

# VILLAGE OF DECATUR PLANNING COMMISSION REGULAR MEETING AGENDA

Thursday  
August 25,  
2022



VILLAGE OF DECATUR – PLANNING COMMISSION

REGULAR MEETING

Thursday, August 25, 2022 – 1:00PM

Village Hall – 114 N. Phelps Street, Decatur, MI 49045

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1:00 PM Planning Commission Meeting (Action to be taken by the Commission on the following agenda items)

**Note: Please be courteous and turn cell phones off during the meeting.**

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL (Excused Absences, if Any)**

4. **PUBLIC COMMENT**

5. **APPROVAL OF AGENDA**

5A - Approval of the Regular Meeting Agenda for August 25, 2022

6. **APPROVAL OF MINUTES**

6A - Approval of the Minutes of the Regular Meeting of July 21, 2022

7. **PUBLIC HEARING**

7A – Request to hold a public hearing regarding application from the Decatur-Hamilton Fire Department, to rezone parcel 80-43-085-024-50 from R-1 Single Family Residential to B-2 General Business.

8. **UNFINISHED BUSINESS**

8A - Review of the Master Plan Update Timeline (5 minutes)

9. **NEW BUSINESS**

9A - Discussion regarding Parking Ordinance – Amendments (10 minutes)

9B – Discussion regarding Ordinance 184 – Amendments (10 minutes)

10. **PLANNING COMMISSION COMMENTS**

11. **ADJOURNMENT**

## **PLEASE NOTE**

### **AUDIENCE PARTICIPATION:**

In addition to addressing the Planning Commission during public hearings and under “Public Comment,” members of the audience may address the Chairperson, please limit your comments to three minutes or less per item. Please step up to the podium and state your name and address.

The proposed process for items listed under agenda items above shall be as follows:

1. Announcement of the agenda item by the Chairperson.
  2. Verbal report provided by staff.
  3. Chairperson asks Commission members if they have any questions for staff to clarify the staff report.
  4. Motion is made by a Commission member and seconded by another Commission member.
  5. Chairperson calls on Commission members to discuss the motion if Commission members wish to discuss.
  6. Chairperson calls for a vote on the item after discussion has occurred.
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Village of Decatur  
Planning Commission Regular Meeting Minutes  
Thursday, July 21, 2022, at 1:00 P.M  
Village Hall, 114 N. Phelps Street  
Decatur, MI 49045

I. **Call to Order**

Rex called the meeting to order at 1:18 p.m.

II. **Pledge of Allegiance**

III. **Roll Call**

Trustee Mike Verran (excused), Commission Member Janet Moelaart, Cindy Pachner, Pat Muscovalley (excused), Chairman Blaine Rex, Village Manager Tapper (excused), Shantel Pentland, Administrative Assistant, Megan Duncan Clerk/Treasurer (excused), Village Planner Rebecca Harvey.

IV. **Public Comment**

None

V. **Approval of Agenda**

Moelaart offered a motion with support from Pachner to approve the agenda for July 21, 2022, as presented, motion passed 3-0.

VI. **Approval of Minutes**

Pachner offered a motion with support from Moelaart to approve the meeting minutes from May 19, 2022, as presented, motion passed 3-0.

VII. **Public Hearing**

None

VIII. **Unfinished Business**

Rebecca provided a thorough recap on the Planning Commission's decision to use SWMI Planning Commission for the Master Plan Update- option C, with the contingency to use Rebecca as the contact person. There was discussion and reiteration on how the process would ensue now that a plan has been decided

upon, and why this process is necessary. Rebecca provided clarification and answered questions throughout the recap to bring all Planning Commission Members up to speed on where the Village stands with the Master Plan Update.

IX. **New Business**

Planning Commission Training Session #3 has been postponed to August 18, 2022 meeting.

X. **Planning Commission Comments**

None

XI. **Adjournment**

Pachner offered a motion with support from Rex to adjourn the meeting at 1:54 p.m., motion passed 3-0.

Minutes submitted by: Shantel Pentland, Administrative Assistant

# Village of Decatur

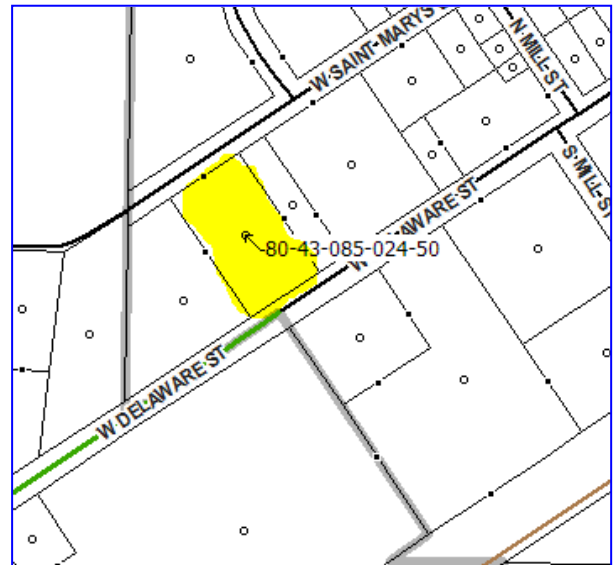
## Planning Commission

**Applicant:** Decatur-Hamilton Fire Department

**Subject Property:** 420 W. Delaware

**Zoning:** R-1 One- and Two-Family Residential District

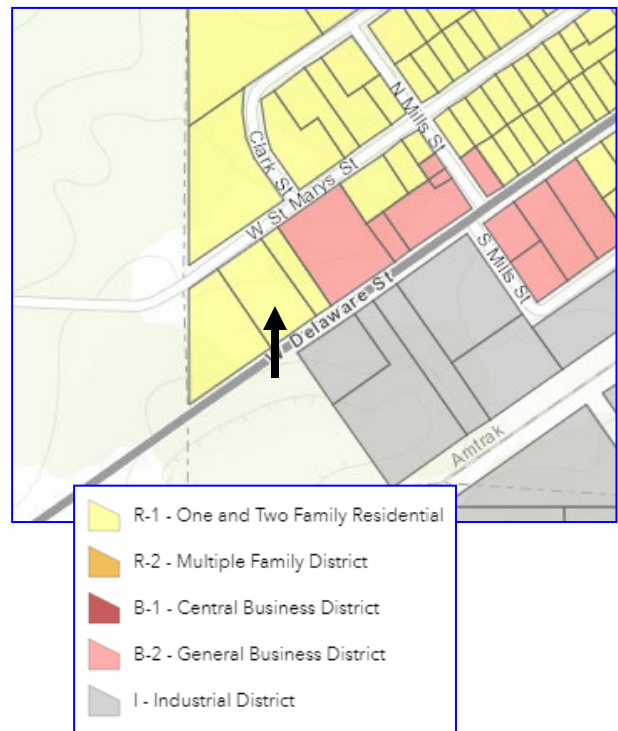
**Proposal:** Rezone subject property from the **R-1 One- and Two-Family Residential District** to the **B-1 Central Business District**



### □ Application Overview

- The subject property consists of approximately 1.4 acres and is provided 188 ft of frontage on W. Delaware St and 188 ft of frontage on W St. Mary's St. The property exists as a lawful conforming site.
- The subject property is currently occupied by the Decatur-Hamilton Fire/EMS Complex.
- The existing 'public building' is a Permitted Use in the R-1 District.
- Applicant seeks approval to have the subject property rezoned from the R-1 District to the B-1 District.

### Zoning Map



# Village of Decatur

## Planning Commission

### Rezoning Analysis

- In considering the proposed rezoning, the Planning Commission should be guided by the following criteria:

#### **1) Will the rezoning further the comprehensive planning goals of the Village?**

The Village of Decatur Future Land Use Map classifies 420 W. Delaware St as 'Public/Quasi-Public'.

The Future Land Use Plan notes the property is classified as 'Public/Quasi-Public' due to its 'public ownership' and 'proximity to high density residential areas to ensure public accessibility.'

The Master Plan is generally silent on the zoning of 'public property' that is not identified for open space preservation or recreation.

Future Land Use Map



#### **2) Will the rezoning correct an inequitable situation created by the Zoning Ordinance rather than grant special privilege? (Will the rezoning constitute a 'spot zone'?)**

The immediate area is within the R-1, B-2 and I Districts. The proposed rezoning to B-1 will serve to introduce 'arbitrary or inappropriate' zoning into the area.

#### **3) If the rezoning is approved, what will be the probable effect on stimulating similar zoning requests in the vicinity? Would this secondary effect negatively impact community plans and public services?**

The subject property is not situated in or near an area of B-1 zoning. It is likely that the introduction of B-1 zoning into the area would generate similar rezoning requests in the future, inconsistent with the future land use plan for the area.

# Village of Decatur

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## Planning Commission

***4) Is the proposed rezoning consistent with the surrounding zoning/land use?***

The area to the east is within general business district zoning (B-2) and is occupied by/planned for neighborhood commercial land use.

To the north is residential district zoning (R-1) currently planned and developed as residential neighborhoods, including a church directly opposite the subject site.

To the south is vacant industrial district zoning (I) planned for neighborhood residential growth.

The proposed rezoning from R-1 to B-1 is not consistent with the existing and planned zoning/land use pattern in the area.

***5) Can all of the requirements of the proposed zoning district be met on the subject property?***

The subject property is currently occupied by a 'public building'. The existing R-1 District allows 'public buildings and parks' as a Permitted Use, rendering the existing fire station a lawful conforming use.

The proposed B-1 District does not allow 'public buildings and parks'. A rezoning of the property to the B-1 District will serve to change the conforming use status of the existing fire station.

***6) Is the proposed rezoning consistent with the trends in land development in the area?***

The nearby industrial and commercial zoning is not fully developed, suggesting that additional commercial zoning is not needed . . . and that infill development of vacant commercial zoning should instead be encouraged.

***7) Would the proposed rezoning severely impact traffic, public facilities and the environmental conditions of the area?***

The proposed rezoning from R-1 to B-1 will significantly alter the future use prospects of the property, which could include related impacts on traffic and public facilities . . . depending on the intensity of the future commercial use.





**VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN**  
**APPLICATION FOR ZONING ORDINANCE VARIANCE/**  
**REZONING/CONDITIONAL USE PERMIT**

Submit to: Village Clerk, Village of Decatur  
114 N. Phelps Street, Decatur MI 49045  
(269) 423-6114

Fee: \$200.00  
(Non-refundable)

Reference of Decatur Zoning Ordinance, Article XIII

In accordance with the above reference, application is hereby made to the Village Council of the Village of Decatur, Van Buren County, Michigan, for a variance on certain properties listed below: rezoning

Applicant(s) Name: Decatur-Hamilton Fire Department

Address: 420 W. Delaware

Decatur, MI 49045

Telephone (include area code): 269-423-7866

Street Address of Property Involved:

420 W. Delaware

Decatur, MI 49045

Property Tax Number: Tax Parcel #: 80-43-085-024-50

Legal Description of Property Involved:

"BEG AT A PT ON SLY L OF ST MARYS ST S 57 DEG 31' 57" W 66' FROM NWLY COR OF  
BLK 4, TH S 34 DEG E PAR TO WLY L OF SD BLK 329.48' TO NLY L OF DELAWARE ST,  
TH S 57 DEG 10' 04" W ALG SD NLY L 190', TH N 34 DEG W PAR TO SD WLY L 330.69' TO SD  
SLY L, TH N 57 DEG 31' 57" E ALG SD SLY L 190' TO BEG. "

Dimensions of Property:

323.42' x 188.17' ' \_\_\_\_\_  
\_\_\_\_\_

Present Zoning Classification: R-1 Single Family Residential

Current Ownership Status: Village of Decatur

Variance Requested: (Setback?): B-1 Central Business District  
rezoning

Explanation of request for variance (Attach site plan showing present improvements to the  
property and proposed improvements, use separate sheet if needed):

This is the Decatur-Hamilton Fire Department's request to rezone its property at 420 W. Delaware Street  
within the Village from the existing R-1 Single Family Residential to the B-1 Central Business District.

Such rezoning request was not made when the fire hall was constructed years ago.

The M-51 corridor is zoned B-1 Central Business District. The fire department parcel is just off of M-51.

 7-29-00

Signature of Applicant

Date



NOTICE OF PUBLIC HEARING  
VILLAGE OF DECATUR PLANNING COMMISSION

PLEASE TAKE NOTICE that the Planning Commission of the Village of Decatur, Michigan, shall on August 25, 2021, at 1:00 PM, at the Village Council Chambers, Decatur Village Hall 114 N Phelps, Decatur, Michigan, hold a public hearing for the following items independently purposed listed below:

1. Application for Re-zoning – Decatur-Hamilton Fire Department 420 W. Delaware Street

At that time and place, the Planning Commission shall hear and consider comments, concerns, statements, information, or other communications concerning the agenda items. Please send all written comments to the address listed below. Comments can also be sent to [ctapper@decaturmi.us](mailto:ctapper@decaturmi.us)

Village of Decatur  
114 N Phelps Street  
Decatur MI 49045  
(269) 423-6114

BY: Christopher Tapper  
Village Manager

RADIAL SEARCH RESULTS:

[\(Click Here to Download These Results\)](#)

TARGET OBJECTS(s) - orange on screen:

80-43-085-024-50

RADIAL SEARCH DISTANCE: 300 FT

OBJECTS FOUND WITHIN 300FT OF TARGET(S) - yellow on screen: (Note - Targets that are part of the database are included in the found objects list below).

80-08-019-026-10  
BURNS MICHAEL J  
45103 86TH AVE  
DECATUR  
MI  
49045

80-08-019-026-02  
BS PROPERTIES LLC  
45667 M 51 HWY  
DECATUR  
MI  
49045

80-08-019-001-01  
RAINES TYLER D  
45127 M 51 W  
DECATUR  
MI  
49045

80-08-019-007-00  
HOLY FAMILY CHURCH  
500 W ST MARYS ST  
DECATUR  
MI  
49045

80-43-085-024-40  
WINCHESTER JOYCE ANN  
55024 M 51 HWY  
DOWAGIAC  
MI  
49047

80-43-040-006-00  
HOLY FAMILY CHURCH  
500 W ST MARYS ST  
DECATUR  
MI  
49045

80-43-085-025-00  
COSBY CAROL L  
415 W DELAWARE ST  
DECATUR  
MI  
49045

80-43-085-024-31  
VILLAGE OF DECATUR  
114 N PHELPS ST  
DECATUR  
MI  
49045

80-43-085-024-50  
VILLAGE OF DECATUR  
114 N PHELPS ST  
DECATUR  
MI  
49045

80-43-040-043-00  
WINCHESTER JOYCE ANN  
55024 M 51 HWY  
DOWAGIAC  
MI  
49047

80-43-085-029-10  
MIDWEST PROPERTY LLC  
9031 SHAVER RD  
PORTAGE  
MI  
49002



Village of Decatur  
114 N Phelps Street  
Decatur, MI 49045

## MEMORANDUM

TO: Village Council  
FROM: Christopher Tapper, Village Manager  
REVIEWED BY: N/A

DATE: July 5, 2022

SUBJECT: Request to adopt Ordinance 2022-002 Amendment Noxious Weeds & Grass

### Action Requested:

It is requested that Village Council adopt Ordinance 2022-002 Amendment Noxious Weeds & Grass

### Background:

Ordinance 184 Appointment of Commissioner of Noxious Weeds, Grass and other Vegetation has been reviewed by staff and Village Attorney. Staff historically has been concerned with several sections of the Ordinance with regards to enforcement procedures along with sections detailing The Commissioner of Noxious Weeds.

The following amendment Ordinance 2022-002 was developed to address the concerns of staff.

The key changes and things to note are:

1. Draft Section 14-56: Noxious weeds include the specified weeds (regardless of height), grass/weeds/brush/other rank vegetation exceeding 12 inches in height, and the accumulation of dead weeds, grass, brush or leaves [new].
2. Draft Section 14-57: Prohibits the growth or accumulation of noxious weeds on real property or upon any sidewalk [new].
3. Draft Section 14-58 and 14-60: Adds language allowing the Village Council to change the civil fines (currently not to exceed \$100) by resolution from time to time. Designates increased fines for repeat offenses [new].
4. Draft Section 14-61. The amendment would eliminate the Noxious Weed Commissioner. It would authorize the Village Manager and his designee to issue notices and order the abatement, and authorize the Village Manager or his designee, any Decatur police officer, and any other persons designated by the Village Council to issue citations.



Village of Decatur  
114 N Phelps Street  
Decatur, MI 49045

5. The amendment would eliminate the “to a depth of 10 rods or the depth of the lot, whichever is less” language in current Section 4. Thus, the noxious weed ordinance would apply to the entire lot, regardless of depth.
6. The amendment would eliminate the exception for “natural landscaping” that is in current Section 5. The amendment would include in the definition of noxious weeds “rank vegetation” exceeding 12 inches and “rank vegetation” is commonly understood as the uncontrolled growth of plants. Thus, if the Village encountered a situation with an intentional natural planting or cultivated garden exceeding 12 inches in height, the Village could rely on that language in choosing not to enforce the noxious weed ordinance against a property (or a portion of a property).
7. Note that the current ordinance designates a violation as being over 12” in height. I have seen other weed ordinances designate violations at 6”, 8”, 10” or 12”. I would not recommend 6” but if the Village wishes to consider something less than 12” now would be a good time. Otherwise, it can retain the 12” limitation.

Attachments:

Ordinance 184

Draft Ordinance 2022-002

## **ORDINANCE NO. 184**

### **AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF A COMMISSIONER OF NOXIOUS WEEDS, GRASSES AND OTHER VEGETATION AND THE CUTTING DOWN AND DESTRUCTION OF NOXIOUS WEEDS, GRASSES AND OTHER VEGETATION IN THE VILLAGE OF DECATUR; AND FURTHER PROVIDING FOR NOTICE TO PROPERTY OWNERS; COLLECTION OF COST OF CUTTING DOWN WEEDS, GRASSES AND OTHER VEGETATION WHEN DONE BY THE VILLAGE OF DECATUR OR ITS AGENT, AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE, ALL PURSUANT TO MICHIGAN PUBLIC ACT 359 OF 1941, AS AMENDED.**

#### **THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:**

**Section 1:** The Village Council of the Village of Decatur, Michigan, pursuant to the authority of Michigan Public Act 359 of 1941, as amended (MCL 247.61 et seq.), may appoint a competent person to be the Commission of Noxious Weeds who shall take the oath required of Village Officers and hold office for the term of two (2) years or until a successor is appointed and qualified. Said Commissioner shall receive for his/her compensation such sum as may be fixed by the Village Council from time to time and may be removed by said Village Council at any time for good cause.

**Section 2:** For the purpose of this Ordinance “noxious weeds” shall include Canada thistle, Dodders, Mustards, Wild Carrot, Bindweed, Perennial Sowthistle, Hoary Alyssum, Ragweed, Poison Ivy, Poison Oak, Poison Sumac, and grasses or vegetation of any description exceeding a height of twelve inches, and any other plant, tree or shrub which, in the opinion of the Village Council, is regarded as a common nuisance. All the aforesaid noxious weeds, grasses and other vegetation exceeding a height of 12 inches, as set forth in this section shall be deemed to be a public nuisance.

**Section 3:** The Commissioner of Noxious Weeds shall investigate all complaints concerning noxious weeds, grasses and other vegetation, and shall enforce the provisions of this Ordinance by controlling and/or eradicating noxious weeds, grasses and vegetation to prevent them from going to seed or spreading, or otherwise becoming a detriment to public health and a public nuisance.

**Section 4:** A landowner owning land in the Village of Decatur, Michigan shall cut down or cause to be cut down and/or destroyed, all noxious weeds and grasses growing thereon to a depth of 10 rods or the depth of the lot, whichever is less, before the first day of May in each year, and shall continue to cut down or cause to be cut down and destroyed, all noxious weeds, grasses and other vegetation throughout the remainder of the growing season of each year.

**Section 5:** Natural landscaping may be permitted on any lot or parcel of land which has a depth in excess of 10 rods from the street right-of-way.

A. Natural landscaping is defined as the practice of cultivating plants which are native to the bioregion without resort to artificial methods of planting and care such as chemical fertilizer, mowing, watering other than by through natural processes (rain), with the goal of harmonizing the landscape with the larger biotic community and ecosystem of the immediate and surrounding bioregion.

B. Natural landscaping may only be permitted on that part of any lot or parcel of land within the Village of Decatur, Michigan which lies beyond the depth of 10



rods from a street right-of-way.

C. Application to do natural landscaping shall be made to the Clerk of the Village of Decatur, Michigan and shall include the following information: 1) The name and address of the owners of said land and the address of the property if different from said owners. 2) A copy of the most recent real estate tax bill. 3) A written plan that shall include the method of destroying all vegetation presently growing on said land and the method of maintenance of said parcel thereafter which shall include the mowing of said parcel in the spring or fall of every other year, and all other pertinent information that may be requested by said Village. 4) The written consent of all landowners of any land which is adjoining and contiguous to said parcel.

D. The Village Council of the Village of Decatur, Michigan shall review said application and either approve or deny same. In the event said application is approved same shall be personal solely to the applicant for said parcel of land and no other person. A change of ownership shall require a new landowner of said parcel to submit a new application with all required information.

E. In the event said parcel of land is not properly maintained in the sole discretion of the Village Council of the Village of Decatur, Michigan, said permit may be further restricted or revoked at the sole discretion of said Village Council. In the event said permit is revoked the landowner must comply with all provisions of this Ordinance.

**Section 6:** The Commissioner of Noxious Weeds or his/her agent shall notify the landowner and occupant of said land in violation of this Ordinance by service of a notice of such violation, together with a copy of this Ordinance, either by certified mail with return receipt requested or by personal service. Such notice shall advise said landowner and occupant of land that he/she shall have ten (10) days to cut down and/or destroy the noxious weeds, grasses and other vegetation growing upon his/her land in violation of this Ordinance, and that upon failure thereof the Village may cause said noxious weeds, grasses and other vegetation to be cut down and/or destroyed and that the cost thereof shall be a lien against said premises and entered upon the next tax roll of the Village of Decatur, Michigan. Said notice shall further advise the landowner or occupant of said land that he/she shall be subject to a civil fine of not exceeding \$100.00, plus costs, expenses and other sanctions as provided in this Ordinance, for said violation.

**Section 7:** Instead of the Notice required by Section 6 of this Ordinance, the Village of Decatur may publish a Notice in a newspaper of general circulation within said Village, stating that all noxious weeds, grasses and other vegetation must be cut and/or destroyed by May 1st of each year and continued to be cut and/or destroyed throughout the remainder of the growing season. Said Notice shall also state that failure to comply with the provisions of this Ordinance shall subject the landowner or occupant of said land to a civil fine of not to exceed \$100.00, plus costs, expenses and other sanctions as provided in this Ordinance; and that in the event said Village or its agent shall cut and/or destroy the noxious weeds, grasses and other vegetation, the expense thereof shall become a lien on the real estate taxes for said premises.

In the event Publication Notice as provided in this Section is given, then the Notice to the landowner and occupant of said land as provided in Section 6 shall be given by first class mail.

**Section 8:** Once a landowner and occupant of said land has been served a notice of violation of this Ordinance and a copy of this Ordinance, as provided in either Section 6 or Section 7

aforesaid and said notification is documented in an official report, there will be no further notification and any subsequent violation may result in the issuance of a citation for a Civil Infraction for violation of this Ordinance.

**Section 9:** Upon failure of any landowner or occupant of said land, after the ten (10) days notice as hereinbefore provided, to destroy any noxious weeds, grasses and other vegetation in violation of this Ordinance, the Village or its agent may enter upon said premises as many times as is necessary to cut and/or destroy all noxious weeds, grasses and other vegetation growing thereon in violation of this Ordinance. The expense incurred in cutting down and/or the destruction of said noxious weeds, grasses and other vegetation by the Village or its agent shall be a lien against said premises and shall be certified annually, on June 1st of each year, by the Commissioner of Noxious Weeds to the tax assessing officer of the Village of Decatur, Michigan, whereupon such charge shall be entered upon the next tax roll as a charge against said premises and shall be collected, and the lien thereof enforced, in the same manner as general village taxes against such premises are collected and the lien thereof is enforced.

**Section 10:** Any landowner or occupant of said land who refuses to destroy noxious weeds, grasses and other vegetation as hereinbefore provided, shall in addition to the foregoing, be responsible for a Civil Infraction as a Blight Violation and subject to a civil fine of not exceeding \$100.00 plus any costs, damages, expenses and other sanctions as authorized under Chapters 83 & 87 of Act No. 236 of the Michigan Public Acts of 1961 as amended, being MSA 27A.8302 and 27A.8701 et seq., respectively. Each day a violation of this Ordinance continues to exist shall constitute a separate violation.

**Section 11:** Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

**Section 12:** Ordinance No. 91 and any and all other Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 13:** **EFFECTIVE DATE.** This Ordinance shall become effective the 6th day of August, 2010.

Adopted by the Village Council of the Village of Decatur, Michigan on this 6th day of July, 2010.

**ORDINANCE NO. 2022-002**

**AN ORDINANCE AMENDING AND RESTATING CHAPTER 14,  
ARTICLE III, OF THE VILLAGE OF DECATUR CODE OF ORDINANCES,  
ENTITLED “NOXIOUS WEEDS, GRASSES, AND OTHER VEGETATION”**

**THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:**

Section 1. Amendment of Chapter 14, Article III: That Chapter 14, Article III, of the Code of Ordinances, Village of Decatur, Michigan, entitled “Noxious Weeds, Grasses, and Other Vegetation” is amended and restated to read in its entirety as follows:

**Section 14-56. Definitions.**

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

*Noxious weeds* includes Canada thistle (*Cirsium arvense*), Dodders (any species of *Cuscuta*), Mustards (charlock, black mustard, and Indian mustard, species of *Brassica* or *Sinapis*), Wild Carrot (*Daucus carota*), Bindweed (*Convolvulus arvensis*), Perennial Sowthistle (*Sonchus arvensis*), Hoary Alyssum (*Berteroa incana*), giant hogweed (*Heracleum mantegazzianum*), Ragweed (*Ambrosia elatior* l.), Poison Ivy (*Rhus toxicodendron*), Poison Oak, Poison Sumac (*Toxicodendron vernix*), the growth of grass, weeds, brush, or other rank vegetation to a height greater than eight (8) inches, an accumulation of dead weeds, grass, brush or leaves, and any other plant, tree or shrub which, in the opinion of the Village Council, is regarded as a common nuisance.

**Section 14-57. Unlawful to permit noxious growth; nuisance.**

No owner, agent of an owner, or occupant of any real property within the Village shall cause or permit the growth or accumulation of noxious weeds on such real property or upon any sidewalk abutting the property. The presence of such noxious weeds is deemed to be detrimental to the public health, safety and welfare, and shall constitute a public nuisance.

**Section 14-58. Notice to destroy.**

(a) Upon a determination that a violation of this article exists, the Village Manager or his or her designee shall notify the owner, agent, or occupant of said land in violation of this article by service of a notice of such violation, together with a copy of this article, either by certified mail with return receipt requested or by personal service. Such notice shall advise said owner, agent, or occupant that he or she shall have five (5) days to cut down, destroy and/or remove the noxious weeds growing upon said land in violation of this article,

and that upon failure thereof the Village may cause the noxious weeds to be cut down, destroyed and/or removed and that the cost thereof shall be a lien against said premises and entered upon the next tax roll of the Village. Said notice shall further advise the owner, agent or occupant that he or she shall be subject to a civil fine not to exceed \$100.00 (or such other amount set by resolution of the Village Council from time to time), plus costs, expenses and other sanctions as provided in this article, for said violation.

- (b) The Village may publish a notice in a newspaper of general circulation within the Village during the month of March stating that all noxious weeds must be cut, destroyed and/or removed by May 1st of that year and must continue to be cut, destroyed and/or removed throughout the remainder of the growing season. Said notice shall also state that failure to comply with the provisions of this article shall subject the owner or occupant of said land to a civil fine of not to exceed \$100.00 (or such other amount set by resolution of the Village Council from time to time), plus costs, expenses and other sanctions as provided in this article; and that in the event the Village or its designee shall cut, destroy and/or remove the noxious weeds, the expense thereof shall become a lien against the real property to be added to the next tax roll of the Village and collected in the same manner as taxes.
- (c) In the event notice is given by publication as provided in subsection (b), the notice to the owner, agent or occupant under subsection (a) may be given by first class mail.
- (d) Once an owner, agent or occupant has been served a notice of violation as provided in this section, any subsequent violation may result in the issuance of a citation for violation of this article without further notice.

#### **Section 14-59. Action upon noncompliance; costs.**

Upon the failure, neglect, or refusal of any owner or occupant of land to cut, destroy, and/or remove noxious weeds growing or accumulating in violation of this article after the ten days' notice provided in Section 14-58, the Village or its designee may enter upon said land as many times as is necessary to cut, destroy and/or remove such noxious weeds. The expense incurred by the Village shall be a lien against said premises and shall be reported to the assessing officer of the Village, whereupon such charge shall be entered upon the next tax roll as a charge against said premises and shall be collected, and the lien thereof enforced, in the same manner as general Village taxes.

#### **Section 14-60. Violations and penalties.**

- (a) In addition to any other charges, fines or penalties for which a person may be liable under Section 14-59 or applicable law or local ordinance, any violation of this article shall constitute a municipal civil infraction, subject to a civil fine of not exceeding \$100.00 (or such other amount set by resolution of the

Village Council from time to time) plus any costs, damages, expenses and other sanctions as authorized under Section 1-7 or Chapters 83 and/or 87 of Act No. 236 of the Michigan Public Acts of 1961 as amended, being MCL 600.8301 et seq. and MCL 600.8701 et seq., respectively.

(b) Increased civil fines may be imposed for “repeat offense,” which means a second or subsequent municipal civil infraction violation committed by a person within any 12-month period and for which a person admits responsibility or is determined to be responsible. The increased fines for a repeated violation under this article shall be as follows:

- (i) The fine for a first repeat offense shall be not less than \$100.
- (ii) The fine for a second repeat offense shall be not less than \$250.
- (iii) The fine for a third repeat offense shall be not less than \$400.
- (iv) The fine for a fourth repeat offense or any subsequent repeat offenses shall be not less than \$500.

(c) Each day a violation of this article continues to exist shall constitute a separate violation.

#### **Section 14-61. Authorized Village official.**

The Village Manager and his or her designee, the Chief of Police and officers of the Village of Decatur Police Department, and any individuals who may be appointed by resolution of the Village Council are designated as authorized Village officials to issue municipal civil infraction citations as provided by Section 1-7.

*[Sections 14-62 through 14-65 are repealed.]*

Section 2. Effective Date. This Ordinance was approved and adopted by the Village Council of the Village of Decatur, Michigan, on \_\_\_\_\_, 2022, and it is ordered to take effect 30 days after publication of its contents or a summary of its contents in the \_\_\_\_\_, a local newspaper of general circulation in the Village.

Section 3. Severability. Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 4. Repealer. Any and all Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Adopted by the Village Council of the Village of Decatur, Michigan on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.



Village of Decatur  
114 N Phelps Street  
Decatur, MI 49045

## MEMORANDUM

TO: Village Council  
FROM: Christopher Tapper, Village Manager  
REVIEWED BY: N/A

DATE: July 5, 2022

SUBJECT: Request to review Ordinance Amendment 2022-003 Regulate Parking

### Action Requested:

It is requested that Village Council review Ordinance Amendment 2022-003 Regulate Parking

### Background:

Council members have expressed concerns regarding the public parking in front, side, rear and public right of way surfaces. The following amendment addresses those concerns along with additional violations.

Staff continues efforts to revise and update Ordinances which are outdate and difficult to enforce and interpreted.

### Attachments:

Ordinance 2022-003







Village of Decatur  
114 N Phelps Street  
Decatur, MI 49045



**VILLAGE OF DECATUR  
VAN BUREN COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND SECTION 36-7 OF THE VILLAGE CODE TO  
REGULATE PARKING**

The Village of Decatur Ordains:

Section 1. Amendment. Section 36-7 of the Code of Ordinances, Village of Decatur, Michigan, is amended to read as follows:

**Sec. 36-7. Parking regulations.**

(a) It is unlawful for any person to:

- (1) Park a vehicle on an unimproved surface or sidewalk within a public right-of-way.
- (2) Park a vehicle on an unimproved surface on any private property within the Village.
- (3) Park a vehicle in violation of a traffic control order promulgated by an authorized Village official or the Village Council
- (4) Park a vehicle in a Village parking lot or other Village property in violation of posted signage or applicable rules set by resolution of the Village Council.
- (5) Park a vehicle within the Delaware Street (Highway M-51) right-of-way at any time.

(b) As used in this section, the term “unimproved surface” means a surface comprised of grass, weed, dirt or similar substances. Unimproved surface shall also mean any lawn or grass areas or landscaped areas. A surface that was formerly gravel but which has not been maintained with a good, current, consistent and complete coating of gravel shall constitute an unimproved surface.

Section 4. Effective Date. This ordinance shall become effective either 20 days after adoption or upon publication, whichever occurs later.

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

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

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**CERTIFICATION**

As the duly appointed Clerk of the Village of Decatur, Van Buren County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Decatur Village Council at its meeting of \_\_\_\_\_, 2022.

\_\_\_\_\_  
, Village Clerk





The Village of Paw Paw wants to ensure that residents understand where vehicles should be parked on private, residential property. Vehicles must be registered, operable, and may not be parked on any unimproved surface in the front yard.

### What are the rules?

Parking in the front yard of a residence is prohibited except on an improved driveway. That means a vehicle parked in a front yard must be on either a paved or a gravel surface. Motor vehicles may not be parked on the front lawn (42-401). Automotive vehicles of any kind without current license plates may only be stored in an enclosed building such as a garage or pole barn (42-404). Motor vehicles that are not operative for 10 days or more are considered blight unless stored in a completely enclosed building (12-32). This includes vehicles with flat tires. On street parking is allowed where it is not prohibited. No parking is allowed in the area between the curb and the sidewalk (36-35). Parked vehicles should not block the sidewalk.

### How do I make a report?

If you notice an improperly parked vehicle in the Village, please make a report to the Community Development Coordinator, Leonard Lux, at 269-657-3148. You may also use the ordinance violation complaint form available at Village Hall or on our website [www.pawpaw.net](http://www.pawpaw.net). Inoperative vehicles may also be reported to the Paw Paw Police Department.

### What happens next?

Once a report has been verified, the property owner has a 10-day compliance period to remove the vehicle. If the property is not in compliance after ten days, a ticket may be issued. Property that has additional violations within a twelve-month period may receive a ticket without a warning. If the violation continues, the Village may have the vehicle towed and all costs associated with removing the vehicle and forcing compliance will be paid for by the property owner.

42-401

(c)Footnotes to schedule of regulations.

1.Parking of vehicles in residential districts shall be limited to passenger vehicles and recreational vehicles, and not more than one commercial vehicle or trailer exceeding a class 3 classification under the US DOT Federal Highway Administration (FHWA) Vehicle Inventory and Use Survey (VIUS) standards. This section shall not apply to buses parked on school property.

2.Parking of any passenger vehicle or recreational vehicle in residential districts shall be prohibited within the front yard, except within an improved driveway or portion thereof.

3.A recreational vehicle parked within a residential district shall not be used as a dwelling, as defined by [section 42-3](#) of this chapter.

4.This section shall not apply to a contractor's job site trailer or storage trailer or construction vehicles or equipment during construction.

## ARTICLE II. - STOPPING, STANDING AND PARKING<sup>[2]</sup>

Footnotes:

--- (2) ---

**Cross reference**— Off-street parking and loading, § 42-404.

**State Law reference**— Authority to regulate standing or parking of vehicles, MCL 257.606(1)(a); stopping, standing or parking of vehicles, MCL 257.672 et seq.

### DIVISION 1. - GENERALLY

Sec. 36-31. - Parking on streets, alleys and other public places.

No person shall park or leave any motor vehicle or trailer on any street, alley, right-of-way, public parking lot, or place of public access maintained by the village for vehicular use between the hours of 3:00 a.m. and 6:00 a.m. between the dates of December 1 to the following March 15, except in such areas as may be specifically designated as overnight parking areas.

(Prior Code, § 41B-1; Ord. No. 413, § 6, 4-14-2008)

**Cross reference**— Streets, sidewalks and other public places, ch. 32.

Sec. 36-32. - Parking for more than 48 consecutive hours in one place.

No vehicle shall be parked by any person for more than 48 consecutive hours in one place in any off-street public parking place or lot owned or controlled by the village; nor shall any vehicle be parked by any person for more than 48 consecutive hours on any public street, alley, or right-of-way in the village where the time of parking is not controlled or indicated by parking meters or other appropriate signs.

(Prior Code, § 41B-2)

Sec. 36-33. - Truck, truck tractor or trailer parking.

No motor vehicle truck, truck tractor, motor vehicle trailer, truck trailer, truck tractor trailer, or combination thereof, having a manufacturer's rated capacity for hauling or carrying a load of more than 1½ tons, shall be parked or left standing unattended on any public street, alley, parking lot, or right-of-way, by any person, within the corporate limits of the village for a continuous period of more than two hours.

(Prior Code, § 41B-3)

Sec. 36-34. - Parking on or behind curb or between curb and sidewalk.

No person shall park or leave standing unattended, any vehicle or trailer, truck, truck tractor, motor vehicle trailer, truck trailer, or any combination thereof on any street curb or behind any street curb, nor in any area between any curb and any sidewalk on the same side of any street, nor across or blocking any use of any public sidewalk, bicycle lane, pathway, shared pathway, or trail within the corporate limits of the village.

(Ord. No. 331, 5-22-1995; Ord. No. 428, § 4, 9-23-2013)

Sec. 36-35. - Parking of trucks, vans, etc., along certain streets/properties in residential areas.

(a) *Parking restrictions; exception.*

- (1) Parking is prohibited, at all times, of commercial trucks and vans with a gross vehicle weight of more than 1.5 tons on properties within the village that are zoned R-1, R-2, RM or RMH. This prohibition does not pertain to personal vehicles owned by the property owner or tenant of the property as long as such vehicles are not used for any commercial, agricultural or industrial business or purposes.
- (2) Parking is prohibited, at all times, of trucks and vans with a gross vehicle weight of more than 1.5 tons on all village streets and roads within or bordering residential neighborhoods zoned R-1, R-2, RM and RMH.
- (3) Parking is prohibited, at all times, of semitractors and trailers of any weight on all village streets and roads within or bordering residential neighborhoods zoned R-1, R-2, RM and RMH.
- (4) Exceptions shall be those trucks, vans and semitractors and trailers that are providing, delivering, or picking up goods, services, or materials to residential properties provided that such vehicles are in the act of providing deliveries, services or materials.

(b) *Enforcement.* Violations of this section are considered municipal civil infractions and subject to penalty thereunder. Officers of the village police department and other persons specifically and properly designated to enforce ordinances in the village are authorized to enforce this section. Penalties shall be as follows:

- (1) First offense, \$50.00;
- (2) Second offense, \$100.00;
- (3) Third and repeating offense, \$150.00.

The village reserves the right to amend the penalties from time to time as it deems necessary.

(Ord. No. 412, § 41D, 8-27-2007)

Secs. 36-36—36-50. - Reserved.

DIVISION 2. - PARKING VIOLATIONS BUREAU

Sec. 36-51. - Established; supervision and control.

- (a) *Established.* Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act No. 154 of 1968 (MCL 600.8395 et seq.), a parking violations bureau for the purpose of handling alleged parking violations within the village is hereby established.
- (b) *Supervision and control.* The parking violations bureau shall be under the supervision and control of the village clerk.

(Ord. No. 253, § 41A-1, 7-25-1988)

Sec. 36-52. - Location; employees; rules and regulations.

The village clerk shall, subject to the approval of the village council, establish a convenient location for the parking violations bureau, appoint qualified village employees to administer the bureau and adopt rules and regulations for the operation thereof.

(Ord. No. 253, § 41A-2, 7-25-1988)

Sec. 36-53. - Scheduled violations; refusal to dispose of violation.

No violation not scheduled in section 36-57 shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau, and in any case the person in charge of such bureau may refuse to dispose of such violation, in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.

(Ord. No. 253, § 41A-3, 7-25-1988)

Sec. 36-54. - Violator to request settlement of violations; use of parking violation bureau not required.

No violations may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense, and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau, and all persons shall be entitled to have any such violations processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges and protection according to him by law.

(Ord. No. 253, § 41A-4, 7-25-1988)

Sec. 36-55. - Traffic citations or notice of violations.

The issuance of a traffic citation or notice of violation by the police officer of the village shall be deemed an allegation of a parking violation. Such traffic citation or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. It should also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the citation was issued and advise that a warrant for the arrest of the person to whom the citation was issued will be sought if such a person fails to respond within the time limited.

(Ord. No. 253, § 41A-5, 7-25-1988)

Sec. 36-56. - Parking for handicapped persons.

No person shall park or leave any motor vehicle in a clear and properly marked parking space reserved for handicapped persons without clear and proper display of state issued handicapped registration plates and/or clear and proper display of a state issued handicapped parking certificate. Violation of this section shall be punishable as set forth in section 36-58.

(Ord. No. 253, § 41A-5.1, 7-25-1988)

Sec. 36-57. - Uniform Traffic Code Violations, Section 40A et seq.

Fines for Uniform Traffic Code violations shall be as follows if paid within 120 hours from the time the citation is issued:

| Offense | Section | Fine |
|---------|---------|------|
|---------|---------|------|

|     |  |                             |         |
|-----|--|-----------------------------|---------|
| (1) | Parking too far away from the curb or edge of street   | MCL<br>257.675(1)           | \$10.00 |
| (2) | Angle parking violation  | UTC<br>28.1803,<br>rule 803 | 10.00   |
| (3) | Failure to obtain a permit for parking at an angle for loading or unloading  | UTC<br>28.1804,<br>rule 804 | 10.00   |
| (4) | Parking so as to obstruct traffic  | MCL<br>257.676b             | 15.00   |
| (5) | Violation of lighting of parked car  | UTC<br>28.1809,<br>rule 809 | 10.00   |
| (6) | A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer of traffic control device, in any of the following places: | MCL<br>257.674              |         |
|     | a. On a sidewalk   |                             | 10.00   |
|     | b. In front of a public or private driveway  |                             | 10.00   |
|     | c. Within an intersection  |                             | 15.00   |
|     | d. Within 15 feet of a fire hydrant  |                             | 15.00   |
|     | e. On a crosswalk  |                             | 10.00   |
|     | f. Within 20 feet of a crosswalk, or if there is not a crosswalk, then within 15 feet of the intersection of property lines at an intersection of streets  |                             | 10.00   |
|     | g. Within 30 feet of the approach to a flashing beacon, stop sign, or traffic control signal located at the side of a street   |                             | 10.00   |

|  |    |  |  |       |
|--|----|--|--|-------|
|  | h. | Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking  |  | 10.00 |
|  | i. | Within 50 feet of the nearest rail of a railroad crossing  |  | 10.00 |
|  | j. | Within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance if properly marked by an official sign  |  | 15.00 |
|  | k. | Alongside or opposite a street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic   |  | 10.00 |
|  | l. | On the street side of a vehicle stopped or parked at the edge or curb of a street  |  | 10.00 |
|  | m. | Upon a bridge or other elevated street structure or within a street tunnel   |  | 15.00 |
|  | n. | At a place where an official sign prohibits stopping or parking  |  | 10.00 |
|  | o. | Within 200 feet of an accident at which a police officer is in attendance  |  | 15.00 |
|  | p. | In front of a theater  |  | 10.00 |
|  | q. | In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building  |  | 15.00 |
|  | r. | In a place or in a manner that blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building  |  | 15.00 |
|  | s. | In a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for public use, unless the individual is a disabled person or unless the individual is parking the vehicle for the benefit of a disabled person. In order for the vehicle to be parked in the parking space the vehicle shall display one of the following: |  | 30.00 |

|     |             |   |                             |       |
|-----|-------------|---|-----------------------------|-------|
|     | 1.          | A certificate of identification or windshield placard issued under MCL 257.675 to a disabled person.  |                             |       |
|     | 2.          | A special registration plate issued under UTC 28.1803, rule 803d, to a disabled person.   |                             |       |
|     | 3.          | A similar certificate of identification or windshield placard issued by another state to a disabled person.   |                             |       |
|     | 4.          | A similar special registration plate issued by another state to a disabled person.  |                             |       |
|     | 5.          | A special registration plate to which a tag for persons with disabilities is attached issued under state law.   |                             |       |
|     | t.          | In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities                           |                             | 30.00 |
|     | u.          | On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb cut or ramp by persons with disabilities |                             | 30.00 |
|     | v.          | Within 200 feet of a fire at which fire apparatus is in attendance. A vehicle parked legally previous to the fire is exempt from this subsection                  |                             | 15.00 |
|     | w.          | In violation of an official sign restricting the period of time for or manner of parking  |                             | 10.00 |
|     | x.          | In a place or in a manner that blocks the use of an alley   |                             | 10.00 |
|     | y.          | In a place or in a manner that blocks access to a space clearly designated as a fire lane   |                             | 10.00 |
| (7) | In an alley |   | UTC<br>28.1813,<br>rule 813 | 10.00 |

|      |   |                             |       |
|------|---|-----------------------------|-------|
| (8)  | Unattended between curb and sidewalk                  | Code<br>section 36-<br>33   | 25.00 |
| (9)  | Parking for prohibited purpose:                       | UTC<br>28.1814,<br>rule 814 |       |
|      | a. Display of vehicle for sale                        |                             | 10.00 |
|      | b. Washing or repairing vehicle                       |                             | 10.00 |
|      | c. Displaying advertising                             |                             | 10.00 |
|      | d. Selling merchandise                                |                             | 10.00 |
|      | e. Storage for more than 48 continuous hours          |                             | 15.00 |
| (10) | Wrong side of boulevard roadway                       | UTC<br>28.2815,<br>rule 815 | 10.00 |
| (11) | Loading zone violation                                | UTC<br>28.1818,<br>rule 818 | 10.00 |
| (12) | Bus or taxi, parking at other than designated stop    | UTC<br>28.1819,<br>rule 819 | 15.00 |
| (13) | Failure to set brakes                                 | MCL<br>257.676              | 15.00 |
| (14) | Parked on grade, wheels not turned to curb            | MCL<br>257.676              | 10.00 |
| (15) | Failure to remove ignition key or failure to turn off | MCL<br>257.676              | 10.00 |



(Prior Code, § 41A-6; Ord. No. 332, 5-22-1995)

Sec. 36-58. - Increase in penalties if not paid within 120 hours.

In the event that the penalties provided for in section 36-57 are not paid within 120 hours from the time the citation is issued, the \$10.00-penalties shall increase to \$15.00 and the \$15.00-penalties shall increase to \$20.00, and the \$30.00-penalties shall increase to \$35.00.

(Ord. No. 253, § 41A-7, 7-25-1988)

Secs. 36-59—36-90. - Reserved.

Sec. 42-404. - Off-street parking and loading.

All buildings located in the village shall provide off-street parking adequate for the use intended. The dimension of off-street parking shall be in accordance with the following minimum dimensions:

| Parking Pattern          | Maneuvering Land Width (Feet) | Parking Space Width (Feet) | Parking Space Length (Feet) | Total Width of One Tier of Spaces Plus Maneuvering Lane (Feet) | Total Width of Two Tiers of Spaces Plus Maneuvering Lane (Feet) |
|--------------------------|-------------------------------|----------------------------|-----------------------------|--|---|
| 0° (Parallel parking)    | 12                            | 8                          | 23                          | 20   | 28  |
| 30 to 53 feet (diagonal) | 13                            | 9                          | 20                          | 33   | 53  |
| 54 to 74 feet (diagonal) | 18                            | 9                          | 21                          | 39   | 60  |
| 75 to 90 feet (diagonal) | 25                            | 9                          | 18                          | 43   | 61  |

- (1) *Residential off-street parking.* Parking in residential zones is only permitted as an accessory use or as a transitional use and in no case is it intended that parking or access drives to parking be permitted as a principal use of any residentially zoned lot.
- (2) *Nonresidential off-street parking.* Except in parking exempt areas, provisions shall be made for off-street parking for all non-residential buildings or additions to such buildings in all districts. The conversion of an existing residence to any other use shall be deemed to be a new use which must meet all provisions of this chapter.
- (3) *Mixed occupancies and uses not specified.* In the case of mixed uses, the total requirement for off-street parking areas shall be the sum of the requirements of the various uses computed separately. Collective provisions for off-street parking spaces shall not be less than the sum of the requirements for the various uses computed separately. Parking areas for churches, theaters or other uses in which the primary parking demand occurs out of normal store operation hours may be jointly used where adequate arrangements are made to ensure that the space is available for each function.
- (4) *Location of off-street parking facilities.* Off-street parking facilities shall be located as hereafter specified; where a distance is specified it shall be the distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve, as follows:

- a. For all residential buildings and for all nonresidential buildings in residential zones, required parking shall be provided on the same lot with the building.
  - b. For commercial and all nonresidential uses in commercial zones, required parking shall be provided within 300 feet.
  - c. For industrial uses, required parking shall be provided within 300 feet.
- (5) *Parking areas in commercial office, parking and industrial districts.* Every parcel of land hereafter established as a public or private parking area in any commercial or industrial district or hereafter enlarged or altered shall be developed and maintained in accordance with the following requirements:
- a. Off-street parking areas shall be effectively screened on any side which adjoins or faces premises situated in any residential district or use or institutional premises, by a screening or evergreen hedge or other material approved by the planning commission. Screening provisions in this article shall control.
  - b. Every such off-street parking area shall be surfaced in accordance with section 42-404. Any lighting in connection with off-street parking shall be so arranged as to reflect the light away from all adjoining residential buildings, zones and streets. The lighting provisions of section 42-405 shall control.
  - c. The off-street parking area shall be subject to the approval of the planning commission to ensure its adequacy in relation to traffic safety, lighting and protection of the adjacent property.
- (6) *Parking areas in residential zones.* Any person desiring to establish a parking area as an accessory use in a residential zone shall submit plans to the planning commission showing the location, size, shape, design, landscape, curb cuts, and other features of the parking lot. The establishment and operation of a parking area accessory to a commercial or industrial use in such part of any residential district that abuts either directly or across the street or alley from a commercial or industrial district is not permitted. All such parking areas and parking areas required for new multiple-family dwellings and nonresidential buildings in all residential zones may then be authorized, subject to the following conditions:
- a. All parking areas shall be landscaped, screened, surfaced, and drained as provided in this chapter.
  - b. No part of such parking areas shall extend into the required front yard more than one-half of the yard required for a residential building, and where the lot or a portion of the lot lies between two privately owned residential properties, the full front yard area not occupied by the access drive shall be landscaped.
  - c. All such parking areas shall be at least 40 feet in width.
  - d. Such parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work or sales or service of any kind shall be conducted on such parking lot. No sign, other than entrance, exit, and condition of use signs, shall be maintained, and the aggregate area of all such signs shall not exceed 12 square feet.
  - e. Each entrance to and exit from such parking lot shall be at least 20 feet distance from any adjacent property located in any residential zone, and the location and design of entrances, exits, surfacing, landscaping, marking, and lighting shall be subject to the approval of the planning commission to ensure adequate relation to traffic safety, lighting and protection of the adjacent residential area.
  - f. The village shall thereafter issue an approval, which may be revoked at any time that the aforementioned requirements are not complied with. Any person operating the premises to which said permit relates in violation of any of the conditions specified by this chapter or fixed to such permit, shall be deemed in violation of this chapter and shall be subject to the penalties prescribed in this chapter.

- (7) *Parking and storage of unlicensed vehicles.* Automotive vehicles of any kind or type without current license plates shall not be stored within the required yard on any residentially zoned property, unless within an enclosed building.
- (8) *Table of parking requirements.* The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this section. Land uses within the CBD central business district zoning district shall be exempt from the table of parking requirements.

| Use |   | Number of Minimum Parking Spaces Per Unit of Measure   |
|-----|---|--|
| 1.  | Residential                                 |  |
|     | a. Bed and breakfast facility               | 1 for each sleeping room.  |
|     | b. Mobile home park                         | See Mich. Admin. Code R 125.1925 and R 125.1926.   |
|     | c. Residential, one-family and two-family   | 2 for each dwelling unit.  |
|     | d. Residential, multiple-family             | 2 for each dwelling unit for developments of 1—24 units. 1.75 spaces for each dwelling unit for developments of 24+ units.         |
|     | e. Senior citizen apartments                | $\frac{3}{4}$ space for each unit when mass transit is provided; one space for each unit when not provided.                        |
| 2.  | Institutional                               |  |
|     | a. Adult foster care facilities             | $\frac{1}{2}$ per bed plus 1 for each employee.  |
|     | b. Churches, temples or synagogues          | 1 for each 3 seats, maximum seating capacity in the main unit of worship; or 1 for each 35 square feet of gross floor area.        |
|     | c. Day-care, pre-school and nursery schools | 1 for each staff member plus 1 for every 5 children or 1 space for every 10 children if adequate drop-off facilities are provided. |

|    |                         |   |   |
|----|-------------------------|---|---|
|    | d.                      | Golf course open to the general public, except miniature or "par 3" courses     | 6 for each golf hole and 1 for each employee.   |
|    | e.                      | Hospitals   | 1 per 600 square feet of gross floor area.  |
|    | f.                      | Jail/detention facility   | 1 for each staff member plus 1 for every 5 beds, in addition to off-street loading spaces for delivery and transport vehicles.  |
|    | g.                      | Libraries, museums, and noncommercial art galleries                             | 1 for each 250 square feet of gross floor area.   |
|    | h.                      | Private clubs or lodge halls  | 1 for each 3 occupants allowed within the maximum occupancy load as established by local county, or state fire, building, or health codes.                            |
|    | i.                      | Private golf clubs, swimming pool clubs, tennis clubs, or racquetball clubs     | 1 for each 2 member families or individuals.  |
|    | j.                      | Public or private elementary and junior high schools                            | 1 for each classroom and 1 for each 5 fixed seats of any area used for auditorium purposes or for each 35 square feet of seating area where there are no fixed seats. |
|    | k.                      | Sanitariums, convents, homes for the aged, convalescent homes, children's homes | 1 per 600 feet of gross floor area.   |
|    | l.                      | Senior high schools   | 1 for each classroom and each other room used by students plus 1 for each 10 full-time students in addition to requirements for auditoriums. (See subsection k.)      |
|    | m.                      | Stadium, sports arena, or similar place of outdoor assembly                     | 1 for each 3 seats or 10 feet of bench.   |
|    | n.                      | Theaters and auditoriums (indoor)   | 1 for each 4 seats plus 1 for each 2 employees.   |
| 3. | Business and Commercial |   |   |

|    |   |   |
|----|---|---|
| a. | Auto body shop  | 1 for each 500 square feet of gross floor area plus 1 for each employee.  |
| b. | Automobile service stations, gasoline stations, convenience stores in conjunction with service or gas stations  | 2 for each lubrication stall, rack, pit or pump, plus 1 for every 200 square feet of gross floor area devoted to retail sales; plus 1 for each employee (accessory uses calculated separately). |
| c. | Auto wash, auto reconditioning, auto cleaning (interior/exterior)   | 1 for each 1 employee, plus 1 for each 250 square feet of gross floor area devoted to reconditioning or cleaning.   |
| d. | Bar, lounge, tavern   | 1 for each 75 feet of gross floor area.   |
| e. | Beauty parlor or barber shop  | 3 for each of the first 2 beauty or barber chairs, and 1½ for each additional chair.  |
| f. | Bowling alleys  | 5 for each 1 bowling lane.  |
| g. | Dance club, pool or billiard parlors, roller or ice rinks, exhibition halls and assembly halls without fixed seats  | 1 for each 3 seats or 1 for each 100 square feet of gross floor area.   |
| h. | Drive-in restaurant   | 1 for each 100 feet of gross floor area and 1 per each 1½ full-time equivalent employees (minimum of 15).   |
| i. | Furniture and appliance, household equipment, repair shop, showroom of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses | 1 for each 800 square feet of floor area, occupied in processing or manufacturing.  |
| j. | Health spas, gymnasiums, and health clubs   | 10 for each club or spa plus 1 for each 200 square feet of gross floor area in excess of 1,000 gross square feet.   |
| k. | Laundromats and coin-operated dry cleaners  | 1 for each 2 washing machines.  |
| l. | Miniature golf courses  | 3 for each 1 hole plus 1 for each employee.   |

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|    | m.         | Mortuary establishments   | 1 for each 100 square feet of gross floor area.   |
|    | n.         | Motel, hotel or other commercial lodging establishments   | 1 for each occupancy unit plus 1 for each employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms based upon 1 per 3 occupants of the maximum occupancy load. |
|    | o.         | Motor vehicles sales and service establishments, trailer sales and rental, boat showrooms   | 1 for each 400 square feet of gross floor area of sales room.   |
|    | p.         | Open air business   | 1 for each 600 square feet of lot area.   |
|    | q.         | Restaurant, carry-out   | 1 for each 100 square feet of gross floor area.   |
|    | r.         | Restaurant for sale and consumption on the premises of beverages, food or refreshments  | 1 for every 6 seats or 80 square feet, whichever is greater.  |
|    | s.         | Retail stores, except as otherwise specified herein   | 1 for each 300 square feet of gross floor area.   |
|    | t.         | Shopping center or clustered commercial   | 1 for each 300 square feet of gross floor area.   |
| 4. | Offices    |   |   |
|    | a.         | Business offices or professional offices except as indicated in the following item but including courthouses and governmental offices | 1 for each 400 square feet of gross floor area.   |
|    | b.         | Financial institutions, offices, credit union   | 1 for each 200 square feet of gross floor area.   |
|    | c.         | Medical or dental clinics, professional offices of doctors, dentist or similar professions  | 1 for each 175 square feet of gross floor area.   |
| 5. | Industrial |   |   |
|    | a.         | General manufacturing establishments  | 1 for every 650 square feet of gross floor area, plus 1 per each 350 square feet of office space.   |

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| b. | Light and limited industrial manufacturing | 1 for every 500 square feet of gross floor devoted to manufacturing plus 1 per each 350 square feet of office, sales or similar space. |
| c. | Research and development                   | 1 for every 350 square feet of gross floor area plus 1 per each 350 square feet of office sales or similar space.                      |
| d. | Warehousing                                | 1 for every 2,000 square feet of gross floor area.   |

- (9) *Required off-street loading berths.* In all districts every building, or part thereof, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, group of stores, or other use similarly requiring the receipt of distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such buildings, off-street loading spaces in relation to floor area as follows:
- 5,000 to 2,000 square feet .....1 space
  - 20,000 to 50,000 square feet .....2 spaces
  - 50,000 to 100,000 square feet .....3 spaces
  - One additional space for each additional 100,000 square feet or part thereof; provided that:
    - Each loading space shall be at least 12 feet in width, 44 feet in length, and have a clearance of 14 feet above grade.
    - Such space may occupy all or any part of any required yard or court space, except the front yard.
- (10) *Increased parking, surfacing.* When the floor area, dwelling units, or other unit of measure employed to determine off-street parking requirements shall be increased, it shall be the duty and obligation of the owner and occupant of such residence, business or other use to provide additional off-street parking space of sufficient area. Such parking space may be on the same lot with the main building or within a maximum distance of 350 feet from any such lot, whichever may have been originally required under this chapter. All such parking spaces herein required shall be surfaced as provided in subsection (6) of this section.
- (11) *Surfacing.* All open parking spaces required in B-1, B-2, RO, P, CBD and RM districts only shall be paved with concrete or bituminous material in accordance with plans approved by the building inspector. Such concrete pavement shall be of a minimum thickness of six inches and any bituminous paving shall be of a minimum thickness of two inches, or shall be a triple sealcoat and shall be placed upon a base of cinders or gravel of a minimum thickness of four inches. Paving of parking areas may be phases with the approval of the village council. All parking paving shall be complete within a period of 12 months after site plan approval. Off-street parking for one- and two-family dwellings need not be surfaced with concrete or bituminous material.
- (12) Existing unpaved parking lots in the B-1, B-2, RO and RM districts. Unpaved parking lots in the B-1, B-2, RO and RM districts in existence at the adoption of the ordinance from which this chapter is derived shall be paved in accordance with this section when the building to which the parking lot is accessory:



- a. Has been vacant for a continuous period of 12 months or more and becomes occupied by a permitted use in the respective districts;
  - b. Increases its floor space for customer service and/or storage thereby requiring an increase in off-street parking which is 20 percent or more than the existing number of off-street parking spaces; or
  - c. Changes from one permitted use to another permitted use in the respective district thereby requiring an increase in off-street parking spaces which is 20 percent or more than the number of existing off-street parking spaces.
- (13) *Existing unpaved parking lots in the CBD district.* Unpaved parking lots in the CBD district in existence at the adoption of the ordinance from which this chapter is derived shall be paved in accordance with this section when the building to which the parking lot is accessory:
- a. Has been vacant for a continuous period of 12 months or more and becomes occupied by a permitted use in the district; or
  - b. Changes from one permitted use to another permitted use. Any remaining portion of the lot that remains unpaved shall be landscaped with grass or ground cover and other suitable plant materials. The landscape plan shall be subject to the approval of the village.

(Ord. No. 394, § 14.4, 7-14-2003)

**Cross reference—** Stopping, standing and parking, § 36-31 et seq.