) Vehicle-wash establishments, either self-service or automatic.

(31) Veterinary hospital, clinic or indoor kennel.

(32) Vehicle service stations and repair facilities, major and minor.

(33) Building material suppliers.

(34) Contractor or builder's office, including an accessory storage equipment yard.

(35) Dry cleaning plants.

- (36) Laboratories: experimental, film, or testing.
- (37) Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- (38) Manufacture of musical instruments, toys, novelties, and metal or rubber stamps or other small molded rubber products.
- (39) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
- (40) Offices and showrooms of contractors, decorators or similar trades in connection with whom not more than 25 percent of the UFA of the building or part of the building occupied by the establishment is used.
- (41) Offices when accessory to any permitted use or special land use, provided that they do not exceed 50 percent of the GFA of the principal use.
- (42) Public and private utility uses, including electric and gas service buildings and yards; water supply and sewage disposal plants; water and gas tank holders; heating and electric power generating plants, and all accessory uses.
- (43) Storage yards for construction and contractor's equipment, provided all property lines abut the B-district.
- (44) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- (45) The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as but not limited to bone; canvas; cellophane; cloth; cork; feathers; felt; fiber; fur; glass; hair; horn; leather; paper; plastics; precious or semiprecious metals or stones; sheet metal, excluding large stampings such as automobile fenders or bodies; shell; textiles; yarns; tobacco; wax; wire; or wood.
- (46) The manufacture, compounding, processing, packaging or treatment of such products as but not limited to bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware, and cutlery; tool, die, gauge and machine shops.
- (47) Warehouse, storage, including commercial storage warehouses; and transfer facilities, including truck and railroad related facilities accessory to warehousing.
- (48) Rental space for storage of vehicles such as travel trailers, motor homes, recreational vehicles, campers, snowmobiles, boats, etc.
- (49) Utility trailer rental facilities.
- (50) Lumber and planing mills.
- (50) Wireless telecommunication facilities.
- (50) Rooftop solar panels with an accessory use permit in accord with Sec. 82-103.

### Sec. 82-253. Special land uses.

Land and/or buildings in the ~~O~~ **B**-district may be used for the following purposes when approved by the village council in accordance with the requirements of article IV, special land uses:

- ~~(1) Personal service establishments conducting services on the premises such as barber and beauty shops, shoe repair, tailoring, dry cleaning pick up and drop off excluding the actual cleaning process, stores selling wireless communication devices, and fitness centers.~~
- ~~(2) Private educational institutions.~~
- ~~(3) Essential public service buildings and structures.~~
- ~~(4) Wireless telecommunication facilities.~~
- ~~(5) (1) Buildings, structures, and uses accessory to the approved special land use.~~
- (2) Adult uses.**
- (3) Commercial communication towers, including commercial television, radio, and public utility transmitting and/or receiving towers and receiving microwave antennas, and their attendant facilities.**
- (4) Freight yards and terminals.**
- (5) Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.**
- (6) Junkyards.**
- (7) Metal plating, buffing and polishing, subject to appropriate measures to control the types of process to prevent noxious results and/or nuisances.**
- (8) Tractor trailer and trucking facilities, including storage and repair.**
- (9) Waste lagoon ponds, industrially oriented and permanent in character.**

### Sec. 82-254. Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- (1) Site plan review is required in accordance with article V, site plan review. Site plan review is required in the case of newly established uses as permitted in the ~~O~~**office B-business** district; additions or renovations of buildings and structures for a use permitted in the ~~O~~**B-officebusiness** district or for a legally existing non-conforming use subject to the requirements of section 82-124; and for conversions from any use to a use permitted in the ~~O~~**B-officebusiness** district.
- (2) Parking is required in accordance with article VI, off-street parking and loading. ~~Modifications of requirements for parking and loading from that required by article VI of this ordinance are permitted upon approval of the planning commission or recommendation of the planning commission and approval of the village council in the~~

~~case of a special land use. When modifying parking and loading requirements, the planning commission and village council shall take into consideration the following:~~

- ~~a. The size of the parcel upon which the proposed use is located;~~
  - ~~b. The size of the structure in relation to the proposed use;~~
  - ~~c. The nature of the proposed use and the number of parking spaces required compared to similar uses;~~
  - ~~d. That the modification of required parking will still result in safe access and circulation.~~
- (3) ~~Signs are permitted in accordance with the requirements of article VII, signs, and specifically the requirements of section 82-506 requirements for individual zoning districts, GC-general commercial districts permitted signs, except the following shall also be required:~~
- ~~a. Ground signs shall not exceed 32 square feet in size and shall not exceed six feet in height.~~
  - ~~b. Ground signs shall be set back a minimum of five feet from any side or rear property line.~~
  - ~~c. No freestanding signs are permitted in the O district.~~
- (4) ~~Landscaping is required in accordance with the requirements of division 1 generally for commercial zones or uses.~~
- (5) ~~Lawfully existing structures. Structures lawfully existing as of the date of adoption of this ordinance [section] shall be conforming in regard to height, required yards, lot area, lot width, and lot coverage. Existing structures shall be permitted to be enlarged or altered so long as the depths of the existing setbacks are not decreased unless decreasing the depth results in a setback as required by this section. In no case shall an existing structure be enlarged or expanded such that the structure extends into the public or private road right of way. If existing structures are enlarged or expanded, the total area of all principal buildings, accessory buildings, and structures shall not exceed a coverage of 40 percent of the lot area.~~
- (64)** Setbacks, height, area, and lot dimensions are required as noted below

<del>O-B</del> District Regulations	Requirements		
Minimum Lot Requirements	Area	<del>12,500-15,000</del> sq. ft.	
	Width	<del>80 ft.-100 ft.</del>	
Minimum Yard Requirements	Front	<del>25-35</del> ft	
	Side	Abutting a residential district or use	25 ft.
		Abutting a Nonresidential district	10 ft.
Rear	25 ft.		
Maximum Lot Coverage	<del>40%-70%</del>		
Maximum Height ( <u>stories/ft.</u> )	35 ft. <del>or 2½ stories, whichever is less</del>		
Nonresidential Accessory Buildings (See subsection 82-103(c))			



(57) Driveways within the **office business** district shall be provided as follows, provided that the planning commission may modify the requirements for driveways if traffic or pedestrian safety, traffic circulation, or unique site conditions warrant the modification. When modifying the requirements for driveways, the planning commission may require traffic studies or the opinion of qualified professionals.

- a. Each lot may be permitted one driveway, provided the spacing requirements of this subsection can be achieved.
- b. ~~The planning commission may permit additional driveways for any site, providing the spacing and alignment criteria listed below are met, and a traffic impact study is completed that justifies an additional driveway.~~ **One additional driveway may be permitted on parcels with lot widths exceeding 500 feet.**
- c. The planning commission may permit two one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function of the drives can be demonstrated. **The planning commission may also permit additional driveways for any site, providing the spacing and alignment criteria listed in subparagraph (h) are met, and a traffic impact study is completed that justifies an additional driveway.**
- d. The applicant shall submit evidence indicating that the sight distance requirements of the Michigan Department of Transportation (MDOT) or Kent County Road Commission, as appropriate, are met.
- e. Driveways shall be spaced from existing signalized intersections adequately to minimize conflicts with signal operations. If the site has access to a traffic signal or if the driveway has potential to be signalized, the site shall be designed and directional signs provided to direct traffic flow to use the signal.
- f. Interior drives shall provide circulation between uses through the use of shared driveways and internal access connections rather than separate, individual driveways. Site plan or other zoning approvals shall be conditioned on the submission of easement agreements that clearly describe future access conditions and restrictions.
- g. Stacking or queuing depth at driveways shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation.
- h. Driveway spacing:
  1. Driveways shall be spaced a minimum of ~~100~~ **185** feet from driveways on the same side of the street, centerline to centerline.
  2. Driveways shall be aligned with driveways on the opposite side of the street or offset spaced a minimum of 150 feet, centerline to centerline.
  3. Driveways shall be spaced at least ~~75~~ **150** feet from an intersection of a private or public street measured from near pavement edge of the street to near pavement edge of the driveway throat.
  4. **The planning commission may modify the spacing if traffic or pedestrian safety, traffic, circulation, or site conditions warrant the modification,**



**based on the unique characteristics of the site, traffic studies or other qualified professional opinion.**

**(68)** Frontage roads and service drives:

- a. The planning commission may require the construction of frontage roads or rear service drives along parcels to connect future or existing developments.
- b. The planning commission shall require development of service drives where service drives can provide access to signalized locations, where service drives may minimize the number of driveways onto an abutting roadway, and as a means to ensure that traffic is able to safely ingress and egress the site.
- c. Where service drives and frontage roads are constructed they shall be set back as far as reasonably possible from the intersection of the access driveway with the street.
- d. A minimum of 25 feet shall be maintained between the public street right-of-way and the pavement of the service drive.

**(79)** Setbacks and landscaping:

- a. Parking is permitted in the required front yard but in no case shall parking be permitted within the public or private road right-of-way.
- b. ~~The front yard, except for necessary entrance or service drives, shall be landscaped according to the requirements of division 1 generally, landscaping.~~ **The planning commission shall consider a landscape plan submitted in conjunction with any site plan in the business district.**
- e. ~~Parking areas shall be landscaped according to the requirements of division 1 generally, landscaping. Where parking is permitted in the required front yard, front yard landscaping may substitute for up to 50 percent of the required parking lot landscaping.~~
- ~~d~~c. No outside storage shall be permitted in any yard adjacent to the street **unless otherwise provided in this section.**

**(810)** Site lighting shall comply with the provisions of section 82-122, exterior lighting requirements, in addition to the following provisions:

- a. Off-street parking areas for uses in the office district shall be adequately lit to ensure security and safety.
- b. Light fixtures shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
- c. Lighting shall illuminate only the parking lot or other areas approved for illumination by the planning commission.

**(911)** Site design requirements:

- a. **Buildings shall be sited to protected natural features. To the extent possible, natural features such as natural grade, trees, vegetation, water bodies, and others shall be incorporated into the site plan.** Mechanical equipment and

service areas shall be visually screened from adjacent properties, public roadways, or other public areas. Architectural designs for buildings shall include design features to contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks, telecommunications equipment, and service yards. The method of screening shall be as approved by the planning commission or as otherwise required by the village zoning ordinance. ~~Brick shall be used as the predominant material utilized on facades that are visible from a public right of way or parking lots. Other materials may be used for architectural accents, provided they have the appearance of wood or cut or cast stone.~~

b. Architectural features, landscaping, building color, materials, finishes, and forms shall be substantially compatible with the character of the surrounding area. The planning commission may permit the use of architectural features, landscaping, and building materials if, in the judgment of the planning commission, the features, landscaping, and materials are compatible with the surrounding properties, and that such materials comply with the architectural, safety, and other requirements of the village building code, fire code, and other applicable village ordinances.

~~b.c. Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls visible from a public street and/or residential uses shall be designed using architectural features and landscaping (abutting the building) for at least 50 percent of the wall length.~~

A minimum of 25-percent of that portion of the building which faces a public or private street, or a residential zoning district or residential use, shall be finished with brick, architectural masonry block, cement board, glass stone or a combination of these materials.

~~e. Other walls shall incorporate architectural features and landscaping for at least 30 percent of the wall length.~~

d. In order to reduce wall massing, buildings with exterior walls greater than 50 feet in horizontal length shall be constructed with a combination of the following.

1. A combination of architectural features such as recesses, projections, and offsets.

2. A variety of building materials.

3. Landscaping near the walls as approved by the planning commission.

~~d. On-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.~~

~~e. The predominant building materials shall be those characteristic of the village, such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth faced concrete block, undecorated tilt up concrete panels, or prefabricated steel panels should only be used as accents and~~

~~not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.~~

- ~~fe.~~ Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. High-intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building trim.
- ~~gf.~~ Conversions from any use to uses as permitted in the ~~O-office~~**B-business** district, and additions and renovations of buildings and structures existing as of the date of the adoption of this section shall be subject to the requirements of this section. The planning commission, the village council, or zoning administrator as the case may be, shall have the authority to modify or waive these requirements or to extend them to the entire existing building and site.

In determining whether to apply these requirements to conversions, additions and renovations of existing buildings, the following criteria shall be considered:

1. Whether compliance with this section will result in architectural consistency with the existing building and buildings on adjacent properties, and whether compliance will improve the overall aesthetics of the building.
2. The practicality of requiring compliance with this section based on the design and structural integrity of the existing building.
3. The practicality of requiring compliance with this section based on the unique characteristics of the site.

**(+210) Canopies:**

- a. Canopies, such as over drop-off areas, shall be designed to be consistent with the approved building materials and colors. Support columns shall be brick or materials compatible with the main building. The planning commission may require a peaked roof to complement the main building.
- b. Canopy lighting shall be mounted flush with the canopy surface.

**(11) Outdoor Storage.**

- (1) Any outdoor storage or activity areas abutting or adjacent to a residential district or use shall be enclosed on all sides with a six-foot fence or solid wall that is completely obscuring on those sides facing the residential district, which meets the design requirements listed in section 82-112, fences and walls. In no case shall the outdoor storage of materials abutting or adjacent to a residential district or use be stacked higher than the height of the visual screen unless the planning commission or other approving authority determines that the material is stored in a manner that it is not visible from off-site, or that the material is located such a substantial distance from adjacent properties that it is not a visual nuisance.**
- (2) For any outdoor storage, materials shall be stored only in the side or rear yards, except that materials shall not be stored on the street side of a corner lot or in any required yard.**
- (3) One non-gated opening, no greater than 12 feet in width, shall be permitted in the visual screen for each 200 feet of frontage on a street.**

Secs. 82-255—~~82-270330~~. Reserved.

**Section 15:** **Repealed.** That Chapter 82, Article III, Division 8 of the Sparta Village Code is hereby repealed.

*~~DIVISION 8. GC GENERAL COMMERCIAL DISTRICT~~*

**Sec. 82-271. Intent and purpose.**

~~The general commercial (GC) district is intended primarily for uses emphasizing community shopping needs, generally along major roadways, including service stations, restaurants, and other related uses. Managing access to individual properties will receive strong consideration during the review of individual sites. The use of combined drives, service drives, and well-planned access points will be stressed. Efforts will be made to discourage the placement of loading areas, outside storage and other unattractive features in areas clearly visible from the roadway. This district is further intended to provide for uses, which, due to either size or nature, are not well suited for locations within the central business district.~~

~~This district is also intended to provide for the limited need for convenience commercial establishments and other businesses which due to either size or nature, are not well suited for locations within the central business district. The purpose of this district is to enhance the living environment of residential areas by allowing, when needed, small convenience establishments; and to maintain the character of the adjacent residential areas by providing a location for these needed businesses.~~

**Sec. 82-272. Permitted uses.**

~~In the GC district no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this division:~~

- ~~(1) Bars or taverns. Outdoor seating areas may be permitted, pursuant to section 82-128, outdoor dining/seating.~~
- ~~(2) Executive, administrative and professional offices.~~
- ~~(3) Financial institutions with or without drive-through service.~~
- ~~(4) Funeral homes and mortuaries.~~
- ~~(5) Personal service establishments.~~
- ~~(6) Restaurants, not including drive through service. Outdoor seating areas may be permitted where patrons are served, pursuant to section 82-128, outdoor dining/seating.~~
- ~~(7) Enclosed theaters, assembly halls or concert hall.~~
- ~~(8) Offices and showrooms of contractors, decorators or similar trades in connection with whom not more than 25 percent of the usable floor area of the building or part of the building occupied by the establishment is used for making, assembling, repairing, remodeling, altering, finishing or refinishing the products or merchandise of the trade.~~

~~All storage of materials shall be within the confines of the building or part thereof occupied by the establishment.~~

~~(9) Private clubs, lodges, fraternal organizations, and other similar uses.~~

~~(10) Religious institutions.~~

~~(11) Retail stores selling commodities within an entirely enclosed building.~~

~~(12) Wholesale establishments.~~

~~(13) Accessory buildings and uses pursuant to section 82-103, accessory buildings and structures.~~

~~(14) Outdoor display of merchandise as a use accessory to the principal use of the parcel subject to the following requirements:~~

~~a. The merchandise displayed outdoors is the same as or is related to that which is offered inside the building which is the principal use of the parcel.~~

~~b. The area where merchandise is displayed outdoors shall not create unsafe conditions for vehicles, pedestrians or those on a bicycle.~~

~~c. The area devoted to the outdoor display of merchandise shall at all times be kept neat and orderly.~~

~~d. The outdoor display of merchandise shall not be located within on-street or off-street parking spaces.~~

**Sec. 82-273. Special land use.**

~~Land and/or buildings in the GC district may be used for the following purposes when approved by the village council in accordance with the requirements of article IV, special land uses:~~

~~(1) Commercial day care facilities.~~

~~(2) Commercial recreation facilities.~~

~~(3) Private educational institutions.~~

~~(4) Residential uses meeting the lot area requirements of the R-4 district.~~

~~(5) Nonresidential uses as permitted in sections 82-252 and 82-253 located in converted residential buildings.~~

~~(6) Nurseries and greenhouses.~~

~~(7) Vehicle service stations including major and minor repair and servicing.~~

~~(8) Building material suppliers.~~

~~(9) Commercial storage warehouses.~~

~~(10) Hotels and motels.~~

~~(11) New and used vehicle, boat or farm implement sales including incidental servicing and minor repair.~~

- ~~(12) Nonresidential uses as permitted in section 82-272 located in converted residential buildings.~~
- ~~(13) Massage (licensed).~~
- ~~(14) Open air businesses.~~
- ~~(15) Restaurants, including drive through service. Outdoor seating may be permitted where patrons are served pursuant to section 82-128, outdoor dining/seating.~~
- ~~(16) Shopping center or shopping mall.~~
- ~~(17) Vehicle wash establishments, either self service or automatic.~~
- ~~(18) Veterinary hospital, clinic or indoor kennel.~~
- ~~(19) Wireless telecommunication facilities.~~

**Sec. 82-274. Site development requirements.**

All permitted uses and special land uses are subject to the following site development requirements:

- ~~(1) Site plan review is required in accordance with article V, site plan review.~~
- ~~(2) Parking is required in accordance with article VI, off street parking and loading.~~
- ~~(3) Signs are permitted in accordance with the requirements of article VII, signs.~~
- ~~(4) Setbacks, height, area, and lot dimensions are required as noted below.~~

<del>CG District Regulations</del>	<del>Requirements</del>		
<del>Minimum Lot Requirements</del>	<del>Area</del>	<del>15,000 sq. ft.</del>	
	<del>Width</del>	<del>100 ft.</del>	
<del>Minimum Yard Requirements</del>	<del>Front</del>	<del>35 ft</del>	
	<del>Side</del>	<del>Abutting a residential district</del>	<del>25 ft.</del>
		<del>Abutting a Nonresidential district</del>	<del>10 ft.</del>
<del>Rear</del>	<del>25 ft.</del>		
<del>Maximum Lot Coverage</del>	<del>50%</del>		
<del>Maximum Height</del>	<del>35 ft. or 2½ stories, whichever is less</del>		
<del>Nonresidential Accessory Buildings (See subsection 82-103(e))</del>			

- ~~(5) Driveways within the general commercial district shall be provided as follows:~~
  - ~~a. Each lot may be permitted one driveway, provided the spacing requirements of this subsection can be achieved.~~
  - ~~b. One additional driveway may be permitted on parcels with lot widths exceeding 500 feet.~~
  - ~~c. The planning commission may permit additional driveways for any site, providing the spacing and alignment criteria listed below are met, and a traffic impact study is completed that justifies an additional driveway.~~

- ~~d. The planning commission may permit two one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function of the drives can be demonstrated.~~
- ~~e. The applicant shall submit evidence indicating that the sight distance requirements of the Michigan Department of Transportation (MDOT) or Kent County Road Commission, as appropriate, are met.~~
- ~~f. Driveways shall be spaced from existing signalized intersections adequately to minimize conflicts with signal operations. If the site has access to a traffic signal or if the driveway has potential to be signalized, the site shall be designed and directional signs provided to direct traffic flow to use the signal.~~
- ~~g. Interior drives shall provide circulation between uses through the use of shared driveways and internal access connections rather than separate, individual driveways. Site plan or other zoning approvals shall be conditioned on the submission of easement agreements that clearly describe future access conditions and restrictions.~~
- ~~h. Stacking or queuing depth at driveways shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation.~~
- ~~i. Driveway spacing:
  - ~~1. Driveways shall be spaced a minimum of 185 feet from driveways on the same side of the street, centerline to centerline.~~
  - ~~2. Driveways shall be aligned with driveways on the opposite side of the street or offset spaced a minimum of 150 feet, centerline to centerline.~~
  - ~~3. Driveways shall be spaced at least 150 feet from an intersection of a private or public street measured from near pavement edge of the street to near pavement edge of the driveway throat.~~
  - ~~4. The planning commission may modify the spacing if traffic or pedestrian safety, traffic circulation, or site conditions warrant the modification, based on the unique characteristics of the site, traffic studies or other qualified professional opinion.~~~~
- ~~(6) Frontage roads and service drives:
  - ~~a. The planning commission may require the construction of frontage roads or rear service drives along parcels to connect future or existing developments.~~
  - ~~b. The planning commission shall require development of service drives where service drives can provide access to signalized locations, where service drives may minimize the number of driveways onto an abutting roadway, and as a means to ensure that traffic is able to safely ingress and egress the site.~~
  - ~~c. Where service drives and frontage roads are constructed they shall be set back as far as reasonably possible from the intersection of the access driveway with the street.~~~~



- d. — A minimum of 25 feet shall be maintained between the public or private street right-of-way and the pavement of the service drive.
- (7) — ~~Setbacks and landscaping:~~
- a. — ~~Parking is not permitted in the required front yard. The required front yard, except for necessary entrance or service drives, shall be landscaped.~~
  - b. — ~~The planning commission shall consider a landscape plan submitted in conjunction with any site plan in the general commercial district.~~
  - c. — ~~No outside storage shall be permitted in any yard adjacent to the street.~~
- (8) — ~~Site lighting shall comply with the provisions of section 82-122, Exterior lighting requirements, in addition to the following provisions:~~
- a. — ~~Off-street parking areas for uses in the neighborhood commercial district shall be adequately lit to ensure security and safety.~~
  - b. — ~~Light fixtures shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.~~
  - c. — ~~Lighting shall illuminate only the parking lot or other areas approved for illumination by the planning commission.~~
- (9) — ~~Site design requirements:~~
- a. — ~~Buildings shall to be sited to protect natural features. To the extent possible, natural features such as natural grade, trees, vegetation, water bodies, and others shall be incorporated into the site plan.~~
  - b. — ~~Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, or other public areas. Architectural designs for buildings shall include design features to contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks, telecommunications equipment, and service yards. Brick shall be used as the predominant material utilized on facades that are visible from a public right-of-way or parking lots. Other materials may be used for architectural accents, provided they have the appearance of wood or cut or cast stone.~~
  - c. — ~~Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls visible from a public street and/or residential uses shall be designed using architectural features and landscaping (abutting the building) for at least 50 percent of the wall length.~~
  - d. — ~~Other walls shall incorporate architectural features and landscaping for at least 30 percent of the wall length.~~
  - e. — ~~On-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.~~



- ~~f. The predominant building materials shall be those characteristic of the village, such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth faced concrete block, undecorated tilt up concrete panels, or prefabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.~~
- ~~g. Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. High-intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building trim.~~

~~(10) Canopies:~~

- ~~a. Canopies, such as over gasoline pumps, drive-through structures, or drop-off areas shall be designed to be consistent with the approved building materials and colors. Support columns shall be brick or materials compatible with the main building. The planning commission may require a peaked roof to complement the main building.~~
- ~~b. Canopy lighting shall be mounted flush with the canopy surface.~~

~~Secs. 82-275—82-290. Reserved.~~

**Section 16:** ~~**Repealed.**~~ That Chapter 82, Article III, Division 10 of the Sparta Village Code is hereby repealed.

~~***DIVISION 10. LIGHT INDUSTRIAL DISTRICT.***~~

~~**Sec. 82-311. Description and intent.**~~

- ~~(a) The light industrial (LI) district is designed to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The LI district is structured to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material, it being the intent of the district that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.~~
- ~~(b) The intent of this district is to:~~
  - ~~(1) Provide sufficient space, in appropriate locations, to meet the needs of the village's expected future economy for selected types of manufacturing and related uses.~~
  - ~~(2) Protect abutting residential districts from objectionable influences (see (3) below) by separating them from manufacturing activities, and by prohibiting the use of industrial areas for new residential development.~~

- ~~(3) Promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards and from offensive noise, vibration, smoke, odor and other objectionable influences.~~
- ~~(4) Promote the most desirable use of land in accordance with a well considered plan.~~
- ~~(5) Protect the character and established pattern of adjacent development, and in each area conserve the value of land and buildings and other structures and protect the village's tax revenue.~~

**Sec. 82-312. Permitted uses.**

~~In the LI district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this division:~~

- ~~(1) Vehicle service station and incidental repair and servicing.~~
- ~~(2) Building material suppliers.~~
- ~~(3) Contractor or builder's office, including an accessory storage equipment yard.~~
- ~~(4) Dry cleaning plants.~~
- ~~(5) Laboratories: experimental, film, or testing.~~
- ~~(6) Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.~~
- ~~(7) Manufacture of musical instruments, toys, novelties, and metal or rubber stamps or other small molded rubber products.~~
- ~~(8) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.~~
- ~~(9) Offices and showrooms of contractors, decorators or similar trades in connection with whom not more than 25 percent of the UFA of the building or part of the building occupied by the establishment is used for retail use. All storage of materials shall be within the confines of the building or part thereof occupied by the establishment.~~
- ~~(10) Offices when accessory to any permitted use or special land use, provided that they do not exceed 50 percent of the GFA of the principal use.~~
- ~~(11) Public and private utility uses, including electric and gas service buildings and yards; water supply and sewage disposal plants; water and gas tank holders; heating and electric power generating plants, and all accessory uses.~~
- ~~(12) Storage yards for construction and contractor's equipment, provided all property lines abut an LI district.~~
- ~~(13) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.~~
- ~~(14) The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as but not limited to bone; canvas; cellophane; cloth; cork; feathers; felt; fiber; fur; glass; hair; horn; leather; paper; plastics; precious or semiprecious metals or stones; sheet metal, excluding large stampings such as~~

~~automobile fenders or bodies; shell; textiles; yarns; tobacco; wax; wire; wood, excluding lumber and planing mills.~~

~~(15) The manufacture, compounding, processing, packaging or treatment of such products as but not limited to bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware, and cutlery; tool, die, gauge and machine shops.~~

~~(16) Warehouse, storage, including commercial storage warehouses; and transfer facilities, including truck and railroad related facilities accessory to warehousing.~~

~~(17) Wholesale establishments.~~

~~(18) Accessory buildings and uses, meeting the requirements of section 82-103, Accessory buildings and structures.~~

### **Sec. 82-313. Special land uses.**

Land and/or buildings in the LI district may be used for the following purposes when approved by the village council in accordance with the requirements of article IV, Special Land Uses.

~~(1) Adult uses.~~

~~(2) Commercial communication towers, including commercial television, radio, and public utility transmitting and/or receiving towers and receiving microwave antennas, and their attendant facilities.~~

~~(3) Freight yards and terminals.~~

~~(4) Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.~~

~~(5) Junkyards.~~

~~(6) Veterinary hospital, clinic or indoor kennel.~~

~~(7) Lumber and planing mills.~~

~~(8) Metal plating, buffing and polishing, subject to appropriate measures to control the types of process to prevent noxious results and/or nuisances.~~

~~(9) Rental space for storage of vehicles such as travel trailers, motor homes, recreational vehicles, campers, snowmobiles, boats, etc.~~

~~(10) Restaurants or other places serving food or beverage, except those with drive through services, provided all property lines abut an LI district.~~

~~(11) Tractor trailer and trucking facilities, including storage and repair.~~

~~(12) Utility trailer rental facilities.~~

~~(13) Vehicle repair facilities, major and minor.~~

~~(14) Waste lagoon ponds, industrially oriented and permanent in character.~~

~~(15) Wireless telecommunication facilities.~~

**Sec. 82-314. Site development requirements.**

(a) ~~All permitted uses and special land uses are subject to the following site development requirements:~~

- ~~(1) Site plan review is required in accordance with article V, site plan review.~~
- ~~(2) Parking is required in accordance with article VI, off street parking and loading.~~
- ~~(3) Signs are permitted in accordance with the requirements of article VII, signs.~~
- ~~(4) Landscaping in accordance with chapter 78, article IV, landscaping.~~
- ~~(5) Setbacks, height, area, and lot dimensions are required as noted below:~~

LI requirements		District regulations
Minimum lot requirements	Lot area	20,000 sq. ft.
	Lot width	120 ft.
Minimum setbacks (ft.)	Front yard	20
	Side yard(s)	20
	Rear yard	20
Maximum lot coverage		65%
Maximum building height (stories/ft.)		2/35 ft.
Nonresidential accessory buildings (see subsection 82-103 (c))		

(b) ~~Outdoor storage.~~

- ~~(1) Any outdoor storage or activity areas abutting or adjacent to a residential district or use shall be enclosed on all sides with a six foot fence or solid wall that is completely obscuring on those sides facing the residential district, which meets the design requirements listed in section 82-112, fences and walls. In no case shall the outdoor storage of materials abutting or adjacent to a residential district or use be stacked higher than the height of the visual screen unless the planning commission or other approving authority determines that the material is stored in a manner that it is not visible from off-site, or that the material is located such a substantial distance from adjacent properties that it is not a visual nuisance.~~
- ~~(2) For any outdoor storage, materials shall be stored only in the side or rear yards, except that materials shall not be stored on the street side of a corner lot or in any required yard.~~
- ~~(3) One non-gated opening, no greater than 12 feet in width, shall be permitted in the visual screen for each 200 feet of frontage on a street.~~

(c) ~~Mechanical equipment, whether mounted on a structure or on the ground, including heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks, telecommunications equipment, and service or repair yards shall be visually screened from adjacent properties, public and private roadways, or other public areas. The method of screening shall be as approved by the planning commission or as otherwise required by the village zoning ordinance.~~

(d) ~~Building design standards.~~

- ~~(1) It is intended that industrial buildings be both attractive and functionally appropriate for industrial uses. Building color, materials, finishes, and forms shall be substantially~~

~~compatible with the character of the surrounding industrial park or area. One or more of the following materials shall be used in the construction of buildings in this district:~~

- ~~a. — Pre-cast concrete.~~
  - ~~b. — Fluted concrete block.~~
  - ~~c. — Split-face concrete block.~~
  - ~~d. — Scored concrete block.~~
  - ~~e. — Metal siding (corrugated) provided that exposed fasteners shall match the color of the metal finish.~~
  - ~~f. — Glass/glass blocks.~~
  - ~~g. — Drivite, and/or~~
  - ~~h. — Face brick.~~
- ~~(2) In recognition of developing technologies, the planning commission may permit the use of building materials other than those listed in subsection 82-314(d)(1) if, in the judgement of the planning commission, the materials are compatible with surrounding properties, and that such materials comply with architectural, safety, and other requirements of the village building code, fire code, and other applicable village ordinances.~~
- ~~(3) A minimum of 25 percent of that portion of the building which faces a public or private street, or a residential zoning district or residential use, shall be finished with brick, architectural masonry block, cement board, glass stone or a combination of these materials.~~
- ~~(4) In order to reduce wall massing, buildings with exterior walls greater than 50 feet in horizontal length shall be constructed with a combination of the following:~~
- ~~a. — A combination of architectural features such as recesses, projections, and offsets.~~
  - ~~b. — A variety of building materials.~~
  - ~~c. — Landscaping near the walls as approved by the planning commission.~~

~~Secs. 82-315 — 330. Reserved.~~

**Section 17:** **Amendment.** That Chapter 82, Article IV, Section 82-386 of the Sparta Village Code is hereby amended to read in its entirety as follows.

**Sec. 82-386. Specific requirements—Residential districts.**

The requirements set forth in this section relate to particular special land uses and specific requirements in the residential districts that must be met in addition to the general standards of section 82-385.

- ~~(a) Bed and breakfast establishments.~~
- ~~(b)(a) Campgrounds.~~

(~~e~~) (b) Private cemeteries.

~~(d) Commercial soil and mineral removal.~~

~~(e) Private educational institutions.~~

~~(f) Golf courses and country clubs, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.~~

(~~g~~) (c) Public utility structures.

~~(h) Religious institutions.~~

(~~i~~) (d) State licensed residential care group facilities

(~~j~~) (e) State licensed group day care centers.

~~(k)~~ (f) Manufactured home parks.

~~(l) Multiple family dwellings.~~

Specific requirements for the above listed uses are as follows:

~~(a) Bed and breakfast establishments.~~

~~(1) The establishment shall be serviced by approved water and sanitary sewer services.~~

~~(2) The establishment shall be located on property with direct access to a paved public road.~~

~~(3) The use shall be established only in a detached one family dwelling.~~

~~(4) Parking is required in accordance with article VI and shall be located to minimize negative impacts on adjacent properties.~~

~~(5) The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.~~

~~(6) The total number of guest rooms shall not exceed seven, plus one additional guest room for each 10,000 square feet or fraction thereof by which the lot area of the use exceeds one acre, not to exceed a total of ten guest rooms.~~

~~(7) 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 foot solid, decorative fence or wall.~~

~~(8) The establishment shall contain the principal residence of the operator.~~

~~(9) Accessory retail or service uses shall be prohibited, including but not limited to, gift shops, antique shops, restaurants, bakeries, and other similar uses.~~

~~(10) Meals may be served only to the operator's family, employees, and overnight guests.~~

~~(a)~~ (b) Campgrounds.

(1) Minimum lot size shall be three acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean a campground or travel trailer park.

- (2) Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
- (3) No commercial enterprise shall be permitted except that a convenience store may be provided in a development containing more than 80 sites. The convenience store shall not exceed a maximum floor area of 1,000 square feet.
- (4) Each lot shall provide hard-surfaced, dust-free vehicle parking areas for site occupant and guest parking. The parking area shall be located within 400 feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
- (5) Each site shall contain a minimum of 1,500 square feet and set back at least 75 feet from any public or private right-of-way or property line.
- (6) Each travel trailer site shall have direct access to a hard-surfaced, dust-free roadway of at least 24 feet in width for two-way traffic and 12 feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road.
- (7) Any open drainage ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into the county drain system, subject to approval by the Drain Commissioner of Kent County, where a city storm drainage system is unavailable.
- (8) All sanitary facilities shall be designed and constructed in strict conformance to all applicable county health regulations.
- (9) A minimum distance of 15 feet shall be provided between all travel trailers and tents.

(e)(b) *Private cemeteries.*

- (1) The minimum lot size for a cemetery shall be five acres.
- (2) All gravesites, buildings and structures shall be set back at least 50 feet from any property line.

(d) *Commercial soil and mineral removal.*

~~(1) No soil, sand, gravel, or other earth material shall be removed from any land within the village without special land use approval, with the following exceptions:~~

~~a. When the earth removal is incidental to an operation for which a building permit has been issued by the village;~~

~~b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;~~

~~c. The earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties;~~

~~d. The earth removal involves less than 500 cubic yards;~~

~~e. The earth removal is for the purpose of construction of a swimming pool.~~



~~f. — The soil removal will not be in violation of any other section of this chapter, other village chapter, Soil Erosion and Sedimentation Control Act of 1972, or any other applicable state or federal law.~~

~~(2) — In addition to the materials required by this article, the application for special land use approval shall include the following:~~

~~a. — A written legal description of all of the lands proposed for the use.~~

~~b. — Eight copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:~~

~~1. — A north arrow, scale, and date;~~

~~2. — Shading indicating the extent of land area on which mineral removal operations and activities will take place;~~

~~3. — Location, width, and grade of all easements or rights of way on or abutting the lands;~~

~~4. — Location and nature of all structures on the lands;~~

~~5. — Location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;~~

~~6. — Existing elevations of the lands at intervals of not more than five feet;~~

~~7. — Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;~~

~~8. — Mineral processing and storage areas;~~

~~9. — Proposed fencing, gates, parking areas, and signs;~~

~~10. — Roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;~~

~~11. — Map showing access routes between the subject lands and the nearest major road; and~~

~~12. — Areas to be used for ponding.~~

~~c. — A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.~~

~~d. — A site rehabilitation plan including the following:~~



~~1. — A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;~~

~~2. — A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and~~

~~3. — A description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the master plan and all applicable requirements of this chapter.~~

~~e. — The planning commission or village council may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.~~

~~(3) — Each site rehabilitation plan shall be approved by the village council and shall comply with all of the following standards and requirements:~~

~~a. — Topsoil shall be replaced on the site to a depth of not less than six inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.~~

~~b. — Final slopes shall have a ratio of not more than one foot of elevation to three feet of horizontal distance.~~

~~c. — Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.~~

~~(4) — No machinery shall be erected or maintained within 50 feet of any property or street line. No cut or excavation shall be made closer than 50 feet to any street right-of-way line or property line in order to ensure sublateral support to surrounding property. The village council may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within 200 feet of any residential district.~~

~~(5) — The village council shall approve routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to nearby properties. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the village council to minimize dust, mud, and debris being carried onto the public street.~~

~~(6) — Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.~~

~~(7) — During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one foot of elevation for each two feet of horizontal distance, after the cessation of daily operations, provided, however, that the village council may allow some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material, of at least four feet in height, so located that any slopes steeper than one foot of elevation for each two feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.~~

~~(8) — The village council may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.~~

~~(9) — An applicant for a permit shall submit a performance bond in accordance with the requirements of section 82-590 of this chapter, naming the village as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the planning commission as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.~~

~~a. — The performance bond shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the zoning administrator he has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.~~

~~b. — The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the same is revoked or it expires or is not renewed, the village council need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.~~

~~(e) — *Private educational institutions.*~~

~~(1) — No building shall be closer than 40 feet to any property line or street right-of-way line.~~

~~(2) — No more than 25 percent of the gross site area shall be covered by buildings.~~

~~(f) — *Golf courses and country clubs, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.*~~

- ~~(1) The site area shall be at a minimum of 20 acres and shall be located on a major thoroughfare.~~
- ~~(2) All buildings, parking areas, swimming pools, and tennis courts shall be set back a minimum of 75 feet from any property line or street right-of-way lines.~~
- ~~(3) A landscaped buffer strip shall be provided between the parking area and main building area and any adjacent residential district.~~

~~(gc)~~ *Public utility structures.*

- (1) Any buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
- (2) All buildings shall comply with the yard setback requirements of the district in which it is located.

~~(h)~~ *Religious institutions.*

- ~~(1) The minimum lot area shall be at least 30,000 square feet.~~
- ~~(2) No building shall be closer than 40 feet to any property line or street right-of-way.~~

~~(di)~~ State licensed residential care group facilities.

- (1) The minimum lot area shall be at least one acre.
- (2) The proposed site shall have direct access to a major thoroughfare.
- (3) No building shall be closer than 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.
- (5) 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.
- (6) The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
- (7) The facility shall be in compliance with all applicable state licensing requirements.

~~(ej)~~ State licensed group day care facilities.

- (1) There shall be provided, equipped and maintained, on the premises, a minimum of 150 square feet of usable outdoor recreation area for each client making up the licensed capacity of the facility.
- (2) 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.
- (3) Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.
- (4) The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.

~~(kf)~~ Manufactured home parks.

- (1) Review and approval of preliminary plan.
  - a. A preliminary plan, showing the location, layout and general design and a general description of the project shall be prepared in accordance with the applicable requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq.), rules of the state manufactured home commission and the following requirements:
    1. Ten copies of the preliminary plans meeting the requirements of subsection below shall be submitted to the zoning administrator.
    2. The preliminary plans shall exhibit all necessary information and details to determine compliance with the rules promulgated by the state manufactured home commission and applicable state departments and agencies for the development of manufactured home parks, as well as to determine compliance with this chapter, with local fire chapters and building codes.
  - b. The preliminary plan shall be at a scale of at least 100 feet to the inch and show:
    1. The scale and north arrow;
    2. The site location on a vicinity map which illustrates the site in relation to the surrounding area within one-half mile;
    3. The total acreage to the nearest tenth of an acre;
    4. The name and address of the owner, developer and engineer/site planner who prepared the plan;
    5. Property and lot lines with dimensions;
    6. Setback lines;
    7. Topography at two-foot contours, showing present and proposed contours (United States Geological Survey data shall be used);
    8. Existing and proposed utilities, including water, sewer, storm drains, electric and gas utilities;
    9. Building locations and dimensions;
    10. Manufactured home pads/sites;
    11. The recreation area plan, if the developer intends to provide such recreation area;
    12. The required open space area, with dimensions and total area;
    13. A landscape plan showing walks, fences and screening;
    14. Parking spaces and access drives with dimensions; and
    15. All public and private rights-of-way and easements bounding and intersecting the area and an indication of which are proposed to be continued, created, relocated and/or abandoned.
  - c. Preliminary plans submitted to the village shall be subject to review and approval by the village council after receiving recommendation by the planning commission. The council shall approve, modify or disapprove the preliminary plans within 60

days of the date of submission of such plans to the village. If the plans are not approved, modified or disapproved within the 60 days, the preliminary plans shall be deemed approved.

- (2) Site area and dimensions.
  - a. A minimum of ten acres shall be required for the development of a manufactured home park.
  - b. The site shall comprise a single tract and be so dimensioned as to facilitate efficient design and management. A manufactured home park shall have at least 66 feet of frontage on an arterial road. However, minimum width of the site for portions used for general vehicle entrances and exits only shall be 66 feet. All ingress and egress to and from the development shall be onto that road. For portions containing lots for dwellings and buildings generally open to occupants, minimum dimensions shall be 200 feet.
  - c. These limitations shall not apply where expansion of an existing manufactured home development is concerned and where such expansion will not increase variation from requirements applying to manufactured home parks as set forth in this subdivision.
- (3) State requirements: All manufactured home park developments shall comply with the applicable requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq.) and the rules promulgated by the state manufactured home commission.

~~(h) Multiple family dwellings.~~

- ~~(1) All structures shall be a minimum of 25 feet from the closest property lines.~~
- ~~(2) The minimum horizontal distance between the nearest points of buildings shall be 30 feet.~~
- ~~(3) No building with multiple family dwelling units shall have its principal access more than 100 feet from either an access drive, public street, or required off-street parking area.~~
- ~~(4) Parking areas shall have a minimum front yard setback of 20 feet and minimum side and rear yard setbacks of ten feet.~~
- ~~(5) Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.~~

**Section 18: Amendment.** That Chapter 82, Article IV, Section 82-387 of the Sparta Village Code is hereby amended to read in its entirety as follows.

**Sec. 82-387. Specific requirements—Nonresidential districts.**

The requirements set forth in this section relate to particular special land uses and specific requirements in the nonresidential districts that must be met in addition to the general standards of section 82-385.

- (a) Adult uses.
- (b) Building material suppliers. (CBD District).

- (c) Commercial communication towers, including commercial television, radio, and public utility transmitting and/or receiving towers and receiving microwave antennas, and their attendant facilities.
- (d) Commercial day care facilities (CBD District).
- (e) Commercial recreation facilities. (CBD District).
- ~~(f) Commercial storage warehouses.~~
- ~~(g) Comparison retail stores selling commodities within an entirely enclosed building, with a usable floor area (UFA) exceeding 20,000 square feet.~~
- ~~(h)~~(f) Freight yards and terminals.
- ~~(i) Hotels and motels.~~
- ~~(j)~~(g) Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
- ~~(k)~~(h) Junkyards.
- ~~(l) Lumber and planing mills.~~
- ~~(m) Massage (licensed).~~
- ~~(n)~~(i) Metal plating, buffing and polishing, subject to appropriate measures to control the types of process to prevent noxious results and/or nuisances.
- ~~(o) New and used vehicle, boat or farm implement sales including incidental servicing and minor repair.~~
- ~~(p)~~(j) Nonresidential uses located in converted residential buildings. (CBD District).
- ~~(q)~~(k) Nurseries and greenhouses. (CBD District).
- ~~(r)~~(l) Open air businesses. (CBD District).
- ~~(s)~~(m) Private educational institutions. (CBD District).
- ~~(t)~~(n) Religious institutions. (CBD District).
- ~~(u) Rental space for storage of vehicles such as travel trailers, motor homes, recreational vehicles, campers, snowmobiles, boats, etc.~~
- ~~(v)~~(o) Residential uses meeting the lot area requirements of the R-4 R-H district. (CBD District).
- ~~(w)~~(p) Residential uses when combined with commercial businesses permitted in section 82-292. (CBD District).
- ~~(x) Restaurants or other places serving food or beverage, except those with drive through services, provided all property lines abut an LI-light industrial district.~~
- ~~(y) Restaurants, including drive through service. Outdoor seating may be permitted where patrons are served.~~
- ~~(z)~~(q) Shopping center or shopping mall. (CBD District).
- ~~(aa)~~(r) Tractor trailer and trucking facilities, including storage and repair.
- ~~(bb) Utility trailer rental facilities.~~

- ~~(ee)~~(s) ——— Vehicle service station and incidental repair and servicing. (CBD District).
- ~~(dd)~~ ——— Vehicle repair facilities, major and minor.
- ~~(ee)~~ ——— Vehicle wash establishments, either self-service or automatic.
- ~~(ff)~~(t) ——— Veterinary hospital, clinic or indoor kennel. (CBD District).
- ~~(gg)~~(u) ——— Waste lagoon ponds, industrially oriented and permanent in character.
- ~~(hh)~~(v) ——— Wireless telecommunication facilities. (CBD District).

Specific requirements for the above listed uses are as follows:

(a) *Adult uses:*

- (1) The adult use shall not be located within a 1,000-foot radius of any other such use or be located on a lot or parcel within 500 feet of a public park, educational institution, child care facility, or religious institution.
- (2) Any sign or signs proposed for an adult use must comply with the requirements of article VII, and any applicable county, state, and federal laws.
- (3) No 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.
- (4) 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.
- (5) All off-street parking areas shall be illuminated from at least 90 minutes prior to sunset to at least 60 minutes after closing.
- (6) No adult use shall be open for business prior to 10:00 a.m., nor after 10:00 p.m. However, employees or other agents, or contractors of the business may be on the premises at others hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes.
- (7) 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, or have such other similar qualifications which must be submitted to and approved by the village council. All massage clinics are subject to inspection from time to time by the zoning administrator 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.
- (8) 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.

(b) *Building material suppliers.*

- (1) Minimum lot area shall be one acre.

- (2) Minimum lot width shall be 200 feet.
  - (3) The planning commission may require a six-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 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.
- (c) *Commercial communication towers, including commercial television, radio, and public utility transmitting and/or receiving towers and receiving microwave antennas, and their attendant facilities.*
- (1) The applicant shall submit documented proof of need for the tower in this location, and provide further documentation as to why co-location on another tower within the Village of Sparta or township is not available or will not provide the required coverage.
  - (2) The placement, operation, and location shall meet all village, state, and federal requirements.
  - (3) The location shall not exhibit any noise discernible from outside the property lines of the site.
  - (4) A bond shall be submitted to the village equal to the cost of removal when use is discontinued. The bond will be returned to the applicant provided the unused tower/antenna is removed within six months of its discontinuance. After removal the site shall be returned to its natural state within one year after use is terminated, unless the site is otherwise developed for a use permitted by the chapter.
  - (5) The tower must be designed and constructed so as to allow a minimum of three additional commercial antennas on the same structure.
  - (6) The tower will be located in a manner that in the event of a structure failure, it will not fall on any surrounding property.
  - (7) Landscaping shall be installed to screen the ground level structures on the site.
  - (8) A safety and security fence shall be erected, with a minimum height of six feet with barbed wire on the top around the site structure, including associated equipment.
- (d) *Commercial day care facilities.*
- (1) There shall be provided, equipped and maintained, on the premises, a minimum of 150 square feet of usable outdoor recreation area for each client making up the licensed capacity of the facility.
  - (2) 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.
  - (3) Required off-street parking areas shall be provided.
  - (4) Off-street pick-up and drop-off areas shall be provided that are adequate to ensure that no vehicles shall block any street sidewalks or traffic lanes.



(5) The applicant shall provide evidence of the ability to comply with all applicable state licensing requirements.

(e) *Commercial recreation facilities.*

(1) Minimum lot size shall be one acre. The lot shall provide direct access to a major street.

(2) Ingress and egress shall be provided as far as practicable from two intersecting streets and shall be at least 50 feet from an intersection.

(3) Parking areas shall have a minimum front yard setback of 20 feet and side and rear yard setbacks of at least ten feet unless a greater setback is required by this chapter.

(4) Public rest rooms, housed in all-weather structures, containing adequate water outlets, waste containers, and toilets shall be provided.

(5) No commercial, for profit enterprise not related to the operator of the commercial recreation facility shall be permitted to operate on the lot.

(6) All main buildings or outdoor activity areas shall be set back at least 75 feet from any property line.

~~(f) *Commercial storage warehouses.*~~

~~(1) Minimum lot area shall be two acres.~~

~~(2) A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a one-family detached dwelling in the R-1 district.~~

~~(3) One parking space shall be provided for each ten storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.~~

~~(4) One parking space shall also be required for every 20 storage cubicles, up to a maximum required ten spaces, to be located adjacent the rental office, for the use of customers.~~

~~(5) Two parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.~~

~~(6) Parking lanes and access aisles adjacent the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.~~

~~(7) All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.~~

~~(g) *Comparison retail stores selling commodities within an entirely enclosed building, with a usable floor area (UFA) exceeding 20,000 square feet.*~~

~~(1) Public access to the site shall be located at least 100 feet from any public or private street intersection and not less than 50 feet from the nearest part of any other driveway, as measured from the nearest right-of-way line to the nearest edge of that access.~~

~~(2) Any main building shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.~~

~~(3) 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.~~

~~(4) No mechanical rooms or loading areas shall be located nearer than 50 feet to any residential district or use property line.~~

**(hf)** *Freight yards and terminals.*

- (1) Minimum lot size shall be three acres.
- (2) The lot location shall be such that at least one property line abuts a paved street and ingress and egress for all vehicles shall be directly from that street.
- (3) The main and accessory buildings shall be set back at least 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.
- (5) Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.

~~**(i)** *Hotels and motels.*~~

~~(1) Minimum floor area of each guest unit shall contain not less than 250 square feet.~~

~~(2) The minimum lot area shall be 25,000 square feet with a minimum width of 100 feet, provided that there shall be at least 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 35 percent of the lot.~~

~~(4) All parking areas shall have direct access to a major street.~~

**(ig)** *Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.*

- (1) All uses shall be established and maintained in accordance with applicable State of Michigan statutes. To the extent that any of the requirements of this subsection are less stringent than those in applicable state statutes, the state requirements shall prevail.
- (2) The site shall be screened on all sides. As a minimum, the use shall be enclosed by a fence six feet or more in height for the entire periphery of the property. Fences shall be adequate to prevent trespassing and contain debris.
- (3) All areas within any single development shall be in a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form.
- (4) The village council shall establish routes for truck movement in and out of the development in order to minimize the wear on public streets, to minimize traffic hazards and to prevent encroachment of traffic, or the by-products of traffic (such as dust and noise), upon adjacent properties.
- (5) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to property, individuals, or the community in general.

(k) *Junkyards.*

- (1) Requests for a special land use approval for establishment of a junkyard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
- (2) The property shall be a minimum size of at least six acres.
- (3) The site shall abut and have suitable access to a major street to ensure safe, direct transport of salvage to and from the site.
- (4) No portion of the storage area shall be located within 1,000 feet of any residential district.
- (5) Any outdoor storage area shall be completely enclosed by a fence or wall at least six feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two nontransparent gates not exceeding 48 feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
- (6) Stored materials shall not be stacked higher than ten feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
- (7) The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
- (8) A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
- (9) Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
- (10) All portions of the storage area shall be accessible to emergency vehicles.
- (11) Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty-foot wide continuous loop drives separating each row of vehicles.
- (12) All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
- (13) Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
- (14) All fences shall be set back a minimum of 300 feet from any residential district.
- (15) In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.

(16) The planning commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of the Village of Sparta. These conditions can include a provision for an annual inspection by the village to ensure continuing compliance with the above standards.

~~(l) Lumber and planing mills.~~

~~(1) Minimum lot size shall be two acres.~~

~~(2) All property lines must abut an LI light industrial district and at least one property line shall abut a LI street from which all vehicle ingress and egress shall be made, or alternatively one property line may abut a railroad right-of-way.~~

~~(3) The main and accessory buildings shall be set back at least 75 feet from all property lines.~~

~~(4) Truck parking and staging areas shall be fenced and screened from the view of any abutting property and public right-of-way.~~

~~(m) Massage (licensed). Individuals who are licensed through the state having a fixed place of business where massages are administered for pay must meet one or more of the following criteria:~~

~~(1) Proof of graduation from a school of massage licensed by the state;~~

~~(2) Official transcripts verifying completion of at least 300 hours of massage training from an American community college or university; plus three references from massage therapists who are professional members of a massage association referred to in this [sub]section;~~

~~(3) Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or~~

~~(4) A current occupational license from another state.~~

~~(ni) Metal plating, buffing and polishing, subject to appropriate measures to control the types of process to prevent noxious results and/or nuisances.~~

(1) Minimum lot size shall be two acres.

(2) The main and accessory buildings shall be set back at least 100 feet from all property lines and a minimum of 200 feet from adjacent residential uses.

(3) Any outside storage area shall not exceed 2,000 square feet in area and shall be screened from view on all sides by a six-foot or greater solid, decorative fence or wall, or landscaped equivalent. The fence or wall shall be tall enough to screen the view of the contents of the storage area.

(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.

(5) Any portion of a building containing the use shall not have loading doors, windows, or other similar openings facing an abutting residential district or use. If openings are

present, they shall remain closed at all times while any part of the business is in operation.

~~(o) New and used vehicle, boat or farm implement sales including incidental servicing and minor repair.~~

~~(1) Minimum lot area shall be one acre.~~

~~(2) Minimum lot width shall be 200 feet.~~

~~(3) 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.~~

~~(4) Ingress and egress shall be provided as far as practicable from two intersecting streets and shall be at least 100 feet from an intersection.~~

~~(5) No display area shall be located within ten feet of a road right-of-way line.~~

~~(p1) Nonresidential uses located in converted residential buildings.~~

(1) The residential use within each building shall be limited to the approved area for such use, unless modified by further site plan approval.

(2) No residential use shall be permitted below the second floor of any building within this district. Residential uses shall be incidental uses in office buildings and shall not be free standing structures except as may be permitted through the approval of a planned unit development, as approved through sections 82-331 et seq.

(3) The business office use of any building within this district shall be the primary use. Residential uses within a building may occupy greater floor area than the primary use in so far that all residential space is above the first floor.

(4) The minimum square footage for multiple residential units under section 82-234 shall apply to all residential units within the central business district.

(5) Each residential unit shall be a separate unit for water, sewer and electrical purposes and metering.

(6) Parking:

a. All parking shall either be in the rear yard or along the side of the main building but must remain behind the front building line of the structure. Note: Parking for any residential uses shall be provided in the rear of the building and marked.

b. Ingress and egress shall be at least 50 feet from an intersection.

c. Parking areas shall have a minimum front yard setback of 20 feet and side and rear yard setbacks of at least ten feet.

d. The parking plan layout, points of access, and screening shall require the approval of the village council. (Screening shall be provided in accordance with the requirements of section 82-468.

e. The number of spaces for each use on the site shall be in accordance with article VI of this chapter.

- f. If the nonresidential use is located adjacent to community parking facilities, that parking area may be counted as meeting all or part of the parking requirements for use, as determined by the village council.

**(nk)** *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) The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- (3) All loading activities and parking areas shall be provided on the same premises (off-street).
- (4) 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.

**(pl)** *Open air businesses.*

- (1) Minimum lot area shall be one acre.
- (2) Minimum lot width shall be 200 feet.
- (3) The village council may require a six-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) All open air businesses shall comply with all applicable health department regulations regarding sanitation and general health conditions.
- (5) The village council may require the applicant to furnish a performance bond in accordance with the requirements of this chapter to insure strict compliance with any regulation contained herein and required as a condition of special land use approval.
- (6) The lot area used for 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.
- (7) Ingress and egress shall be provided as far as practicable from two intersecting streets and shall be at least 100 feet from an intersection.
- (8) In the case of a plant materials nursery:
  - a. Any storage or display areas shall meet all the yard setback requirements applicable to any main building in the district.
  - b. All loading activities and parking areas shall be provided on the same premises (off-street).
  - c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- (9) Except as noted above, no display area shall be located within ten feet of a road right-of-way line.

**(sm)** *Private educational institutions.*



- (1) Minimum site size for elementary schools shall be 12 acres, middle schools shall be 20 acres, and high schools shall be 40 acres.
- (2) Minimum lot width of 200 feet abutting upon a paved public street.
- (3) Athletic fields shall not be located closer than 100 feet to any property line abutting a residential district.
- (4) Suitable screening shall be provided if, in the opinion of the planning commission, such screening is needed to minimize noise, visual, or other impacts upon surrounding residential districts.

(~~n~~) *Religious institutions.*

- (1) Minimum lot area shall be three acres, plus an additional 15,000 square feet for each 100 persons of seating capacity.
- (2) Buildings of greater than the maximum height allowed in the district may be allowed provided front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed. All main and accessory buildings shall be set back a minimum of 100 feet from any one-family residential district. Parking shall be set back a minimum of 50 feet from any one-family residential district.
- (3) Where adjoining residentially zoned or used property, the council may require a solid, decorative, masonry wall four feet in height along any common lot line. Such wall shall be continuously maintained in good condition. The council may approve a fence, landscaped berm, or landscaping as an alternative. At least one property line shall abut and have access to a major street.
- (4) The planning commission or the village council may require an operations plan and/or parking generation studies to determine parking needs.

~~(u) Rental space for storage of vehicles such as travel trailers, motor homes, recreational vehicles, campers, snowmobiles, boats, etc.~~

- ~~(1) Minimum lot area shall be three acres.~~
- ~~(2) Vehicles stored on a site shall be set back a distance of at least one-half of the requirements of the zoning district applicable to main buildings.~~
- ~~(3) An obscuring screen consisting of a wall, fence and/or landscaping shall be required as determined by the planning commission.~~
- ~~(4) All loading and truck maneuvering shall be accommodated on-site or on a dedicated easement.~~
- ~~(5) Fencing and lighting for security purposes may be required as determined by the planning commission.~~

(~~v~~) *Residential uses meeting the lot area requirements of the R-4 R-H district.*

- (1) The residential use shall either:
  - a. Provide a direct service or convenience to or reduce adverse impacts to surrounding uses or neighborhood;

- b. Provide a compatible transition between higher intensity and lower intensity uses;
  - c. Foster a specific policy, as expressed in the village master plan, including, without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate locations, and group living arrangements for special populations; or
  - d. Is an existing non-conforming use or a change thereto that is permitted according to section 82-124, Nonconforming uses, structures, and lots.
- (2) The location, size, design, and operating characteristics of the proposed development or change to an existing development for the residential use shall be reasonably compatible with and have minimal negative impact on the use of nearby properties.
  - (3) The development will not significantly adversely affect the infrastructure of the surrounding area, including, without limitation, water, wastewater, and storm drainage utilities and streets.
  - (4) The development will not change the predominant character of the surrounding area.
- (~~w~~p) *Residential uses when combined with commercial businesses permitted in section 82-292 (CBD district).*
- (1) The residential use within each building shall be limited to the approved area for such use, unless modified by further site plan approval.
  - (2) No residential use shall be permitted below the second story level of any building within the district.
  - (3) The business use of any building within the district shall be the primary use. Residential use within a building shall not occupy more floor area than business use.
  - (4) No more than three residential units shall be permitted in any building within the central business district.
  - (5) The minimum square footage for multiple residential units under section 82-234, R-4 Site development requirements, shall apply to all residential units within the central business district.
  - (6) Each residential unit shall be a separate unit for water and sewer purposes.
  - (7) Two parking spaces shall be required per residential unit, unless the requirement is waived or modified by the village council.
- ~~(x) Restaurants or other places serving food or beverage, except those with drive through services, provided all property lines abut an LI light industrial district.~~
- ~~(1) The use is intended generally to serve the industrial area in which it is located.~~
  - ~~(2) All portions of the outdoor service area shall be set back a minimum of 30 feet from the edge of the roadway pavement.~~
  - ~~(3) The site shall directly abut an arterial roadway as indicated in the village master plan.~~
  - ~~(4) On site vehicle and pedestrian traffic circulation shall be provided in a manner that ensures safety and efficiency.~~



~~(y) Restaurants, including drive through service. Outdoor seating may be permitted where patrons are served.~~

- ~~(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 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) A minimum of three 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 feet.~~
- ~~(4) Public access to the site shall be located at least 100 feet from any intersection or other driveway on the same side of the street, as measured from the nearest right of way line to the nearest edge of said access.~~
- ~~(5) Internal circulations and access to and egress from the site do not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.~~
- ~~(6) 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.~~
- ~~(7) Environmental impacts, including, without limitation, noise, air emissions, and glare are not significant for employees of the facility or the surrounding area. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.~~
- ~~(8) Outdoor dining/seating must be in accordance with section 82-128, Outdoor dining/seating.~~

(zq) *Shopping center or shopping mall.*

- (1) The minimum lot area for a shopping center or mall shall be three acres.
- (2) The site shall have a minimum of 300 feet of frontage on an arterial street, as shown in the village master plan.
- (3) Shopping centers or malls shall be served by public sanitary sewer and water supply.
- (4) Motor vehicle entrance and exit shall only be from an arterial or collector street identified in the village master plan.
- (5) Pedestrian movement between buildings shall be designed without the need to cross drives or parking areas.
- (6) No building within a shopping center or mall shall have a separate access to a street.
- (7) Existing trees and other significant vegetation on the site shall be preserved whenever possible. Greenbelts, buffer strips, and berms may be required.

(aar) *Tractor trailer and trucking facilities, including storage and repair.*

- (1) Minimum lot area shall be one acre.
- (2) Minimum lot width shall be 200 feet.
- (3) Overhead doors shall not face any roadway, except as approved by the planning commission for any of the following circumstances:
  - a. For through garages where doors are provided on the front and rear of the building; or
  - b. Garages located on corner or through lots; or,
  - c. Where it is determined that a rear garage door would have a negative impact on an abutting residential district.
- (4) All repair work shall be done within the building.
- (5) All outdoor storage of vehicles, material, equipment and other material incidental to the operation shall be enclosed by a six-foot high solid wall or solid fence.
- (6) Materials stored outdoors shall not be stacked higher than the height of the storage area fence or wall and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way.
- (7) Outdoor storage areas are not permitted in the front yard of the site and shall meet the side and rear yard setback requirements.
- (8) No operator shall permit outdoor storage of trucks or trailers within the parking lot. Vehicles stored within the parking lot of the site for a period in excess of 72 hours shall be considered a violation of this requirement.

~~(bb) Utility trailer rental facilities.~~

- ~~(1) Minimum lot area shall be one acre and minimum lot width shall be 200 feet.~~
- ~~(2) Outdoor storage areas for trailers and other equipment are not permitted in the front yard of the site and shall meet the side and rear yard setback requirements of the district.~~
- ~~(3) Storage areas shall be paved in accordance with the requirements of article VI, Off Street Parking and Loading.~~

(ee s) *Vehicle service station and incidental repair and servicing.*

- (1) Parking or storage of inoperative vehicles shall be completely surrounded by an opaque fence of not less than six feet in height.
- (2) A minimum lot frontage of 100 feet shall be required.
- (3) No more than one curb opening shall be permitted for every 75 feet of frontage (or major fraction thereof) along any street, with a maximum of one per street when located on a corner lot, and two for any other street.
- (4) No drive or curb opening shall be located nearer than 75 feet to any intersection nor more than 25 feet to any adjacent residential district property line. No drive shall be located nearer than 50 feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the village council, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

- (5) A raised curb of six inches in height shall be constructed along the perimeter of all paved and landscaped areas.
- (6) 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 500 square feet for each fuel pump unit in excess of four and 1,000 square feet for each service bay in excess of two, and 300 square feet for each parking space intended for the storage of inoperative vehicles.
- (7) The lot shall be located such that it is at least 300 feet from an entrance or exit to any property on which is situated a public library, public or private educational institution, playground, play field, park, religious institution or hospital.
- (8) Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two vehicles.
- (9) Sufficient stacking capacity for the fuel pump portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of three 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 fuel pump portion of the facility.
- (10) All buildings and accessory structures including gasoline pumps shall be setback at least 50 feet from any lot line or street right-of-way, and not less than 50 feet from any side or rear lot line abutting a residential district.
- (11) The visual impact of the service station is minimized and screened from adjacent rights-of-way and properties through placement of the use, screening, landscaping, and other site design techniques.
- (12) The location, size, design and operating characteristics of the proposed facility are reasonably compatible with the use of nearby properties.
- (13) 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.
- (14) All activities, except those required to be performed at the fuel pump, shall be carried on within a building.
- (15) The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the village council. If the use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the village council.
- (16) 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 an official designated by the village manager, and annually approved thereafter by the applicable state agency.

~~(dd) Vehicle repair facilities, major and minor.~~

- ~~(1) All main and accessory structures shall be set back a minimum of 500 feet from a single-family residential district.~~
- ~~(2) There shall be a minimum lot frontage on a paved road of 200 feet.~~
- ~~(3) No more than one curb opening shall be permitted for every 75 feet of frontage (or major fraction thereof) along any street, with a maximum of one per street when located on a corner lot, and two for any other street.~~
- ~~(4) No drive or curb opening shall be located nearer than 75 feet to any intersection nor more than 25 feet to any adjacent residential district property line. No drive shall be located nearer than 50 feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the village council, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.~~
- ~~(5) A raised curb of six inches in height shall be constructed along the perimeter of all paved and landscaped areas.~~
- ~~(6) The lot shall be located such that it is at least 300 feet from an entrance or exit to any property on which is situated a public library, public or educational institution, playground, play field, park, religious institution or hospital.~~
- ~~(7) Overhead doors shall not face a public street or residential district. The planning commission can modify this requirement upon a determination that there is no reasonable alternative and the poor visual impact will be diminished through use of building materials, architectural features and landscaping.~~
- ~~(8) Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two vehicles.~~
- ~~(9) Where adjoining a residential district, a solid decorative masonry wall, six feet in height shall be erected along any common lot line. The wall shall be continuously maintained in good condition. The village council may approve a fence, landscaped berm, or landscaping as an alternative.~~
- ~~(10) Any building side facing a public street or residential district shall be constructed with brick, split faced block, cut or cast stone, patterned precast concrete or any other materials as determined by the village council. E.I.F.S. and vinyl shall be used as accent materials only.~~
- ~~(11) All maintenance and repair work shall be conducted completely within an enclosed building.~~
- ~~(12) There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.~~
- ~~(13) The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the village council. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the village council.~~
- ~~(14) Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted up to four weeks in a designated~~

~~area. Such area shall be appropriately screened from public view as determined by the village council.~~

~~(15) The applicant shall submit a pollution incidence protection plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut-off valves, as approved by the Sparta Fire Department.~~

~~(16) Any use with fuel sales shall also meet the standards for vehicle service station and incidental repair and servicing.~~

~~(ee) *Vehicle wash establishments, either self-service or automatic.*~~

~~(1) All washing activities must be conducted within a building.~~

~~(2) Vacuuming activities may not be conducted in any required yard.~~

~~(3) Main buildings shall be set back a sufficient distance to allow sufficient space to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.~~

~~(ff) *Veterinary hospital, clinic or indoor kennel.*~~

(1) Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than 100 feet to any adjacent occupied dwelling or any adjacent building used by the public.

(2) No dog runs and/or exercise areas shall be located in any required front, rear or side yard setback area.

~~(gg) *Waste lagoon ponds, industrially oriented and permanent in character.*~~

(1) The applicant shall submit an impact assessment describing the expected odors; aesthetics; environmental impacts; and 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 overall operation in relation to the proposed waste lagoon.

(3) Waste lagoon ponds shall be at least 500 feet from any residential district.

(4) The applicant shall describe procedures for managing stormwater runoff and preventing pollution of groundwater.

(5) The applicant shall use acceptable methods for control of odors.

(6) All uses shall be enclosed by a fence six feet or more in height around the periphery of the property. Fences shall be adequate to prevent trespassing.

(7) All uses shall be established and maintained in accordance with all applicable county, State of Michigan and federal laws.

(8) A bond shall be submitted to the village equal to the cost of removal and rehabilitation when use is discontinued. The bond will be returned to the applicant provided the waste lagoon is appropriately removed and the site is appropriately rehabilitated within six months of completion of work.

(hhy) *Wireless telecommunication facilities.*

- (1) The applicant must provide sufficient information to demonstrate the following:
  - a. Collocation on or joint use of any existing tower or antenna is not possible.
  - b. The tower or antenna will not be injurious to the safety, aesthetics, or property values of nearby residences.
- (2) It is the village's policy to minimize the proliferation of new wireless telecommunication facility support structures in favor of collocation of such facilities on existing structures. No new wireless telecommunication facility support structures shall be constructed unless the applicant for the new structure demonstrates, and the village council finds, that collocation on an existing structure is not adequate or is not reasonably feasible.
- (3) All wireless telecommunication facility support structures, unless otherwise provided, shall have a monopole, unipole or similar nonlattice, single vertical structure design and shall be further designed to accommodate at least three wireless telecommunication arrays of antennas or panels. The applicant shall submit an affidavit by a design engineer registered in the state attesting that this requirement is met.
- (4) The site plan for any new support structure shall expressly state that the support structure shall be erected and available for collocation, and shall also show the proposed location of the applicant's and collocators' equipment shelters and related facilities.
- (5) Wireless telecommunication facilities shall not exceed 165 feet in height, as measured from the average grade at the base of the support structure to the top of the antenna or panel. Wireless telecommunication facilities which support three or more arrays of antennas or panels may be increased to 185 feet in height. In no case shall the height exceed any applicable height limitation established by county, state or federal regulations.
- (6) If located on the same lot as another permitted use, a wireless telecommunication facility shall not be located in a front yard or side yard abutting a street. The village council may approve a support structure utilizing camouflage or stealth design for location in a front or side yard abutting a street if the council determines that location will better facilitate a satisfactory and harmonious relationship with existing and prospective development of contiguous land and adjacent neighborhood.
- (7) Wireless telecommunication facilities shall be set back from the lot line a distance not less than one-half of its height or 65 feet, whichever is greater. However, when wireless telecommunication facilities are located on premises which abuts a residential district lot, the minimum setback from the lot line abutting that lot shall be equal to the height of the facility. All setbacks shall be measured from the edge of the facility.
- (8) Wireless telecommunication facilities shall be installed and maintained in accordance with manufacturers' specifications and the building code.
- (9) Removal:
  - a. Upon discontinuance or cessation of use, the facility shall be removed by the owner thereof.

- b. A performance guarantee shall be posted at the time of receiving a permit for the facility to ensure its removal when it is abandoned or no longer needed. The applicant shall demonstrate that funds will be available to the village for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of its removal and restoration of the property or structure upon which the facility is placed.
  - c. Adequate funds shall also be provided to cover the village's administrative costs in the event that the applicant or its successor does not remove the wireless telecommunication facility in a timely manner.
  - d. The security shall, at the election of the village council, be in the form of cash; security bond; letter of credit; or an agreement in a form approved by the village attorney and recordable at the office of the register of deeds, establishing a promise of the applicant and owner of the property, or their successors, to remove the facility in a timely manner as required by this subsection.
  - e. The applicant, owner or successor, shall be responsible for payment of any costs or attorney fees incurred by the village in securing removal.
- (10) No sign shall be attached to or displayed on a wireless telecommunication facility. No signals or lights or other means of illumination shall be permitted on a facility unless required by state or federal law or regulation. The facility shall have a neutral color intended to blend with the surroundings.
- (11) If the wireless telecommunication facility is planned on a site upon which is located another main building or structure, and an equipment shelter is proposed, the equipment shelter shall be constructed with exterior facade materials similar to the main building or structure on the site.
- (12) Wireless telecommunication antennas or panels may be installed on existing buildings or structures provided such antennas or panels, and their supporting structure, do not exceed the height limitation set forth in subsection (5) above.
- (13) Any wireless telecommunication antenna or panel mounted on an existing building or structure which does not increase the height of the building or structure shall be exempt from the setback requirements of subsection (7) above.
- (14) Wireless telecommunication facilities located in one-family residential district shall meet one of the following requirements:
- a. The wireless telecommunication facility shall be mounted directly onto an existing, nonresidential building in a manner that does not increase the height of the building. The facility shall consist of material or color which is compatible with the exterior treatment of the building;
  - b. The wireless telecommunication facility shall be located on an existing non-residential support structure, pole or tower such as a public or private utility tower, pole or structure, but not on a building. The facility shall consist of a material or color which is compatible with the tower, pole or structure. Antennas or panels may extend above the top of the tower, pole or structure not more than 30 feet; however, the height to the top of the antenna or panel may not exceed 165 feet; or



- c. The wireless telecommunication facility shall be located on a new support structure situated on public property. Any facility located on public property which is used for passive recreation shall be designed to minimize the conspicuousness of the facility (e.g., utilizing camouflaged or stealth designed poles or existing environmental features as screening). All such facilities located on public property shall meet the setback requirements of subsection (7) above.

**Section 19: Amendment.** That Chapter 82, Article V, Section 82-422 of the Sparta Village Code is hereby amended to read in its entirety as follows.

**Sec. 82-422. 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 final site plan has been reviewed and approved in accordance with the requirements of this article.
- (b) A final site plan **review and** approval **by the planning commission** shall be required under the following conditions unless excepted by subsection (c) of this section:
  - (1) All special land uses (village council approval required);
  - (2) All permitted uses in the ~~NC, O, GC B, and~~ CBD, and ~~LI~~ districts;
  - (3) The following permitted uses in the R-M district:**
    - i. Private educational institutions.**
    - ii. Golf courses, country clubs, and related uses.**
    - iii. Religious institutions.**
    - iv. Bed and breakfasts.**
  - (4) The following permitted uses in the R-H district:**
    - i. Private educational institutions.**
    - ii. Golf courses, country clubs, and related uses.**
    - iii. Religious institutions.**
    - iv. Bed and breakfasts.**
    - v. Multiple family dwellings.**
  - (5) The following permitted uses in all districts:**
    - i. Public school facilities that are not otherwise exempt from local zoning under state law.**
- ~~(3)~~ **(6)** Site condominium developments (section 82-125 requires village council approval);
- ~~(4)~~ **(7)** The zoning administrator may request the planning commission to review any use that is deemed to have such intensity and potential effect on properties in the general vicinity.



- (c) Final site plans for the following uses shall be reviewed and approval by the zoning administrator.
- (1) Single, ~~and~~ two-family, and three-family dwellings (unless submitted as a site condominium under the provisions of subsection (b) ~~(6)(3)~~ above);
  - (2) State licensed family day care facilities;
  - (3) State licensed residential care family facilities;
  - (4) Accessory uses or structures; and
  - (5) Accessory dwelling units; and
  - ~~(5)(6)~~—All other uses not provided for in subsection (b) of this section.

**Section 20: Amendment.** That Chapter 82, Article VII, Section 82-506 of the Sparta Village Code is hereby amended to read in its entirety as follows.

**Sec. 82-506. Sign requirements for individual zoning districts.**

RESIDENTIAL ZONING DISTRICTS—PERMITTED SIGNS IN THE <del>R-1, R-2, R-3, R-4</del> <u>R-M and R-H</u> AND RESIDENTIAL PUD DISTRICTS	
<i>Ground Signs</i>	
Number	<u>One (1)</u> per major entrance to a subdivision, condominium, or <del>one</del> <u>two (2)</u> ground signs per parcel <u>for uses requiring site plan review by the planning commission or the village council pursuant to Article V, Sec. 82-422, or</u> as part of an application for and approval of a special land use.
Size	No greater than 25 sq. ft.
Location	Minimum of ½ of the front setback required for main buildings and a minimum of 15 ft. from any side or rear property line
Height	No higher than 8 ft.
<i>Wall Signs</i>	
Number	<del>Two (2)</del> <u>Two (2)</u> per street frontage as part of an application for and approval of a special land use, <u>or for uses requiring site plan review by the planning commission or the village council pursuant to Article V, Sec. 82-422.</u>
Size	No greater than 5% of the wall area to which the sign is affixed
Location	On 1 wall of building facing either the street or the main parking area
<i>Temporary signs as regulated by Section 82-504 (a) and the following</i>	
Number	2 per parcel
Size	No greater than 6 sq. ft. each
Location	Minimum of 10 ft. from any side or rear property line
Height	No higher than 6 ft.

PERMITTED SIGNS IN THE <del>GCB</del> DISTRICT AND THE COMMERCIAL PUD DISTRICT	
<i>Ground Signs</i>	
Number	1 per street frontage (provided the frontage meets the required lot width for the district in which it is located), except that only 1 ground sign or 1 freestanding sign shall be permitted per street frontage
Size	1 sq. ft. for each 1½ feet of lot frontage, not to exceed 75 sq. ft.
Location	Minimum of 10 ft. from any side or rear property line

Height	No higher than 8 ft.
<i>Freestanding Signs</i>	
Number	1 per street frontage (provided the frontage meets the required lot width for the district in which it is located), except that only 1 ground sign or 1 freestanding sign shall be permitted per street frontage
Size	1 sq. ft. for each 1½ of lot frontage, not to exceed 50 sq. ft.
Location	Minimum of 10 ft. from any side or rear property line
Height	No higher than 20 ft., except when the front setback of the sign exceeds 10 ft., 1 additional foot in height allowed for each additional foot in setback beyond 10 ft.
<i>Wall Signs</i>	
Number	1 per street frontage and 1 per main parking area without street frontage.
Size	No greater than 15% of the wall area to which the sign is affixed.
Location	On wall of building facing street and/or facing the main parking area
<i>Temporary signs as regulated by Section 82-504 (a) and the following</i>	
Number	2 per parcel
Size	No greater than 32 sq. ft. total
Location	Minimum of 10 ft. from any side or rear property line
Height	No higher than 6 ft.

<b>CBD CENTRAL BUSINESS COMMERCIAL DISTRICT—PERMITTED SIGNS</b>	
<i>Wall Signs</i>	
Number	1 wall sign per street frontage and parking lot frontage plus 1 projecting sign for each public entrance to a business establishment.
Size	Street frontage no greater than 10% percent of the wall area to which the sign is affixed Parking lot frontage no greater than 5% percent of the wall to which the sign is affixed
<i>Projecting Signs</i>	
Number	1 projecting sign for each public entrance to a business establishment
Size	Shall extend no more than five feet from the building. No greater than 20 square feet
Location	On wall of building facing street and wall facing public or private parking area
Height	Signs shall be mounted minimum eight feet from bottom of sign and not higher than the roof line of the building or the bottom of the window of the second story
<i>Ground sign or freestanding sign, when no projecting signs are used</i>	
Number	1 per street frontage (provided the frontage meets the required lot width for the district in which it is located), except that only 1 ground sign or 1 freestanding sign shall be permitted per street frontage
Size	No greater than 50 sq. ft. per sign
Location	Minimum of 5 ft. from any property line or adjacent building
Height	Ground sign: No higher than 8 ft. Freestanding sign: No higher than 20 ft.
<i>Temporary signs as regulated by Section 82-504 (a) and the following</i>	
Number	2 per parcel
Size	No greater than 32 sq. ft. total
Location	Minimum of 5 ft. from any property line or adjacent building
Height	No higher than 6 ft.
<i>Marquee Signs</i>	
Number	1 per street frontage
Size	No greater than 50 sq. ft.
Location	On face of marquee

Height	Minimum clear space of 8 ft. from bottom of marquee
<i>Awning Signs</i>	
Number	1 per awning face
Size	No greater than 50% of any awning face to which the sign is affixed
Location	On face of awning
Height	Minimum clear space of 8 ft. from bottom of awning

<b>O OFFICE DISTRICT—PERMITTED SIGNS</b>	
Signs are permitted in accordance with the requirements for signs in the GC General Commercial District, with the requirements of section 82-254 (3) and in accordance with the following	
<i>Ground Signs</i>	
Size	No greater than 32 sq. ft.
Height	No greater than 6 ft.
Location	Minimum of five ft. from any side or rear property line
Note	No freestanding signs are permitted in the O Office District

<b>LI LIGHT INDUSTRIAL DISTRICT AND INDUSTRIAL PUD DISTRICT—PERMITTED SIGNS</b>	
<i>Ground Signs</i>	
Number	1 per lot or parcel
Size	No greater than 50 sq. ft.
Location	Minimum of 10 ft. from the front property line, 15 ft. from side and rear lot lines
Height	No higher than 6 ft.
<i>Wall Signs</i>	
Number	1 per street frontage
Size	No greater than 10% of the wall area to which the sign is affixed
<i>Temporary signs as regulated by Section 82-504 and the following</i>	
Number	2 per parcel
Size	No greater than 32 sq. ft.
Location	Minimum of 5 ft. from the front property line, 15 ft. from side and rear lot lines
Height	No higher than 6 ft.
<b>MIXED USE PUD AND TRADITIONAL NEIGHBORHOOD DEVELOPMENT PUD DISTRICT PERMITTED SIGNS</b>	
Signs permitted in the Mixed Use PUD district and the Traditional Neighborhood Development PUD district shall be as approved by the Village Council upon recommendation by the Planning Commission.	

**Section 21: Amendment.** That Chapter 82, Article IX, Section 82-588 of the Sparta Village Code is hereby amended to read in its entirety as follows.

**Sec. 82-588. Amendments to the zoning chapter.**

- (a) *[Initiation of amendments.]* An amendment to this chapter may be initiated by motion of the village council, by motion of the planning commission, or by application for amendment of one or more persons having interest in property located within the jurisdiction of this chapter.
- (b) *[Application fee.]* The village council shall establish by resolution a fee to be paid in full at the time of receipt of any application to amend this chapter. Said fee shall be collected by the village clerk and no part shall be refundable to the applicant. No fee shall be charged when that applicant is a governmental body.

- (c) *[Application form.]* The planning commission shall adopt an application form for the purpose of amending this chapter. An application shall be completed and filed with the village clerk by the person or persons petitioning for the change for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment.
- (d) *[Application review.]* The zoning administrator shall review the application for completeness. Any application not properly filed or completed shall be returned to the applicant. Completed applications shall be transmitted to the planning commission.

~~(e) *[Request for comment.]* The zoning administrator shall notify the following agencies within five days of receipt of a proper application from a petitioner or the adoption of a resolution from the village council or planning commission to amend this chapter, requesting their comments and recommendations:~~

- ~~(1) Fire chief;~~
- ~~(2) Police chief;~~
- ~~(3) Parks and recreation director;~~
- ~~(4) Public works department;~~
- ~~(5) Other village officers and agencies deemed appropriate by the planning commission.~~

~~(f) *[Comment period.]* The above mentioned agencies may submit comments and recommendations on the proposed amendment within 21 calendar days of receipt of notice. If no written response is received from an agency by the zoning administrator within 35 calendar days, the planning commission shall presume that the agency has no objections to the proposed rezoning.~~

~~(g)~~(e) *Public hearing.*

- (1) The planning commission shall hold a public hearing on the proposed amendment within a reasonable time following receipt of a completed application to amend this chapter or after the resolution initiating the change is adopted by the village council or planning commission, as the case may be.
- (2) The village clerk shall give notice of the time and place of the public hearing pursuant to the Zoning Act. An affidavit of delivery or mailing shall be maintained.

~~(h)~~(f) *Planning commission recommendation.*

- (1) In reviewing any application for an amendment to this chapter the planning commission shall identify and evaluate all factors in its view that are relevant to the application.
- (2) The matters to be considered by the planning commission shall include, but need not be limited to, the following:
  - a. What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment?
  - b. What, if any, error was made in the Ordinance which justifies the proposed amendment?
  - c. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?

- d. What is the impact of the amendment on the ability of the village and other governmental agencies to provide adequate public services and facilities, and/or program, that might reasonably be required in the future if the proposed amendment is adopted?
  - e. Does the proposed amendment adversely affect environmental conditions, or the value of the surrounding property?
  - f. Does the proposed amendment generally comply with the adopted village master plan?
  - g. The ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located.
- (3) All findings of fact shall be made a part of the public records of the meetings of the planning commission. The planning commission shall transmit its findings of fact, a summary of comments received at the public hearing and its recommended action to the village council.

**(ig)** *Consideration by the village council.*

- (1) Upon receipt of a report and summary of hearing comments from the planning commission, the village may hold an additional public hearing, if it considers it necessary, or may proceed to adopt the proposed amendment.
- (2) If the village council considers further changes desirable, which are in addition to, or departures from the proposed amendment, it may first refer the matter back to the planning commission for a further report.
- (3) Approval of amendments shall require a majority vote of the village council.

**(jh)** *Notice of adoption.*

- (1) Following the adoption of the amendment by the village council one notice of adoption shall be published in a newspaper of general circulation in the village within 15 days after adoption, a copy of which shall also be mailed to the airport manager entitled to notice under the Zoning Act.
- (2) The notice shall include the following information:
  - a. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
  - b. The effective date of the ordinance.
  - c. The place and time where a copy of the ordinance may be purchased or inspected.

**Section 22. Amendment of the Zoning Map.** That the official Zoning Map of the Village of Sparta, Michigan, referenced in Chapter 82, Article III, Division 2, Section 82-152 of the Sparta Village Code, shall be amended upon the effective date of this Ordinance to reflect the consolidation and rezoning of former districts R-1 and R-2 into the R-M Residential Medium Density Zoning District as set forth in Sections 8 and 10; to reflect the consolidation and rezoning of former districts R-3 and R-4 into the R-H Residential High Density Zoning District as set forth

in Sections 8 and 11; and to reflect the consolidation and rezoning of former districts G-C and LI into the B-Business District as set forth in Sections 8 and 14 of this Ordinance.

**Section 23. Severability.**

Should any section, portion or part of this Ordinance be declared to be invalid by a court of competent jurisdiction, such declaration does not void or render inoperable any other part of this Ordinance.

**Section 24. Conflict.**

Nothing in this Ordinance will be construed to conflict with existing Village ordinances, except as otherwise stated herein. Furthermore, nothing in the Ordinance shall be construed to conflict with federal or state law.

**Section 25. Effective Date.**

The Ordinance shall be effective upon the expiration of 7 days after this Ordinance (or a summary thereof) is published as provided by law.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN/ABSENT: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED

I, Katy Shelton, the Clerk of the Village of Sparta, attests that the foregoing is a true and accurate copy of an ordinance adopted by the Village Council of the Village of Sparta at a regularly scheduled meeting held on \_\_\_\_\_, 2024, which meeting was held in accordance with State Law.

\_\_\_\_\_  
Katy Shelton, Village Clerk

Introduced: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Adopted: \_\_\_\_\_  
Published: \_\_\_\_\_  
Effective: \_\_\_\_\_

DRAFT